

As Passed by the Senate

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**

**Senators Cirino, Cutrona, Huffman, S., Johnson, Lang, McColley, Reineke,
Reynolds, Roegner, Schaffer, Wilson**

A BILL

To amend sections 101.62, 101.82, 101.83, 103.27, 1
145.012, 146.02, 175.03, 175.04, 718.051, 2
926.12, 926.19, 1731.03, 1731.05, 1731.09, 3
1739.05, 1751.18, 3335.27, 3335.29, 3701.931, 4
3703.21, 3743.53, 3745.21, 3745.22, 3769.03, 5
3772.13, 3783.01, 3783.02, 3923.51, 3923.57, 6
3924.01, 3924.02, 3924.06, 3924.73, 4104.07, 7
4104.08, 4104.18, 4125.041, 4141.131, 4141.25, 8
4141.292, 4517.02, 4517.04, 4517.10, 4517.14, 9
4517.15, 4517.20, 4517.33, 4517.43, 4549.50, 10
4701.06, 4701.14, 4703.16, 4707.02, 4713.01, 11
4713.69, 4715.03, 4715.032, 4715.033, 4715.034, 12
4715.035, 4715.30, 4723.114, 4723.89, 4723.90, 13
4735.01, 4735.07, 4735.09, 4735.23, 4738.05, 14
4749.03, 4763.05, 4763.06, 4763.07, 4763.08, 15
4763.09, 4781.08, 4781.17, 5104.39, 5104.50, and 16
5120.10; to enact new section 926.30 and 17
sections 113.78, 3769.031, 4735.011, and 18
4743.06; and to repeal sections 107.40, 122.98, 19
924.14, 924.212, 926.30, 1751.15, 1751.16, 20
1751.17, 3337.16, 3701.507, 3701.89, 3701.932, 21

3743.67, 3783.08, 3923.122, 3923.58, 3923.581, 22
3923.582, 3923.59, 3924.07, 3924.08, 3924.09, 23
3924.10, 3924.11, 3924.111, 3924.12, 3924.13, 24
3924.14, 4141.08, 4141.12, 4517.09, 4749.021, 25
5104.08, and 5703.57 of the Revised Code and to 26
repeal Sections 5 as subsequently amended and 6 27
of H.B. 29 of the 134th General Assembly, 28
Sections 307.300, 381.630, 701.70, 733.30, and 29
757.70 of H.B. 110 of the 134th General 30
Assembly, Section 1 of H.B. 12 of the 133rd 31
General Assembly, Sections 265.510, 333.67, 32
381.610, 733.51, and 737.40 of H.B. 166 of the 33
133rd General Assembly, Sections 1, 2, 3, and 4 34
of S.B. 24 of the 133rd General Assembly, 35
Section 7 of S.B. 310 of the 133rd General 36
Assembly, and Section 3 of S.B. 9 of the 130th 37
General Assembly as subsequently amended to 38
revise and streamline the state's occupational 39
regulations, to revise the law governing the 40
Board of Nursing's Doula Advisory Group, to 41
revise the membership of the Ohio Housing 42
Finance Agency, to implement the recommendations 43
of the Sunset Review Committee, and to eliminate 44
certain Ohio insurance laws that have been 45
suspended since the enactment by Congress of the 46
Affordable Care Act. 47

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

Section 1. That sections 101.62, 101.82, 101.83, 103.27, 48

145.012, 146.02, 175.03, 175.04, 718.051, 926.12, 926.19, 49
1731.03, 1731.05, 1731.09, 1739.05, 1751.18, 3335.27, 3335.29, 50
3701.931, 3703.21, 3743.53, 3745.21, 3745.22, 3769.03, 3772.13, 51
3783.01, 3783.02, 3923.51, 3923.57, 3924.01, 3924.02, 3924.06, 52
3924.73, 4104.07, 4104.08, 4104.18, 4125.041, 4141.131, 4141.25, 53
4141.292, 4517.02, 4517.04, 4517.10, 4517.14, 4517.15, 4517.20, 54
4517.33, 4517.43, 4549.50, 4701.06, 4701.14, 4703.16, 4707.02, 55
4713.01, 4713.69, 4715.03, 4715.032, 4715.033, 4715.034, 56
4715.035, 4715.30, 4723.114, 4723.89, 4723.90, 4735.01, 4735.07, 57
4735.09, 4735.23, 4738.05, 4749.03, 4763.05, 4763.06, 4763.07, 58
4763.08, 4763.09, 4781.08, 4781.17, 5104.39, 5104.50, and 59
5120.10 be amended and new section 926.30 and sections 113.78, 60
3769.031, 4735.011, and 4743.06 of the Revised Code be enacted 61
to read as follows: 62

Sec. 101.62. (A) As used in sections 101.62 to 101.65 of 63
the Revised Code: 64

(1) "Individual" means a natural person. 65

~~"least"~~ (2) Except as provided in divisions (A) (3) and (4) 66
of this section, "least restrictive regulation," "occupational 67
license," and "occupational licensing board" have the meanings 68
defined in section 4798.01 of the Revised Code. 69

(3) On and after the effective date of this amendment, 70
"occupational license" means all of the following: 71

(a) An occupational license as that term is defined in 72
section 4798.01 of the Revised Code; 73

(b) A certification as that term is defined in section 74
4798.01 of the Revised Code; 75

(c) A business license that requires the applicant to 76
satisfy a personal qualification. 77

(4) On and after the effective date of this amendment, 78
"occupational licensing board" means any board, commission, 79
committee, or council, or any other similar state public body, 80
any administrative department enumerated under section 121.02 of 81
the Revised Code, and any agency, division, or office of state 82
government, that issues an occupational license. "Occupational 83
licensing board" does not include a committee or office created 84
under section 101.34 of the Revised Code. 85

(5) (a) Except as provided in division (A) (5) (b) of this 86
section, "personal qualification" means criteria related to an 87
applicant's personal background and characteristics including 88
completion of an approved educational program, satisfactory 89
performance on an examination, work experience, other evidence 90
of attainment of requisite skills or knowledge, moral standing, 91
criminal history, and completion of continuing education. 92

(b) "Personal qualification" does not include a 93
requirement that an owner or controlling persons of a business 94
submit to a criminal records check or meet requirements related 95
to criminal history or moral standing, unless that owner or 96
controlling person is the applicant. 97

(B) An occupational licensing board shall be triggered to 98
expire at the end of the thirty-first day of December of the 99
sixth year after it became subject to review or was created or 100
last renewed, ~~or on December 31, 2024, whichever is later,~~ and 101
shall expire at the end of the thirtieth day of June of the 102
following year after the board was triggered to expire. The 103
expiration of an occupational licensing board under this section 104
emancipates a person to lawfully engage in the profession, 105
occupation, or occupational activity, which has been previously 106
licensed by that board, without an occupational license, 107

notwithstanding any law of the state that requires a person to 108
possess a license to lawfully engage in that profession, 109
occupation, or occupational activity. 110

(C) The_director of budget and management shall not 111
authorize the expenditure of any moneys for an occupational 112
licensing board on or after the date of its expiration. 113

(D) The occupational licensing board shall operate after 114
its expiration has been triggered, but not later than the end of 115
the thirtieth day of June of the following year, to provide for 116
the orderly, efficient, and expeditious conclusion of the 117
board's business and operation. The orders, licenses, contracts, 118
and other actions made, taken, granted, or performed by the 119
board continue in effect according to their terms 120
notwithstanding the board's abolition, unless the general 121
assembly provides otherwise by law. The general assembly may 122
provide by law for the temporary or permanent transfer of some 123
or all of an expired or abolished board's functions and 124
personnel to a successor agency, board, or officer. 125

The expiration or abolition of a board does not cause the 126
termination or dismissal of any claim pending against the board 127
by any person, or any claim pending against any person by the 128
board. Unless the general assembly provides otherwise by law for 129
the substitution of parties, the attorney general shall succeed 130
the board with reference to any pending claim. 131

(E) An occupational licensing board may be renewed by 132
enactment of a law that continues the statutes creating, 133
empowering, governing, or regulating the board. The amendment of 134
a statute creating, empowering, governing, or regulating a 135
board, between the time the board was last reviewed and the time 136
it is next scheduled to be reviewed does not change the next 137

scheduled review date of the board. The next scheduled review 138
date changes only if the amendment expressly so provides. 139

(F) When an occupational licensing board performs 140
functions other than licensing or regulating the licensing of an 141
occupational license that expires under this section, the 142
operation of sections 101.62 to 101.65 of the Revised Code shall 143
not cause the board, or the statutes creating, empowering, 144
governing, or regulating the board, to expire. The board and the 145
statutes shall continue to the extent the board and the statutes 146
apply to performing functions other than licensing or regulating 147
the licensing of an occupational license. 148

Sec. 101.82. As used in sections 101.82 to 101.87 of the 149
Revised Code: 150

(A) "Agency" means any board, commission, committee, or 151
council, or any other similar state public body required to be 152
established pursuant to state statutes for the exercise of any 153
function of state government and to which members are appointed 154
or elected. "Agency" does not include the following: 155

(1) The general assembly, or any commission, committee, or 156
other body composed entirely of members of the general assembly; 157

(2) Any court; 158

(3) Any public body created by or directly pursuant to the 159
constitution of this state; 160

(4) The board of trustees of any institution of higher 161
education financially supported in whole or in part by the 162
state; 163

(5) Any public body that has the authority to issue bonds 164
or notes or that has issued bonds or notes that have not been 165

fully repaid;	166
(6) The public utilities commission of Ohio;	167
(7) The consumers' counsel governing board;	168
(8) The Ohio board of regents;	169
(9) Any state board or commission that has the authority to issue any final adjudicatory order that may be appealed to the court of common pleas under Chapter 119. of the Revised Code;	170 171 172 173
(10) Any board of elections;	174
(11) The board of directors of the Ohio insurance guaranty association and the board of governors of the Ohio fair plan underwriting association;	175 176 177
(12) The Ohio public employees deferred compensation board;	178 179
(13) The Ohio retirement study council;	180
(14) The board of trustees of the Ohio police and fire pension fund, public employees retirement board, school employees retirement board, state highway patrol retirement board, and state teachers retirement board;	181 182 183 184
(15) The industrial commission;	185
(16) The parole board;	186
(17) The board of tax appeals;	187
(18) The controlling board;	188
(19) The release authority of department of youth services;	189 190

(20) The environmental review appeals commission;	191
(21) The Ohio ethics commission;	192
(22) The Ohio public works commission;	193
(23) The self-insuring employers evaluation board;	194
(24) The state board of deposit;	195
(25) The state employment relations board; and	196
(26) An agency that is exempted from the requirements of sections 101.82 to 101.87 of the Revised Code by the agency's enabling statutes; <u>and</u>	197 198 199
<u>(27) The following agencies, deemed to have a purpose related to federal law:</u>	200 201
<u>(a) The early childhood advisory council, under section 5104.50 of the Revised Code;</u>	202 203
<u>(b) The emergency response commission under section 3750.02 of the Revised Code;</u>	204 205
<u>(c) The public defender commission under section 120.01 of the Revised Code;</u>	206 207
<u>(d) The homeland security advisory council under division (E) of section 5502.011 of the Revised Code;</u>	208 209
<u>(e) The unemployment compensation review commission under section 4141.06 of the Revised Code.</u>	210 211
(B) "Abolish" means to repeal the statutes creating and empowering an agency, remove its personnel, and transfer its records to the department of administrative services pursuant to division (E) of section 149.331 of the Revised Code.	212 213 214 215
(C) "Terminate" means to amend or repeal the statutes	216

creating and empowering an agency, remove its personnel, and 217
reassign its functions and records to another agency or officer 218
designated by the general assembly. 219

(D) "Transfer" means to amend the statutes creating and 220
empowering an agency so that its functions, records, and 221
personnel are conveyed to another agency or officer. 222

(E) "Renew" means to continue an agency, and may include 223
amendment of the statutes creating and empowering the agency, or 224
recommendations for changes in agency operation or personnel. 225

Sec. 101.83. (A) It is the intent of the general assembly 226
that an agency shall expire by operation of sunset review law, 227
sections 101.82 to 101.87 of the Revised Code, four years more 228
or less after the effective date of the act that established the 229
agency. Unless renewed in accordance with division (E) of this 230
section: 231

(1) An agency created during an even-numbered general 232
assembly expires at the end of the thirty-first day of December 233
in the second year of the next odd-numbered general assembly; 234

(2) An agency created during an odd-numbered general 235
assembly expires at the end of the thirty-first day of December 236
in the second year of the next even-numbered general assembly; 237
and 238

(3) An agency renewed by a prior sunset review committee 239
expires on the expiration date specified in the act that renewed 240
the agency. 241

(B) Any act renewing an agency shall contain a distinct 242
section providing a specific expiration date for the agency in 243
accordance with this section. With respect to an agency 244
scheduled to expire through operation of sunset review law, 245

sections 101.82 to 101.87 of the Revised Code, the specific 246
expiration date shall be the thirty-first day of December in the 247
second year of a general assembly. 248

(C) If the general assembly does not renew or transfer an 249
agency on or before its expiration date, it expires on that 250
date. 251

The director of budget and management shall not authorize 252
the expenditure of any moneys for any agency on or after the 253
date of its expiration. 254

(D) The general assembly may provide by law for the 255
orderly, efficient, and expeditious conclusion of an agency's 256
business and operation. The rules, orders, licenses, contracts, 257
and other actions made, taken, granted, or performed by the 258
agency continue in effect according to their terms 259
notwithstanding the agency's abolition, unless the general 260
assembly provides otherwise by law. The general assembly may 261
provide by law for the temporary or permanent transfer of some 262
or all of a terminated or transferred agency's functions and 263
personnel to a successor agency or officer. 264

The abolition, termination, or transfer of an agency does 265
not cause the termination or dismissal of any claim pending 266
against the agency by any person, or any claim pending against 267
any person by the agency. Unless the general assembly provides 268
otherwise by law for the substitution of parties, the attorney 269
general shall succeed the agency with reference to any pending 270
claim. 271

(E) An agency may be renewed by passage of a bill that 272
continues the statutes creating and empowering the agency, that 273
amends or repeals those statutes, or that enacts new statutes, 274

to improve agency usefulness, performance, or effectiveness. 275

(F) The chairperson of an agency listed in division (A) 276
(27) of section 101.82 of the Revised Code shall notify the 277
speaker of the house of representatives and the president of the 278
senate, in the manner specified in section 101.68 of the Revised 279
Code, and shall notify the governor, if federal law is modified 280
to eliminate the purpose or necessity for the agency's 281
existence. The notification shall be in writing and include the 282
following disclosure: 283

"The agency known as the _____ was exempted from sunset 284
review law because it had a purpose related to federal law. The 285
federal law specifying that purpose has been amended or repealed 286
eliminating the purpose or necessity for the agency. The sunset 287
review committee, next convened under section 101.82 to 101.87 288
of the Revised Code, shall schedule the agency for review and 289
shall make a recommendation with respect to the agency in 290
accordance with section 101.87 of the Revised Code." 291

Sec. 103.27. (A) As used in this section, "personal 292
qualification" has the same meaning as in section 101.62 of the 293
Revised Code. 294

(B) Each biennium starting with an odd-numbered year, 295
beginning in 2019, the director of the legislative service 296
commission shall issue a report regarding approximately thirty- 297
three per cent of occupations subject to regulation by the state 298
and, beginning with the biennium that starts in 2025, business 299
licenses that require the applicant to satisfy a personal 300
qualification. The report shall compare the current regulatory 301
scheme being utilized in this state with the policies expressed 302
in section 4798.02 of the Revised Code. 303

(C) The director shall issue all reports performed during 304
a biennium, not later than the first day of December of the 305
even-numbered year of that biennium, to the general assembly and 306
to the attorney general. 307

(D) The director may require that information be submitted 308
by any department or board that regulates the occupation. 309

(E) The director shall, over a six-year period including 310
calendar years 2019 through 2024, issue reports regarding all 311
occupations subject to regulation by the state. Beginning with 312
the biennium that starts in 2025, the director shall continue to 313
issue reports regarding all occupations subject to regulation by 314
the state, including business licenses that require the 315
applicant to satisfy a personal qualification. 316

~~The director's report regarding an occupation~~ (F) A report 317
required under division (B) of this section may be scheduled to 318
coincide with, and be done in conjunction with, the review of an 319
occupational licensing board being done by a standing committee 320
of the general assembly under section 101.63 of the Revised 321
Code. 322

Sec. 113.78. The medical quality assurance fund is 323
created, which shall be in the custody of the treasurer of state 324
but shall not be part of the state treasury. The fund shall 325
consist of all money transferred to it as a result of the repeal 326
of section 3701.89 of the Revised Code on January 1, 2026, by 327
H.B. 238 of the 135th General Assembly and its requirements 328
related to the repeal of that section. All money in the fund 329
shall be used as directed by the general assembly, which may 330
include funding any of the following programs that the former 331
Ohio medical quality foundation was authorized to fund in a 332
similar manner under division (F) of section 3701.89 of the 333

<u>Revised Code before the repeal of that section by this act:</u>	334
<u>(A) Programs approved under criteria established under</u>	335
<u>section 4731.251 of the Revised Code;</u>	336
<u>(B) Programs designed to improve the quality of graduate</u>	337
<u>medical education;</u>	338
<u>(C) Programs designed to improve risk management and</u>	339
<u>quality assurance in hospitals, as defined in section 3722.01 of</u>	340
<u>the Revised Code, and in outpatient settings, including</u>	341
<u>physician offices;</u>	342
<u>(D) Other programs, meetings, and educational seminars</u>	343
<u>that are designed to improve the quality of medical care in this</u>	344
<u>state.</u>	345
Sec. 145.012. (A) "Public employee," as defined in	346
division (A) of section 145.01 of the Revised Code, does not	347
include any person:	348
(1) Who is employed by a private, temporary-help service	349
and performs services under the direction of a public employer	350
or is employed on a contractual basis as an independent	351
contractor under a personal service contract with a public	352
employer;	353
(2) Who is an emergency employee serving on a temporary	354
basis in case of fire, snow, earthquake, flood, or other similar	355
emergency;	356
(3) Who is employed in a program established pursuant to	357
the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29	358
U.S.C.A. 1501;	359
(4) Who is an appointed member of either the motor vehicle	360
salvage dealers board or the motor vehicle dealer's board whose	361

rate and method of payment are determined pursuant to division	362
(J) of section 124.15 of the Revised Code;	363
(5) Who is employed as an election worker and paid less	364
than six hundred dollars per calendar year for that service,	365
except for a calendar year in which more than one primary	366
election and one general election are held, the person is paid	367
six hundred dollars plus an amount not to exceed four hundred	368
dollars for that service;	369
(6) Who is employed as a firefighter in a position	370
requiring satisfactory completion of a firefighter training	371
course approved under former section 3303.07 or section 4765.55	372
of the Revised Code or conducted under section 3737.33 of the	373
Revised Code except for the following:	374
(a) Any firefighter who has elected under section 145.013	375
of the Revised Code to remain a contributing member of the	376
public employees retirement system;	377
(b) Any firefighter who was eligible to transfer from the	378
public employees retirement system to the Ohio police and fire	379
pension fund under section 742.51 or 742.515 of the Revised Code	380
and did not elect to transfer;	381
(c) Any firefighter who has elected under section 742.516	382
of the Revised Code to transfer from the Ohio police and fire	383
pension fund to the public employees retirement system.	384
(7) Who is a member of the board of health of a city or	385
general health district, which pursuant to sections 3709.051 and	386
3709.07 of the Revised Code includes a combined health district,	387
and whose compensation for attendance at meetings of the board	388
is set forth in division (B) of section 3709.02 or division (B)	389
of section 3709.05 of the Revised Code, as appropriate;	390

(8) Who participates in an alternative retirement plan established under Chapter 3305. of the Revised Code;	391 392
(9) Who is a member of the board of directors of a sanitary district established under Chapter 6115. of the Revised Code;	393 394 395
(10) Who is a member of the unemployment compensation advisory council;	396 397
(11) Who is an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code;	398 399 400
(12) <u>(11)</u> Who is employed by the nonprofit entity established to provide advocacy services and a client assistance program for people with disabilities under Section 319.20 of Am. Sub. H.B. 153 of the 129th general assembly and whose employment begins on or after October 1, 2012.	401 402 403 404 405
(B) No inmate of a correctional institution operated by the department of rehabilitation and correction, no patient in a hospital for persons with mental illnesses operated by the department of mental health and addiction services, no resident in an institution for persons with intellectual disabilities operated by the department of developmental disabilities, no resident admitted as a patient of a veterans' home operated under Chapter 5907. of the Revised Code, and no resident of a county home shall be considered as a public employee for the purpose of establishing membership or calculating service credit or benefits under this chapter. Nothing in this division shall be construed to affect any service credit attained by any person who was a public employee before becoming an inmate, patient, or resident at any institution listed in this division, or the	406 407 408 409 410 411 412 413 414 415 416 417 418 419

payment of any benefit for which such a person or such a 420
person's beneficiaries otherwise would be eligible. 421

Sec. 146.02. (A) Each political subdivision or fire 422
district having a fire department employing volunteer fire 423
fighters is a member of the volunteer fire fighters' dependents 424
fund and shall establish a volunteer fire fighters' dependents 425
fund board. 426

(B) A private volunteer fire company which has contracted 427
to afford fire protection to a political subdivision or fire 428
district may become a member of the volunteer fire fighters' 429
dependents fund by election and shall, if it so elects, 430
establish a volunteer fire fighters' dependents fund board. The 431
company shall notify the state fire marshal and the governing 432
body of the political subdivision or fire district with which it 433
has its major contract of the election to become a member of the 434
fund. 435

(C) A volunteer fire fighters' dependents fund board is 436
not subject to sections 101.82 to 101.87 of the Revised Code. 437

Sec. 175.03. (A) (1) The Ohio housing finance agency 438
consists of eleven voting members and four nonvoting members. 439
The governor, with the advice and consent of the senate, shall 440
appoint nine of the voting members. The other two voting members 441
are the director of commerce and the director of development or 442
their respective designees. The four nonvoting members shall be 443
two members of the house of representatives, one from each major 444
political party, to be appointed by the speaker of the house of 445
representatives, and two members of the senate, one from each 446
major political party, to be appointed by the president of the 447
senate. 448

(2) The governor shall appoint one member with experience 449
in residential housing construction; one with experience in 450
residential housing mortgage lending, loan servicing, or 451
brokering at an institution insured by the federal deposit 452
insurance corporation; one with experience in the licensed 453
residential housing brokerage business; one with experience with 454
the housing needs of senior citizens; one with a background in 455
labor representation in the construction industry; one to 456
represent the interests of nonprofit multifamily housing 457
development organizations; one to represent the interests of 458
for-profit multifamily housing development organizations; and 459
two who are public members. 460

(3) The governor shall receive recommendations from the 461
Ohio housing council for appointees to represent the interests 462
of nonprofit multifamily housing development organizations and 463
for-profit multifamily housing development organizations. 464

(4) Not more than six of the appointed voting members of 465
the agency may be of the same political party. 466

(B) (1) Of the initial appointments the governor makes, one 467
member representing the public has an initial term ending 468
January 31, 2010, the other member representing the public has 469
an initial term ending January 31, 2008, the member with a 470
background in labor representation in the construction industry 471
has an initial term ending January 31, 2011, the member with 472
experience in residential housing mortgage lending, loan 473
servicing, or brokering has an initial term ending January 31, 474
2008, the member with experience with the housing needs of 475
senior citizens has an initial term ending January 31, 2006, the 476
member representing the interests of nonprofit multifamily 477
housing development organizations has an initial term ending 478

January 31, 2007, the member representing the interests of for- 479
profit multifamily housing development organizations has an 480
initial term ending January 31, 2006, and the member with 481
experience in residential housing construction and the member 482
with experience in licensed residential housing brokerage each 483
has an initial term ending January 31, 2009. Thereafter, each 484
appointed voting member shall serve for a term of six years with 485
each term ending on the thirty-first day of January, six years 486
following the termination date of the term it succeeds. There is 487
no limit on the number of terms a member may serve. 488

(2) Each appointed voting member shall hold office from 489
the date of appointment until the end of the term for which the 490
member is appointed. Each nonvoting member shall hold office 491
until the end of that member's term as a member of the general 492
assembly. Any member appointed to fill a vacancy occurring prior 493
to the expiration of a term continues in office for the 494
remainder of that term. Any appointed member shall continue in 495
office subsequent to the expiration date of the member's term 496
until the member's successor takes office or until sixty days 497
have elapsed, whichever occurs first. 498

(3) The governor may remove an appointed voting member 499
from office for misfeasance, nonfeasance, or malfeasance in 500
office. The speaker of the house of representatives may remove a 501
member that is a member of the house of representatives, and the 502
president of the senate may remove a member that is a senator. 503

(C) (1) Except as otherwise provided in this section, 504
members and agency employees shall comply with Chapter 102. and 505
sections 2921.42 and 2921.43 of the Revised Code. 506

(2) An agency member who is a director, officer, employee, 507
or owner of a lending institution is not in violation of Chapter 508

102. and is not subject to section 2921.42 of the Revised Code 509
with respect to a loan to an applicant from the lending 510
institution or a contract between the agency and the lending 511
institution for the purchase, administration, or servicing of 512
loans if the member abstains from participation in any matter 513
that affects the interests of the member's lending institution. 514

(3) An agency member who represents multifamily housing 515
interests is not in violation of division (D) or (E) of section 516
102.03 or division (A) of section 2921.42 of the Revised Code in 517
regard to a contract the agency enters into if both of the 518
following apply: 519

(a) The contract is entered into for a loan, grant, or 520
participation in a program the agency administers or funds and 521
the contract is awarded pursuant to rules or guidelines the 522
agency adopts. 523

(b) The member does not participate in the discussion or 524
vote on the contract if the contract secures a grant or loan 525
that directly benefits the member, a family member, or a 526
business associate of the member. 527

(4) (a) Each appointed voting agency member shall receive 528
compensation at the rate of two hundred fifty dollars per agency 529
meeting attended in person, not to exceed a maximum of four 530
thousand dollars per year. 531

(b) The compensation rate for appointed voting members 532
applies until six years after ~~the effective date of this section~~ 533
July 1, 2005, at which time the members may increase the 534
compensation for members who are appointed or reappointed after 535
that time. All voting members are entitled to reimbursement in 536
accordance with section 126.31 of the Revised Code for expenses 537

incurred in the discharge of official duties. 538

Sec. 175.04. (A) The governor shall appoint a chairperson 539
from among the voting members. The agency members shall elect a 540
voting member as vice-chairperson. The agency members may 541
appoint other officers, who need not be members of the agency, 542
as the agency deems necessary. 543

(B) Six voting members of the agency constitute a quorum 544
and the affirmative vote of six voting members is necessary for 545
any action the agency takes. No vacancy in agency membership 546
impairs the right of a quorum to exercise all of the agency's 547
rights and perform all the agency's duties. Agency meetings may 548
be held at any place within the state. Meetings shall comply 549
with section 121.22 of the Revised Code. 550

(C) The agency shall maintain accounting records in 551
accordance with generally accepted accounting principals and 552
other required accounting standards. 553

(D) The agency shall develop policies and guidelines for 554
the administration of its programs and annually shall conduct at 555
least one public hearing to obtain input from any interested 556
party regarding the administration of its programs. The hearing 557
shall be held at a time and place as the agency determines and 558
when a quorum of the agency is present. 559

(E) The agency shall appoint committees and subcommittees 560
comprised of members of the agency to handle matters it deems 561
appropriate. 562

(1) The agency shall adopt an annual plan to address this 563
state's housing needs. The agency shall appoint an annual plan 564
committee to develop the plan and present it to the agency for 565
consideration. 566

(2) The annual plan committee shall select an advisory board from a list of interested individuals the executive director provides or on its own recommendation. The advisory board shall provide input on the plan at committee meetings prior to the annual public hearing. At the public hearing, the committee shall discuss advisory board comments. The advisory board may include, but is not limited to, persons who represent state agencies, local governments, public corporations, nonprofit organizations, community development corporations, housing advocacy organizations for low- and moderate-income persons, realtors, syndicators, investors, lending institutions as recommended by a statewide banking organization, and other entities participating in the agency's programs.

Each agency program that allows for loans to be made to finance housing for owner occupancy that benefits other than low- and moderate-income households, or for loans to be made to individuals under bonds issued pursuant to division (B) of section 175.08 of the Revised Code, shall be presented to the advisory board and included in the annual plan as approved by the agency before the program's implementation.

(F) The agency shall prepare an annual financial report describing its activities during the reporting year and submit that report in accordance with division (H) of this section and to the governor, the speaker of the house of representatives, and the president of the senate within three months after the end of the reporting year. The report shall include the agency's audited financial statements, prepared in accordance with generally accepted accounting principles and appropriate accounting standards.

(G) The agency shall prepare an annual report of its

programs describing how the programs have met this state's 597
housing needs. The agency shall submit the report in accordance 598
with division (H) of this section and to the governor, the 599
speaker of the house of representatives, and the president of 600
the senate within three months after the end of the reporting 601
year. 602

(H) (1) The agency shall submit, within a time frame agreed 603
to by the agency and the chairs, the annual financial report 604
described in division (F) of this section and the annual report 605
of programs described in division (G) of this section to the 606
chairs of the committees dealing with housing issues in the 607
house of representatives and the senate. 608

(2) Within forty-five days of issuance of the annual 609
financial report, the agency's executive director shall request 610
to appear in person before the committees described in division 611
(H) (1) of this section to testify in regard to the financial 612
report and the report of programs. The testimony shall include 613
each of the following: 614

(a) An overview of the annual plan adopted pursuant to 615
division (E) (1) of this section; 616

(b) An evaluation of whether the objectives in the annual 617
plan were met through a comparison of the annual plan with the 618
annual financial report and report of programs; 619

(c) A complete listing by award and amount of all business 620
and contractual relationships in excess of one hundred thousand 621
dollars between the agency and other entities and organizations 622
that participated in agency programs during the fiscal year 623
reported by the agency's annual financial report and report of 624
programs; 625

(d) A complete listing by award and amount of the low- 626
income housing tax credit syndication and direct investor 627
entities for projects that received tax credit reservations and 628
IRS Form 8609 during the fiscal year. 629

Sec. 718.051. (A) Any taxpayer subject to municipal income 630
taxation with respect to the taxpayer's net profit from a 631
business or profession may file any municipal income tax return, 632
estimated municipal income tax return, or extension for filing a 633
municipal income tax return, and may make payment of amounts 634
shown to be due on such returns, by using the Ohio business 635
gateway. 636

(B) Any employer, agent of an employer, or other payer may 637
report the amount of municipal income tax withheld from 638
qualifying wages, and may make remittance of such amounts, by 639
using the Ohio business gateway. 640

(C) Nothing in this section affects the due dates for 641
filing employer withholding tax returns. 642

(D) No municipal corporation shall be required to pay any 643
fee or charge for the operation or maintenance of the Ohio 644
business gateway. 645

(E) The use of the Ohio business gateway by municipal 646
corporations, taxpayers, or other persons pursuant to this 647
section does not affect the legal rights of municipalities or 648
taxpayers as otherwise permitted by law. This state shall not be 649
a party to the administration of municipal income taxes or to an 650
appeal of a municipal income tax matter, except as otherwise 651
specifically provided by law. 652

~~(F) (1)~~ (F) The tax commissioner shall adopt rules 653
establishing: 654

~~(a)-(1)~~ The format of documents to be used by taxpayers to 655
file returns and make payments through the Ohio business 656
gateway; and 657

~~(b)-(2)~~ The information taxpayers must submit when filing 658
municipal income tax returns through the Ohio business gateway. 659

The commissioner shall not adopt rules under this division 660
that conflict with the requirements of section 718.05 of the 661
Revised Code. 662

~~(2) The commissioner shall consult with the Ohio business-~~ 663
~~gateway steering committee before adopting the rules described-~~ 664
~~in division (F) (1) of this section.~~ 665

(G) Nothing in this section shall be construed as limiting 666
or removing the authority of any municipal corporation to 667
administer, audit, and enforce the provisions of its municipal 668
income tax. 669

Sec. 926.12. Each licensed agricultural commodity handler 670
shall keep posted in a location at his the handler's facility 671
where it shall be accessible for observation and reading by 672
persons marketing agricultural commodities+ 673

~~(A) His~~ the handler's license as an agricultural commodity 674
handler+ 675

~~(B) The certificates of persons who are certified under-~~ 676
~~section 926.30 of the Revised Code as testers of agricultural-~~ 677
~~commodities delivered to the handler.~~ 678

Sec. 926.19. (A) There is hereby created in the state 679
treasury the commodity handler regulatory program fund. The 680
moneys in the fund shall be used to pay the examination and 681
administrative costs of this chapter and shall consist of: 682

(1) All revenues collected by the director of agriculture from distribution of the receipt forms under division (B) of section 926.20 of the Revised Code and such other forms and registration books as the director may require by rule for the administration of this chapter;	683 684 685 686 687
(2) The application and examination fees collected under division (B) of section 926.05 of the Revised Code;	688 689
(3) The agricultural commodity tester certificate fees collected under division (B) of section 926.30 of the Revised Code;	690 691 692
(4) Any moneys transferred from the agricultural commodity depositors fund under section 926.16 of the Revised Code;	693 694
(5) <u>(4)</u> All fines, penalties, and costs, except court costs, that are collected under section 926.99 of the Revised Code in consequence of a violation of this chapter;	695 696 697
(6) <u>(5)</u> All sums collected by the director of agriculture under a contract described in section 926.36 of the Revised Code.	698 699 700
(B) The examination and administrative costs of this chapter shall be computed by the director not later than the thirty-first day of December of each even-numbered year to cover the biennium that begins on the following first day of July. The commodity advisory commission created in section 926.32 of the Revised Code shall approve, and may amend, the examination and administrative costs. The commission's decision shall be binding on the director. The commission also at any time may approve for presentation to the controlling board a request to increase or decrease the appropriation authority for the biennial examination and administrative costs if it determines that an	701 702 703 704 705 706 707 708 709 710 711

increase or decrease in the cost is necessary to carry out the 712
purpose of this chapter. 713

(C) If at any time the moneys deposited in the fund, 714
including moneys transferred from the agricultural commodity 715
depositors fund under section 926.16 of the Revised Code, are 716
not sufficient to pay the examination and administrative costs 717
of this chapter, the director shall request an appropriation 718
from the general revenue fund to pay those costs. 719

Sec. 926.30. (A) No licensed handler, employee of a 720
licensed handler, or individual contracted by a licensed handler 721
who receives an agricultural commodity from a producer, either 722
for sale or for storage under a bailment agreement, shall 723
perform a quality test on the commodity for the purpose of 724
applying a premium, discount, or conditioning charge unless the 725
person making the test has successfully completed three hours of 726
agricultural commodity tester training. The training shall be 727
based on the United States department of agriculture's 728
"Inspecting Grain Practical Procedures for Grain Handlers" 729
manual and approved by the director of agriculture. A tester 730
also shall successfully complete three hours of continuing 731
education every five years that the tester tests agricultural 732
commodities. 733

(B) A licensed handler shall submit to the director a list 734
of names of individuals who complete the agricultural commodity 735
tester training and continuing education under division (A) of 736
this section. The director shall issue an official grader's 737
identification number to each such individual. The director 738
shall maintain the list along with records of the handler's 739
license. 740

Sec. 1731.03. (A) A small employer health care alliance 741

may do any of the following:	742
(1) Negotiate and enter into agreements with one or more	743
insurers for the insurers to offer and provide one or more	744
health benefit plans to small employers for their employees and	745
retirees, and the dependents and members of the families of such	746
employees and retirees, which coverage may be made available to	747
enrolled small employers without regard to industrial, rating,	748
or other classifications among the enrolled small employers	749
under an alliance program, except as otherwise provided under	750
the alliance program, and for the alliance to perform, or	751
contract with others for the performance of, functions under or	752
with respect to the alliance program;	753
(2) Contract with another alliance for the inclusion of	754
the small employer members of one in the alliance program of the	755
other;	756
(3) Provide or cause to be provided to small employers	757
information concerning the availability, coverage, benefits,	758
premiums, and other information regarding an alliance program	759
and promote the alliance program;	760
(4) Provide, or contract with others to provide,	761
enrollment, record keeping, information, premium billing,	762
collection and transmittal, and other services under an alliance	763
program;	764
(5) Receive reports and information from the insurer and	765
negotiate and enter into agreements with respect to inspection	766
and audit of the books and records of the insurer;	767
(6) Provide services to and on behalf of an alliance	768
program sponsored by another alliance, including entering into	769
an agreement described in division (B) of section 1731.01 of the	770

Revised Code on behalf of the other alliance; 771

(7) If it is a nonprofit corporation created under Chapter 772
1702. of the Revised Code, exercise all powers and authority of 773
such corporations under the laws of the state, or, if otherwise 774
constituted, exercise such powers and authority as apply to it 775
under the applicable laws, and its articles, regulations, 776
constitution, bylaws, or other relevant governing instruments. 777

(B) A small employer health care alliance is not and shall 778
not be regarded for any purpose of law as an insurer, an offeror 779
or seller of any insurance, a partner of or joint venturer with 780
any insurer, an agent of, or solicitor for an agent of, or 781
representative of, an insurer or an offeror or seller of any 782
insurance, an adjuster of claims, or a third-party 783
administrator, and will not be liable under or by reason of any 784
insurance coverage or other health benefit plan provided or not 785
provided by any insurer or by reason of any conditions or 786
restrictions on eligibility or benefits under an alliance 787
program or any insurance or other health benefit plan provided 788
under an alliance program or by reason of the application of 789
those conditions or restrictions. 790

(C) The promotion of an alliance program by an alliance or 791
by an insurer is not and shall not be regarded for any purpose 792
of law as the offer, solicitation, or sale of insurance. 793

(D) (1) No alliance shall adopt, impose, or enforce medical 794
underwriting rules or underwriting rules requiring a small 795
employer to have more than a minimum number of employees for the 796
purpose of determining whether an alliance member is eligible to 797
purchase a policy, contract, or plan of health insurance or 798
health benefits from any insurer in connection with the alliance 799
health care program. 800

(2) No alliance shall reject any applicant for membership 801
in the alliance based on the health status of the applicant's 802
employees or their dependents or because the small employer does 803
not have more than a minimum number of employees. 804

(3) A violation of division (D)(1) or (2) of this section 805
is deemed to be an unfair and deceptive act or practice in the 806
business of insurance under sections 3901.19 to 3901.26 of the 807
Revised Code. 808

(4) Nothing in division (D)(1) or (2) of this section 809
shall be construed as inhibiting or preventing an alliance from 810
adopting, imposing, and enforcing rules, conditions, 811
limitations, or restrictions that are based on factors other 812
than the health status of employees or their dependents or the 813
size of the small employer for the purpose of determining 814
whether a small employer is eligible to become a member of the 815
alliance. Division (D)(1) of this section does not apply to an 816
insurer that sells health coverage to an alliance member under 817
an alliance health care program. 818

(E) Except as otherwise specified in section 1731.09 of 819
the Revised Code, health benefit plans offered and sold to 820
alliance members that are small employers as defined in section 821
3924.01 of the Revised Code are subject to sections 3924.01 to 822
~~3924.14~~3924.06 of the Revised Code. 823

(F) Any person who represents an alliance in bargaining or 824
negotiating a health benefit plan with an insurer shall disclose 825
to the governing board of the alliance any direct or indirect 826
financial relationship the person has or had during the past two 827
years with the insurer. 828

Sec. 1731.05. If a qualified alliance, or an alliance 829

that, based upon evidence of interest satisfactory to the 830
superintendent of insurance, will be a qualified alliance within 831
a reasonable time, submits a request for a proposal on a health 832
benefit plan to at least three insurers and does not receive at 833
least one reasonably responsive proposal within ninety days from 834
the date the last such request is submitted, the superintendent, 835
at the request of such alliance, may require that insurers offer 836
proposals to such alliance for health benefit plans for the 837
small employers within such alliance. Such proposals shall 838
include such coverage and benefits for such premiums, as shall 839
take into account the functions provided by the alliance and the 840
economies of scale, and have other terms and provisions as are 841
approved by the superintendent, consistent with the purposes and 842
standards set forth in section 1731.02 of the Revised Code. ~~In-~~ 843
~~making the determination as to which insurers shall be asked to~~ 844
~~submit proposals under this section, the superintendent shall~~ 845
~~apply the standards set forth in division (G) (4) (a) of section~~ 846
~~3924.11 of the Revised Code.~~ Any insurer that does not submit a 847
proposal when required to do so by the superintendent hereunder, 848
shall be deemed to be in violation of section 3901.20 of the 849
Revised Code and shall be subject to all of the provisions of 850
section 3901.22 of the Revised Code, including division (D) (1) 851
of section 3901.22 of the Revised Code as if it provided that 852
the superintendent may suspend or revoke an insurer's license to 853
engage in the business of insurance. 854

Nothing in this section shall be construed as requiring an 855
insurer to enter into an agreement with an alliance under 856
contractual terms that are not acceptable to the insurer or to 857
authorize the superintendent to require an insurer to enter into 858
an agreement with an alliance under contractual terms that are 859
not acceptable to the insurer. 860

This section applies beginning eighteen months after its effective date. 861
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Sec. 1731.09. (A) Nothing contained in this chapter is intended to or shall inhibit or prevent the application of the provisions of Chapter 3924. of the Revised Code to any health benefit plan or insurer to which they would otherwise apply in the absence of this chapter, except as otherwise specified in divisions (B) and (C) of this section or unless such application conflicts with the provisions of section 1731.05 of the Revised Code. 863
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(B) An insurer may establish one or more separate classes of business solely comprised of one or more alliances. All of the following shall apply to health plans covering small employers in each class of business established pursuant to this division: 871
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(1) The premium rate limitations set forth in section 3924.04 of the Revised Code apply to each class of business separate and apart from the insurer's other business; 876
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(2) For purposes of applying sections 3924.01 to ~~3924.14~~ 3924.06 of the Revised Code to a class of business, the base premium rate and midpoint rate shall be determined with respect to each class of business separate and apart from the insurer's other business. 879
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(3) The midpoint rate for a class of business shall not exceed the midpoint rate for any other class of business or the insurer's non-alliance business by more than fifteen per cent. 884
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(4) The insurer annually shall file with the superintendent of insurance an actuarial certification consistent with section 3924.06 of the Revised Code for each 887
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889

class of business demonstrating that the underwriting and rating	890
methods of the insurer do all of the following:	891
(a) Comply with accepted actuarial practices;	892
(b) Are uniformly applied to health benefit plans covering	893
small employers within the class of business;	894
(c) Comply with the applicable provisions of this section	895
and sections 3924.01 to 3924.14 <u>3924.06</u> of the Revised Code.	896
(5) An insurer shall apply sections 3924.01 to 3924.14	897
<u>3924.06</u> of the Revised Code to the insurer's non-alliance	898
business and coverage sold through alliances not established as	899
a separate class of business.	900
(6) An insurer shall file with the superintendent a	901
notification identifying any alliance or alliances to be treated	902
as a separate class of business at least sixty days prior to the	903
date the rates for that class of business take effect.	904
(7) Any application for a certificate of authority filed	905
pursuant to section 1731.021 of the Revised Code shall include a	906
disclosure as to whether the alliance will be underwritten or	907
rated as part of a separate class of business.	908
(C) As used in this section:	909
(1) "Class of business" means a group of small employers,	910
as defined in section 3924.01 of the Revised Code, that are	911
enrolled employers in one or more alliances.	912
(2) "Actuarial certification," "base premium rate," and	913
"midpoint rate" have the same meanings as in section 3924.01 of	914
the Revised Code.	915
Sec. 1739.05. (A) A multiple employer welfare arrangement	916

that is created pursuant to sections 1739.01 to 1739.22 of the Revised Code and that operates a group self-insurance program may be established only if any of the following applies:

(1) The arrangement has and maintains a minimum enrollment of three hundred employees of two or more employers.

(2) The arrangement has and maintains a minimum enrollment of three hundred self-employed individuals.

(3) The arrangement has and maintains a minimum enrollment of three hundred employees or self-employed individuals in any combination of divisions (A) (1) and (2) of this section.

(B) A multiple employer welfare arrangement that is created pursuant to sections 1739.01 to 1739.22 of the Revised Code and that operates a group self-insurance program shall comply with all laws applicable to self-funded programs in this state, including sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 to 3901.3814, 3901.40, 3901.45, 3901.46, 3901.491, 3902.01 to 3902.14, 3923.041, 3923.24, 3923.282, 3923.30, 3923.301, 3923.38, ~~3923.581~~, 3923.602, 3923.63, 3923.80, 3923.84, 3923.85, 3923.851, 3923.86, 3923.87, 3923.89, 3923.90, 3924.031, 3924.032, and 3924.27 of the Revised Code.

(C) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code shall solicit enrollments only through agents or solicitors licensed pursuant to Chapter 3905. of the Revised Code to sell or solicit sickness and accident insurance.

(D) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code shall provide benefits only to individuals who are members, employees of members, or the dependents of members or employees,

or are eligible for continuation of coverage under section 946
1751.53 or 3923.38 of the Revised Code or under Title X of the 947
"Consolidated Omnibus Budget Reconciliation Act of 1985," 100 948
Stat. 227, 29 U.S.C.A. 1161, as amended. 949

(E) A multiple employer welfare arrangement created 950
pursuant to sections 1739.01 to 1739.22 of the Revised Code is 951
subject to, and shall comply with, sections 3903.81 to 3903.93 952
of the Revised Code in the same manner as other life or health 953
insurers, as defined in section 3903.81 of the Revised Code. 954

Sec. 1751.18. (A) (1) No health insuring corporation shall 955
cancel or fail to renew the coverage of a subscriber or enrollee 956
because of any health status-related factor in relation to the 957
subscriber or enrollee, the subscriber's or enrollee's 958
requirements for health care services, or for any other reason 959
designated under rules adopted by the superintendent of 960
insurance. 961

(2) Unless otherwise required by state or federal law, no 962
health insuring corporation, or health care facility or provider 963
through which the health insuring corporation has made 964
arrangements to provide health care services, shall discriminate 965
against any individual with regard to enrollment, disenrollment, 966
or the quality of health care services rendered, on the basis of 967
the individual's race, color, sex, age, religion, military 968
status as defined in section 4112.01 of the Revised Code, or 969
status as a recipient of medicare or medicaid, or any health 970
status-related factor in relation to the individual. However, a 971
health insuring corporation shall not be required to accept a 972
recipient of medicare or medical assistance, if an agreement has 973
not been reached on appropriate payment mechanisms between the 974
health insuring corporation and the governmental agency 975

administering these programs. Further, ~~except for open~~ 976
~~enrollment coverage under sections 3923.58 and 3923.581 of the~~ 977
~~Revised Code and except~~ as provided in section 1751.65 of the 978
Revised Code, a health insuring corporation may reject an 979
applicant for nongroup enrollment on the basis of any health 980
status-related factor in relation to the applicant. 981

(B) A health insuring corporation may cancel or decide not 982
to renew the coverage of an enrollee if the enrollee has 983
performed an act or practice that constitutes fraud or 984
intentional misrepresentation of material fact under the terms 985
of the coverage and if the cancellation or nonrenewal is not 986
based, either directly or indirectly, on any health status- 987
related factor in relation to the enrollee. 988

(C) An enrollee may appeal any action or decision of a 989
health insuring corporation taken pursuant to section 2742(b) to 990
(e) of the "Health Insurance Portability and Accountability Act 991
of 1996," Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 992
300gg-42, as amended. To appeal, the enrollee may submit a 993
written complaint to the health insuring corporation pursuant to 994
section 1751.19 of the Revised Code. The enrollee may, within 995
thirty days after receiving a written response from the health 996
insuring corporation, appeal the health insuring corporation's 997
action or decision to the superintendent. 998

(D) As used in this section, "health status-related 999
factor" means any of the following: 1000

(1) Health status; 1001

(2) Medical condition, including both physical and mental 1002
illnesses; 1003

(3) Claims experience; 1004

- (4) Receipt of health care; 1005
- (5) Medical history; 1006
- (6) Genetic information; 1007
- (7) Evidence of insurability, including conditions arising
out of acts of domestic violence; 1008
1009
- (8) Disability. 1010

Sec. 3335.27. The engineering experiment station shall be 1011
under the control of the board of trustees of the Ohio state 1012
university, through the regular administrative and fiscal 1013
officers. The board shall appoint a director on recommendation 1014
of the president of the university. ~~There shall be an advisory-~~ 1015
~~committee of seven members appointed by the board of which-~~ 1016
~~committee the director shall be ex officio a member, and-~~ 1017
~~chairperson, said director, and the other six members to be-~~ 1018
~~chosen from the faculty of the college of engineering. The term-~~ 1019
~~of these members shall be for three years. The director and-~~ 1020
advisory committee shall select suitable subjects for 1021
investigation, apportion the available funds, and with the 1022
consent of the board may provide for the dissemination of the 1023
results to the people of the state. 1024

Sec. 3335.29. The engineering experiment station of the 1025
Ohio state university shall not be conducted for the private or 1026
personal gain of anyone connected with it, or for the sole 1027
benefit of any individual, firm, or corporation. 1028

Any commission, board, bureau, or department of the state, 1029
or any institution owned by the state, may seek assistance from 1030
the station, and such requests shall have precedence over all 1031
other outside requests. ~~The advisory committee~~ director of the 1032
station may decline such requests or require that the expense of 1033

such investigations be borne in part or in whole by the 1034
commission, board, bureau, or department of state, or 1035
institution owned by the state, making such requests. 1036

Any individual, firm, or corporation may seek the 1037
assistance of the station; the ~~advisory committee of said-~~ 1038
~~station director~~ may decline to render such assistance or may 1039
require that any expense incidental to such assistance be borne 1040
in part or in whole by the individual, firm, or corporation 1041
seeking such assistance, and the ~~advisory committee of the-~~ 1042
~~station director~~ may publish the results of such investigations. 1043

~~Sections 3335.25 to 3335.29 of the Revised Code, do not-~~ 1044
~~limit the powers of the advisory committee of the station to-~~ 1045
~~carry on lines of investigation upon its own initiative.~~ 1046

Sec. 3701.931. The director of health, through the Ohio 1047
violent death reporting system, shall do all of the following 1048
regarding violent death information, data, and records 1049
maintained in the system: 1050

(A) Monitor the incidence and causes of the various types 1051
of violent deaths; 1052

(B) Make appropriate epidemiologic studies of the violent 1053
deaths; 1054

(C) Analyze trends and patterns in, and circumstances 1055
related to, the violent deaths; 1056

(D) ~~With the assistance of the advisory group established-~~ 1057
~~pursuant to section 3701.932 of the Revised Code, recommend-~~ 1058
Recommend actions to relevant entities to prevent violent deaths 1059
and make any other such recommendations the director of health 1060
determines necessary. 1061

(E) For years in which the department of health receives 1062
sufficient federal funding for the Ohio violent death reporting 1063
system, prepare and publish a report summarizing the activities 1064
of the Ohio violent death reporting system as set forth in this 1065
section on or before the first day of October of the following 1066
year. The director shall submit a copy of the report to the 1067
general assembly in accordance with section 101.68 of the 1068
Revised Code, to the governor, and the chairpersons of the 1069
committees of the general assembly having primary jurisdiction 1070
over issues relating to health care. 1071

Sec. 3703.21. (A) Within ninety days after September 16, 1072
2004, the superintendent of industrial compliance shall appoint 1073
a backflow advisory board consisting of not more than ten 1074
members, who shall serve at the pleasure of the superintendent. 1075
The superintendent shall appoint a representative from the 1076
plumbing section of the division of industrial compliance, three 1077
representatives recommended by the plumbing administrator of the 1078
division of industrial compliance, a representative of the 1079
drinking water program of the Ohio environmental protection 1080
agency, three representatives recommended by the director of 1081
environmental protection, and not more than two members who are 1082
not employed by the plumbing or water industry. 1083

The board shall advise the superintendent on matters 1084
pertaining to the training and certification of backflow 1085
technicians. 1086

~~(B)~~ (B) (1) The superintendent shall adopt rules in 1087
accordance with Chapter 119. of the Revised Code to provide for 1088
the certification of backflow technicians. The rules shall 1089
establish all of the following requirements, specifications, and 1090
procedures: 1091

(1) <u>(a)</u> Requirements and procedures for the initial certification of backflow technicians, including eligibility criteria and application requirements and fees;	1092 1093 1094
(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;	1095 1096 1097 1098 1099
(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;	1100 1101 1102 1103
(4) <u>(d)</u> Specifications concerning and procedures for both of the following:	1104 1105
(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;	1106 1107 1108 1109
(b) <u>(ii)</u> Renewal of the approval described in division (B) (4) (a) <u>(B) (1) (d) (i)</u> of this section.	1110 1111
(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;	1112 1113 1114 1115
(6) <u>(f)</u> Grounds and procedures for denying, suspending, or revoking certification, or denying the renewal of certification, as a backflow technician;	1116 1117 1118
(7) <u>(g)</u> Procedures for issuing administrative orders for	1119

the remedy of any violation of this section or any rule adopted 1120
pursuant to division ~~(B)~~(B)(1) of this section, including, but 1121
not limited to, procedures for assessing a civil penalty 1122
authorized under division (E) of this section; 1123

~~(g)~~(h) Any provision the superintendent determines is 1124
necessary to administer or enforce this section. 1125

(2) In the rules the superintendent adopts under division 1126
(B)(1)(c) of this section, the superintendent shall do both of 1127
the following: 1128

(a) Specify that a certification be renewed every five 1129
years; 1130

(b) Establish a certification renewal fee of seventy-five 1131
dollars. 1132

(C) The superintendent shall certify a backflow technician 1133
in accordance with Chapter 4796. of the Revised Code if either 1134
of the following applies: 1135

(1) The individual holds a license or certification in 1136
another state. 1137

(2) The individual has satisfactory work experience, a 1138
government certification, or a private certification as 1139
described in that chapter as a backflow technician in a state 1140
that does not issue that certification. 1141

(D) No individual shall engage in the installation, 1142
testing, or repair of any isolation backflow prevention device 1143
unless that individual possesses a valid certification as a 1144
backflow technician. This division does not apply with respect 1145
to the installation, testing, or repair of any containment 1146
backflow prevention device. 1147

(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. 3743.53. (A) The fire marshal shall adopt rules in accordance with Chapter 119. of the Revised Code that establish qualifications that all applicants for licensure as an exhibitor

of fireworks shall satisfy. These rules shall be designed to 1177
provide a reasonable degree of assurance that individuals 1178
conducting public fireworks exhibitions in this state are 1179
proficient in handling and discharging fireworks, are capable of 1180
handling the responsibilities associated with exhibitions as 1181
prescribed by rule of the fire marshal pursuant to divisions (B) 1182
and (E) of this section or as prescribed by sections 3743.50 to 1183
3743.55 of the Revised Code, and will conduct fireworks 1184
exhibitions in a manner that emphasizes the safety and security 1185
of the public. The rules shall be consistent with sections 1186
3743.50 to 3743.55 of the Revised Code and may include, in 1187
addition to other requirements prescribed by the fire marshal, a 1188
requirement that the applicant for licensure successfully 1189
complete a written examination or otherwise successfully 1190
demonstrate its proficiency in the handling and discharging of 1191
fireworks in a safe manner and its ability to handle the 1192
responsibilities associated with exhibitions. 1193

(B) The fire marshal shall adopt rules in accordance with 1194
Chapter 119. of the Revised Code that govern the nature and 1195
conduct of public fireworks exhibitions by licensed exhibitors 1196
of fireworks. These rules shall be designed to promote the 1197
safety and security of persons viewing a fireworks exhibition, 1198
to promote the safety of persons who, although not viewing an 1199
exhibition, could be affected by fireworks used at it, and to 1200
promote the safety and security of exhibitors and their 1201
assistants. 1202

The rules shall be consistent with sections 3743.50 to 1203
3743.55 of the Revised Code; except as otherwise provided in 1204
this section, shall be substantially equivalent to the most 1205
recent versions of chapters 1123, 1124, and 1126 of the most 1206
recent national fire protection association standards; and shall 1207

apply to, but not be limited to, the following subject matters:	1208
(1) The construction of shells used in a fireworks exhibition;	1209 1210
(2) Except as the storage and securing of fireworks is addressed by the rules adopted under division (E) of this section, the storage, securing, and supervision of fireworks pending their use in, and during the course of, a fireworks exhibition, and inspections by exhibitors of fireworks to be used in an exhibition prior to their use. These rules shall regulate, among other relevant matters, the storage of fireworks in manners that will effectively eliminate or reduce the likelihood of the fireworks becoming wet or being exposed to flame, and appropriate distances between storage sites and the sites at which fireworks will be discharged.	1211 1212 1213 1214 1215 1216 1217 1218 1219 1220 1221
(3) The installation and nature of mortars used in a fireworks exhibition, and inspections by exhibitors of mortars prior to their use;	1222 1223 1224
(4) Minimum distances between storage sites, discharge sites, spectator viewing sites, parking areas, and potential landing areas of fireworks, and minimum distances between discharge sites, potential landing areas, and residential or other types of buildings or structures;	1225 1226 1227 1228 1229
(5) The nature of discharge sites and potential landing sites;	1230 1231
(6) Fire protection, the use and location of monitors for crowd control, the use of fences and rope barriers for crowd control, illumination, smoking and the use of open flame, and posting of warning signs concerning smoking or the use of open flame in connection with fireworks exhibitions. These rules may	1232 1233 1234 1235 1236

provide some authority to local officials in determining 1237
adequate fire protection, and numbers and locations of monitors. 1238

(7) Procedures to be followed in the discharging of 1239
fireworks; 1240

(8) Weather and crowd-related conditions under which 1241
fireworks may and may not be discharged, including circumstances 1242
under which exhibitions should be postponed; 1243

(9) Inspections of premises following a fireworks 1244
exhibition for purposes of locating and disposing of defective 1245
or unexploded fireworks. Inspections shall be required 1246
immediately following an exhibition, and, if an exhibition is 1247
conducted at night, also at sunrise the following morning. 1248

(C) All mortars used in a fireworks exhibition that are 1249
greater than or equal to eight inches in diameter shall be 1250
equipped with electronic ignition equipment in accordance with 1251
chapter 1123 of the most recent edition of the national fire 1252
protection association standards. 1253

(D) Only persons who are employees of licensed exhibitors 1254
of fireworks and who are registered with the fire marshal under 1255
section 3743.56 of the Revised Code shall be permitted within 1256
the discharge perimeter of an exhibition. 1257

(E) (1) The fire marshal shall adopt rules in accordance 1258
with Chapter 119. of the Revised Code and consistent with 1259
division (E) (3) of this section that establish both of the 1260
following: 1261

(a) Uniform standards for the stability and securing of 1262
fireworks storage racks used at a fireworks exhibition; 1263

(b) A detailed checklist that a fire chief or fire 1264

prevention officer, in consultation with a police chief or other 1265
similar chief law enforcement officer of a municipal 1266
corporation, township, or township or joint police district or 1267
with a designee of such a police chief or other similar chief 1268
law enforcement officer, shall complete, while conducting the 1269
inspection required under division (C) of section 3743.54 of the 1270
Revised Code at the premises at which a fireworks exhibition 1271
will take place, to ensure that the exhibition will comply with 1272
all applicable requirements of this chapter, and all applicable 1273
rules adopted under this chapter, that regulate the conduct of a 1274
fireworks exhibition. 1275

(2) Each licensed exhibitor of fireworks shall comply with 1276
the rules that the fire marshal adopts under division (E) (1) (a) 1277
of this section. 1278

~~(3) Prior to the fire marshal's adoption of the rules 1279
referred to in divisions (E) (1) (a) and (b) of this section, the 1280
director of commerce shall appoint a committee consisting of the 1281
fire marshal, three representatives of the fireworks industry, 1282
and three representatives of the fire service industry to assist 1283
the fire marshal in adopting those rules. The fire marshal shall 1284
adopt initial rules under those divisions by not later than May 1285
1, 2001. 1286~~

(F) A fire chief or fire prevention officer, in 1287
consultation with a police chief or other similar chief law 1288
enforcement officer of a municipal corporation, township, or 1289
township or joint police district or with a designee of such a 1290
police chief or other similar chief law enforcement officer, 1291
shall conduct the inspection referred to in division (E) (1) (b) 1292
of this section, complete the checklist referred to in division 1293
(E) (1) (b) of this section while conducting the inspection, and 1294

provide a copy of the completed checklist to the fire marshal. 1295

(G) A designee, if any, designated by a police chief or 1296
other similar chief law enforcement officer under this section 1297
or section 3743.54 of the Revised Code shall be a law 1298
enforcement officer serving in the same law enforcement agency 1299
as the police chief or other similar chief law enforcement 1300
officer. 1301

Sec. 3745.21. (A) There is hereby created within the 1302
environmental protection agency the Ohio environmental education 1303
fund advisory council consisting of the directors of 1304
environmental protection, natural resources, and education and 1305
workforce, or their designees, as members ex officio, one member 1306
of the house of representatives to be appointed by the speaker 1307
of the house of representatives or the member's designee, one 1308
member of the senate to be appointed by the president of the 1309
senate or the member's designee, one member to be appointed by 1310
the chancellor of higher education who shall have experience in 1311
providing environmental education at the university or college 1312
level, and six members to be appointed by the governor with the 1313
advice and consent of the senate. Of the members appointed by 1314
the governor, two shall be from statewide environmental advocacy 1315
organizations, one shall represent the interests of the 1316
industrial community in this state, one shall represent the 1317
interests of employers in this state with one hundred fifty or 1318
fewer employees, one shall represent municipal corporations, and 1319
one shall represent the interests of elementary and secondary 1320
school teachers in this state. Within thirty days after October 1321
1, 1990, the appointing authorities shall make their initial 1322
appointments to the council. The initial appointment to the 1323
council by the chancellor shall be for a term ending two years 1324
after October 1, 1990. Of the initial appointments made to the 1325

council by the governor, three shall be for a term ending one 1326
year after October 1, 1990, and three shall be for a term ending 1327
two years after October 1, 1990. Thereafter, the terms of office 1328
of the members appointed by the chancellor and the governor 1329
shall be for two years, with each term ending on the same day of 1330
the same month as the term that it succeeds. Each member shall 1331
hold office from the date of appointment until the end of the 1332
term for which the member was appointed. Members may be 1333
reappointed. Vacancies shall be filled in the manner provided 1334
for original appointments. Any member appointed to fill a 1335
vacancy occurring prior to the expiration date of the term for 1336
which the member's predecessor was appointed shall hold office 1337
as a member of the board of trustees for the remainder of that 1338
term. A member of the council appointed by the chancellor or the 1339
governor shall continue in office subsequent to the expiration 1340
date of the member's term until the member's successor takes 1341
office or until a period of sixty days has elapsed, whichever 1342
occurs first. 1343

The council shall hold at least two regular, semiannual 1344
meetings each year. Special meetings may be held at the behest 1345
of the chairperson or a majority of the members. The director of 1346
environmental protection shall serve as the chairperson of the 1347
council. The council annually shall select from among its 1348
members a vice-chairperson and a secretary to keep a record of 1349
its proceedings. A majority vote of the members of the council 1350
is necessary to take action on any matter. 1351

Serving as a member of the council does not constitute 1352
holding a public office or a position of employment under the 1353
laws of this state and does not constitute grounds for the 1354
removal of public officers or employees from their offices or 1355
positions of employment. The chancellor may at any time remove a 1356

member of the council appointed by the chancellor for 1357
misfeasance, malfeasance, or nonfeasance in office. The governor 1358
may at any time remove a member of the council appointed by the 1359
governor for misfeasance, malfeasance, or nonfeasance in office. 1360

Members of the council appointed by the chancellor and the 1361
governor shall serve without compensation. Members of the 1362
council shall be reimbursed for their actual and necessary 1363
expenses incurred in the performance of their duties as members 1364
of the council from moneys credited to the environmental 1365
education fund created in section 3745.22 of the Revised Code. 1366

(B) The council shall advise and assist the director of 1367
environmental protection in the implementation and 1368
administration of section 3745.22 of the Revised Code and shall 1369
review and comment on all expenditures from the fund proposed by 1370
the director. 1371

(C) The council may adopt bylaws for the regulation and 1372
conduct of the council's affairs and may propose to the director 1373
of environmental protection expenditures from the fund. 1374

Sec. 3745.22. (A) As used in this section, "eligible 1375
institution of higher education" means any of the state 1376
universities listed in section 3345.011 of the Revised Code, or 1377
a community college, technical college, university branch, state 1378
community college, or an institution that is nonprofit and holds 1379
a certificate of authorization issued under section 1713.02 of 1380
the Revised Code. 1381

(B) There is hereby created in the state treasury the 1382
environmental education fund consisting of moneys credited to 1383
the fund pursuant to sections 3704.06 and 6111.09 of the Revised 1384
Code and any gifts, grants, or contributions received by the 1385

director of environmental protection for the purposes of the 1386
fund. The fund shall be administered by the director with the 1387
advice and assistance of the Ohio environmental education fund 1388
advisory council created in section 3745.21 of the Revised Code. 1389
Moneys in the fund shall be used exclusively to develop, 1390
implement, and administer a program to enhance public awareness 1391
and the objective understanding within this state of issues 1392
affecting environmental quality. Toward that end, moneys in the 1393
fund may be used for purposes that include, without limitation, 1394
developing elementary and secondary school and collegiate 1395
curricula on environmental issues; providing training for this 1396
state's elementary and secondary school teachers on 1397
environmental issues; providing educational seminars for 1398
concerned members of the public regarding the scientific and 1399
technical aspects of environmental issues; providing educational 1400
seminars regarding pollution prevention and waste minimization 1401
for persons regulated by the environmental protection agency; 1402
providing educational seminars for persons regulated by the 1403
environmental protection agency, including, without limitation, 1404
small businesses, regarding the regulatory requirements of the 1405
agency and the means of achieving and maintaining compliance 1406
with them; and providing one or more scholarships in 1407
environmental sciences or environmental engineering for students 1408
enrolled at an eligible institution of higher education. 1409

The director may expend not more than one million five 1410
hundred thousand dollars of the moneys credited to the 1411
environmental education fund under sections 3704.06 and 6111.09 1412
of the Revised Code in any fiscal year for the purposes 1413
specified in this division. The director may request authority 1414
from the controlling board to expend any moneys credited to that 1415
fund in any fiscal year in excess of that amount. 1416

(C) Not later than the first day of April each year, the 1417
director, with the advice and assistance of the council, shall 1418
prepare and submit to the governor, the president of the senate, 1419
and the speaker of the house of representatives an environmental 1420
education agenda that describes the proposed uses of the 1421
environmental education fund during the following fiscal year. 1422
Prior to submitting the agenda the director, in conjunction with 1423
the council, shall hold a public hearing in Franklin county to 1424
receive comments on the agenda. After the public hearing and 1425
before submitting the agenda to the governor, the president, and 1426
the speaker, the director, with the advice and assistance of the 1427
council, may make any modifications to the agenda that the 1428
director considers appropriate based upon the comments received 1429
at the public hearing. 1430

(D) Not later than the first day of September each year, 1431
the director, with the advice and assistance of the council, 1432
shall prepare and submit to the governor, the president of the 1433
senate, and the speaker of the house of representatives a report 1434
on the revenues credited to and expenditures from the 1435
environmental education fund during the immediately preceding 1436
fiscal year. 1437

Sec. 3769.03. The state racing commission shall prescribe 1438
the rules and conditions under which horse racing may be 1439
conducted and may issue, deny, suspend, diminish, or revoke 1440
permits to conduct horse racing as authorized by sections 1441
3769.01 to 3769.14 of the Revised Code. The commission may 1442
impose, in addition to any other penalty imposed by the 1443
commission, fines in an amount not to exceed ten thousand 1444
dollars on any permit holder or any other person who violates 1445
the rules or orders of the commission. The commission may 1446
prescribe the forms of wagering that are permissible, the number 1447

of races, the procedures on wagering, and the wagering 1448
information to be provided to the public. 1449

The commission may require totalizator equipment to 1450
display the amount of wagering in each wagering pool. The 1451
commission shall initiate safeguards as necessary to account for 1452
the amount of money wagered at each track in each wagering pool. 1453
It may require permit holders to install equipment that will 1454
provide a complete check and analysis of the functioning of any 1455
computers and require safeguards on their performance. The 1456
commission shall require all permit holders, except those 1457
holding state fair, county fair, or other fair permits, to 1458
provide a photographic recording, approved by the commission, of 1459
the entire running of all races conducted by the permit holder. 1460

The state racing commission may issue, deny, suspend, or 1461
revoke licenses to those persons engaged in racing and to those 1462
employees of permit holders, ~~as is in the public interest for~~ 1463
~~the purpose of maintaining a proper control over horse racing~~ 1464
~~meetings described in section 3769.031 of the Revised Code.~~ The 1465
commission, as is in the public interest for the purpose of 1466
maintaining proper control over horse-racing meetings, also may 1467
rule any person off a permit holder's premises. ~~License fees~~ 1468
~~shall include registration fees and shall be set by the~~ 1469
~~commission. Each license issued by the commission, unless~~ 1470
~~revoked for cause, shall be for the period of one year from the~~ 1471
~~first day of January of the year in which it is issued, except~~ 1472
~~as otherwise provided in section 3769.07 of the Revised Code.~~ 1473
~~Applicants for licenses issued by the commission shall submit~~ 1474
~~their fingerprints to the commission, and the commission may~~ 1475
~~forward the fingerprints to the federal bureau of investigation~~ 1476
~~or to any other agency, or to both, for examination. The~~ 1477
~~commission shall issue a license to a person engaged in racing~~ 1478

~~or an employee of a permit holder in accordance with Chapter 1479
4796. of the Revised Code if that person or employee holds a 1480
license in another state, or that person or employee has 1481
satisfactory work experience, a government certification, or a 1482
private certification as described in that chapter in horse 1483
racing in a state that does not issue that license. 1484~~

There is hereby created in the state treasury the state 1485
racing commission operating fund. All license fees established 1486
and collected by the commission pursuant to this section or 1487
section 3769.031 of the Revised Code, and the amounts specified 1488
in divisions (B) and (C) of section 3769.08 and division (A) (5) 1489
of section 3769.087 of the Revised Code, shall be paid into the 1490
state treasury to the credit of the fund. Moneys in the fund 1491
shall be expended by the commission to defray its operating 1492
costs, salaries and expenses, and the cost of administering and 1493
enforcing this chapter. 1494

The commission may deny a permit to any permit holder that 1495
has defaulted in payments to the public, employees, or the 1496
horsemen and may deny a permit to any successor purchaser of a 1497
track for as long as any of those defaults have not been 1498
satisfied by either the seller or purchaser. 1499

The commission shall deny a permit to any permit holder 1500
that has defaulted in payments to the state or has defaulted in 1501
payments required under section 3769.089 or 3769.0810 of the 1502
Revised Code and shall deny a permit to any successor purchaser 1503
of a track for as long as those defaults have not been satisfied 1504
by either the seller or purchaser. 1505

~~Any violation of this chapter, of any rule of racing 1506
adopted by the commission, or of any law or rule with respect to 1507
racing in any jurisdiction shall be sufficient reason for a 1508~~

~~refusal to issue a license, or a suspension or revocation of any
license issued, pursuant to this section.~~ 1509
1510

~~With respect to the issuance, denial, suspension, or
revocation of a license to a participant in horse racing, the
action of the commission shall be subject to Chapter 119. of the
Revised Code.~~ 1511
1512
1513
1514

The commission may sue and be sued in its own name. Any 1515
action against the commission shall be brought in the court of 1516
common pleas of Franklin county. Any appeal from a determination 1517
or decision of the commission rendered in the exercise of its 1518
powers and duties under this chapter shall be brought in the 1519
court of common pleas of Franklin county. 1520

The commission, biennially, shall make a full report to 1521
the governor of its proceedings for the two-year period ending 1522
with the thirty-first day of December preceding the convening of 1523
the general assembly and shall include its recommendations in 1524
the report. The commission, semiannually, on the thirtieth day 1525
of June and on the thirty-first day of December of each year, 1526
shall make a report and accounting to the governor. 1527

Sec. 3769.031. (A) The state racing commission may issue, 1528
deny, suspend, or revoke licenses to those persons engaged in 1529
racing and to those employees of permit holders as is in the 1530
public interest for the purpose of maintaining a proper control 1531
over horse-racing meetings, subject to the requirements of this 1532
section. 1533

(B)(1) The commission shall adopt rules under Chapter 119. 1534
of the Revised Code prescribing the following licenses to be 1535
issued, including the activities regulated under each license, 1536
the qualifications and other requirements to receive and 1537

maintain each license, and the fees that apply to the license: 1538

(a) The following racing official licenses: state steward, 1539
steward, program director, director of racing, general manager, 1540
racing secretary, assistant racing secretary, horsemen's 1541
bookkeeper, identifier, presiding judge, paddock judge, placing 1542
judge, judge, clerk of course, clerk of scales, jockey room 1543
custodian, announcer, starter, timer, photographer, and 1544
videographer, provided that the license fee for a general 1545
manager shall not exceed seventy-five dollars; 1546

(b) The following participant licenses: primary and 1547
secondary stable name, owner, partnership, person eligible to 1548
claim, authorized agent, thoroughbred breeder, trainer, 1549
assistant trainer, driver-trainer, driver, jockey, apprentice 1550
jockey, jockey agent, outrider, pony person, exercise rider, 1551
valet, and supply salesperson; 1552

(c) The following equine care licenses: veterinarian, 1553
veterinarian's assistant, dentist, horseshoer, and groom; 1554

(d) The following wagering licenses: totalizator company, 1555
totalizator company management supervisory employee, totalizator 1556
company employee, and mutuel employee; 1557

(e) A fair license, which shall not require the payment of 1558
any fee, to be issued for the following positions: racing 1559
official, owner, quarter horse participant, driver-trainer, 1560
groom, totalizator, and mutuel employee; 1561

(f) The following race track facility licenses: security, 1562
medical and first aid, concession employee, and maintenance, 1563
provided that the license fee for a medical and first aid worker 1564
shall not exceed ten dollars. 1565

(2) The commission shall issue only the licenses listed in 1566

division (B) (1) of this section. No license issued by the 1567
commission is required to hold any position that is not listed 1568
in that division. 1569

(C) (1) Applicants for licenses issued by the commission 1570
shall submit their fingerprints to the commission, and the 1571
commission may forward the fingerprints to the federal bureau of 1572
investigation or to any other agency, or to both, for 1573
examination. 1574

(2) Each license issued by the commission, unless revoked 1575
for cause, shall be for the period of one year from the first 1576
day of January of the year in which it is issued, except as 1577
otherwise provided in section 3769.07 of the Revised Code. 1578

(3) The commission shall issue a license to a person 1579
engaged in racing or an employee of a permit holder in 1580
accordance with Chapter 4796. of the Revised Code if that person 1581
or employee holds a license in another state, or that person or 1582
employee has satisfactory work experience, a government 1583
certification, or a private certification as described in that 1584
chapter in horse racing in a state that does not issue that 1585
license. 1586

(4) Any violation of this chapter, of any rule of racing 1587
adopted by the commission, or of any law or rule with respect to 1588
racing in any jurisdiction shall be sufficient reason for a 1589
refusal to issue a license, or a suspension or revocation of any 1590
license issued, pursuant to this section. With respect to the 1591
issuance, denial, suspension, or revocation of a license to a 1592
participant in horse racing, the action of the commission is 1593
subject to Chapter 119. of the Revised Code. 1594

Sec. 3772.13. (A) No person may be employed as a key 1595

employee of a casino operator, management company, or holding 1596
company unless the person is the holder of a valid key employee 1597
license issued by the commission. 1598

(B) No person may be employed as a key employee of a 1599
gaming-related vendor unless that person is either the holder of 1600
a valid key employee license issued by the commission, or the 1601
person, at least five business days prior to the first day of 1602
employment as a key employee, has filed a notification of 1603
employment with the commission and subsequently files a 1604
completed application for a key employee license within the 1605
first thirty days of employment as a key employee. 1606

(C) Each applicant shall, before the issuance of any key 1607
employee license, produce information, documentation, and 1608
assurances as are required by this chapter and rules adopted 1609
thereunder. In addition, each applicant shall, in writing, 1610
authorize the examination of all bank accounts and records as 1611
may be deemed necessary by the commission. 1612

(D) To be eligible for a key employee license, the 1613
applicant shall be at least twenty-one years of age and shall 1614
meet the criteria set forth by rule by the commission. 1615

(E) Each application for a key employee license shall be 1616
on a form prescribed by the commission and shall contain all 1617
information required by the commission. The applicant shall set 1618
forth in the application if the applicant has been issued prior 1619
gambling-related licenses; if the applicant has been licensed in 1620
any other state under any other name, and, if so, the name under 1621
which the license was issued and the applicant's age at the time 1622
the license was issued; any criminal conviction the applicant 1623
has had; and if a permit or license issued to the applicant in 1624
any other state has been suspended, restricted, or revoked, and, 1625

if so, the cause and the duration of each action. The applicant 1626
also shall complete a cover sheet for the application on which 1627
the applicant shall disclose the applicant's name, the business 1628
address of the casino operator, management company, holding 1629
company, or gaming-related vendor employing the applicant, the 1630
business address and telephone number of such employer, and the 1631
county, state, and country in which the applicant's residence is 1632
located. 1633

(F) Each applicant shall submit with each application, on 1634
a form provided by the commission, two sets of fingerprints. The 1635
commission shall charge each applicant an application fee of not 1636
more than one thousand seven hundred fifty dollars, as set by 1637
the commission, to cover all-the actual costs generated by each 1638
licensee and all-the background checks under this section and 1639
section 3772.07 of the Revised Code. 1640

(G) (1) The casino operator, management company, or holding 1641
company by whom a person is employed as a key employee shall 1642
terminate the person's employment in any capacity requiring a 1643
license under this chapter and shall not in any manner permit 1644
the person to exercise a significant influence over the 1645
operation of a casino facility if: 1646

(a) The person does not apply for and receive a key 1647
employee license within three months of being issued a 1648
provisional license, as established under commission rule. 1649

(b) The person's application for a key employee license is 1650
denied by the commission. 1651

(c) The person's key employee license is revoked by the 1652
commission. 1653

The commission shall notify the casino operator, 1654

management company, or holding company who employs such a person 1655
by certified mail, personal service, common carrier service 1656
utilizing any form of delivery requiring a signed receipt or by 1657
an electronic means that provides evidence of delivery, of any 1658
such finding, denial, or revocation. 1659

(2) A casino operator, management company, or holding 1660
company shall not pay to a person whose employment is terminated 1661
under division (G) (1) of this section, any remuneration for any 1662
services performed in any capacity in which the person is 1663
required to be licensed, except for amounts due for services 1664
rendered before notice was received under that division. A 1665
contract or other agreement for personal services or for the 1666
conduct of any casino gaming at a casino facility between a 1667
casino operator, management company, or holding company and a 1668
person whose employment is terminated under division (G) (1) of 1669
this section may be terminated by the casino operator, 1670
management company, or holding company without further liability 1671
on the part of the casino operator, management company, or 1672
holding company. Any such contract or other agreement is deemed 1673
to include a term authorizing its termination without further 1674
liability on the part of the casino operator, management 1675
company, or holding company upon receiving notice under division 1676
(G) (1) of this section. That a contract or other agreement does 1677
not expressly include such a term is not a defense in any action 1678
brought to terminate the contract or other agreement, and is not 1679
grounds for relief in any action brought questioning termination 1680
of the contract or other agreement. 1681

(3) A casino operator, management company, or holding 1682
company, without having obtained the prior approval of the 1683
commission, shall not enter into any contract or other agreement 1684
with a person who has been found unsuitable, who has been denied 1685

a license, or whose license has been revoked under division (G) 1686
(1) of this section, or with any business enterprise under the 1687
control of such a person, after the date on which the casino 1688
operator, management company, or holding company receives notice 1689
under that division. 1690

(H) Notwithstanding the requirements for a license under 1691
this section, the commission shall issue a key employee license 1692
in accordance with Chapter 4796. of the Revised Code to an 1693
applicant if either of the following applies: 1694

(1) The applicant holds a license in another state. 1695

(2) The applicant has satisfactory work experience, a 1696
government certification, or a private certification as 1697
described in that chapter as a key employee of a casino 1698
operator, management company, or holding company in a state that 1699
does not issue that license. 1700

Sec. 3783.01. As used in sections 3783.01 to 1701
~~3783.08~~3783.07, inclusive, of the Revised Code: 1702

(A) "Electrical safety inspector" means a person who is 1703
certified as provided in Chapter 3783. of the Revised Code. 1704

(B) The "practice of electrical inspection" includes any 1705
ascertainment of compliance with the Ohio building code, or the 1706
electrical code of a political subdivision of this state by a 1707
person, who, for compensation, inspects the construction and 1708
installation of electrical conductors, fittings, devices, and 1709
fixtures for light, heat or power services equipment, or the 1710
installation, alteration, replacement, maintenance, or repair of 1711
any electrical wiring and equipment that is subject to any of 1712
the aforementioned codes. 1713

(C) "Ohio building code" means the rules and regulations 1714

adopted by the board of building standards under Chapter 3781. 1715
of the Revised Code. 1716

(D) "Board of building standards" or "board" means the 1717
board established by section 3781.07 of the Revised Code. 1718

Sec. 3783.02. Nothing in sections 3783.01 to ~~3783.08~~ 1719
3783.07 of the Revised Code shall apply to inspection of the 1720
design, construction, maintenance, or replacement of any of the 1721
following: 1722

(A) Installations in ships, watercraft, railway rolling 1723
stock, aircraft, or automotive vehicles; 1724

(B) Installations underground in mines; 1725

(C) Installations of railways for the generation, 1726
transformation, transmission, or distribution of power used 1727
exclusively for operation of rolling stock or installations used 1728
exclusively for signaling and communication purposes; 1729

(D) Installations of communication equipment under control 1730
of communication utilities, located outdoors or in building 1731
spaces used for such installations; 1732

(E) Installations under the control of electric utilities 1733
for the purpose of communication, metering, or for the 1734
generation, control, transformation, transmission, and 1735
distribution of electric energy located in building spaces used 1736
by utilities for such purposes or located on property owned or 1737
leased by the utility or on public highways, streets, roads, 1738
etc., or by established rights on private property; 1739

(F) Installations of elevators, dumbwaiters, and 1740
escalators as regulated by the bureau of workers' compensation. 1741

Sec. 3923.51. (A) As used in this section, "official 1742

poverty line" means the poverty line as defined by the United States office of management and budget and revised by the secretary of health and human services under 95 Stat. 511, 42 U.S.C.A. 9902, as amended.

(B) Every insurer that is authorized to write sickness and accident insurance in this state may offer group contracts of sickness and accident insurance to any charitable foundation that is certified as exempt from taxation under section 501(c) (3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, and that has the sole purpose of issuing certificates of coverage under these contracts to persons under the age of nineteen who are members of families that have incomes that are no greater than three hundred per cent of the official poverty line.

(C) Contracts offered pursuant to division (B) of this section are not subject to any of the following:

(1) Sections ~~3923.122~~, 3923.24, 3923.28, 3923.281, and 3923.29 of the Revised Code;

(2) Any other sickness and accident insurance coverage required under this chapter on August 3, 1989. Any requirement of sickness and accident insurance coverage enacted after that date applies to this section only if the subsequent enactment specifically refers to this section.

(3) Chapter 1751. of the Revised Code.

Sec. 3923.57. Notwithstanding any provision of this chapter, every individual policy of sickness and accident insurance that is delivered, issued for delivery, or renewed in this state is subject to the following conditions, as applicable:

(A) Pre-existing conditions provisions shall not exclude 1772
or limit coverage for a period beyond twelve months following 1773
the policyholder's effective date of coverage and may only 1774
relate to conditions during the six months immediately preceding 1775
the effective date of coverage. 1776

(B) In determining whether a pre-existing conditions 1777
provision applies to a policyholder or dependent, each policy 1778
shall credit the time the policyholder or dependent was covered 1779
under a previous policy, contract, or plan if the previous 1780
coverage was continuous to a date not more than thirty days 1781
prior to the effective date of the new coverage, exclusive of 1782
any applicable service waiting period under the policy. 1783

(C) (1) Except as otherwise provided in division (C) of 1784
this section, an insurer that provides an individual sickness 1785
and accident insurance policy to an individual shall renew or 1786
continue in force such coverage at the option of the individual. 1787

(2) An insurer may nonrenew or discontinue coverage of an 1788
individual in the individual market based only on one or more of 1789
the following reasons: 1790

(a) The individual failed to pay premiums or contributions 1791
in accordance with the terms of the policy or the insurer has 1792
not received timely premium payments. 1793

(b) The individual performed an act or practice that 1794
constitutes fraud or made an intentional misrepresentation of 1795
material fact under the terms of the policy. 1796

(c) The insurer is ceasing to offer coverage in the 1797
individual market in accordance with division (D) of this 1798
section and the applicable laws of this state. 1799

(d) If the insurer offers coverage in the market through a 1800

network plan, the individual no longer resides, lives, or works 1801
in the service area, or in an area for which the insurer is 1802
authorized to do business; provided, however, that such coverage 1803
is terminated uniformly without regard to any health status- 1804
related factor of covered individuals. 1805

(e) If the coverage is made available in the individual 1806
market only through one or more bona fide associations, the 1807
membership of the individual in the association, on the basis of 1808
which the coverage is provided, ceases; provided, however, that 1809
such coverage is terminated under division (C) (2) (e) of this 1810
section uniformly without regard to any health status-related 1811
factor of covered individuals. 1812

~~An insurer offering coverage to individuals solely through 1813
membership in a bona fide association shall not be deemed, by 1814
virtue of that offering, to be in the individual market for 1815
purposes of sections 3923.58 and 3923.581 of the Revised Code. 1816
Such an insurer shall not be required to accept applicants for 1817
coverage in the individual market pursuant to sections 3923.58 1818
and 3923.581 of the Revised Code unless the insurer also offers 1819
coverage to individuals other than through bona fide 1820
associations. 1821~~

(3) An insurer may cancel or decide not to renew the 1822
coverage of a dependent of an individual if the dependent has 1823
performed an act or practice that constitutes fraud or made an 1824
intentional misrepresentation of material fact under the terms 1825
of the coverage and if the cancellation or nonrenewal is not 1826
based, either directly or indirectly, on any health status- 1827
related factor in relation to the dependent. 1828

(D) (1) If an insurer decides to discontinue offering a 1829
particular type of health insurance coverage offered in the 1830

individual market, coverage of such type may be discontinued by 1831
the insurer if the insurer does all of the following: 1832

(a) Provides notice to each individual provided coverage 1833
of this type in such market of the discontinuation at least 1834
ninety days prior to the date of the discontinuation of the 1835
coverage; 1836

(b) Offers to each individual provided coverage of this 1837
type in such market, the option to purchase any other individual 1838
health insurance coverage currently being offered by the insurer 1839
for individuals in that market; 1840

(c) In exercising the option to discontinue coverage of 1841
this type and in offering the option of coverage under division 1842
(D) (1) (b) of this section, acts uniformly without regard to any 1843
health status-related factor of covered individuals or of 1844
individuals who may become eligible for such coverage. 1845

(2) If an insurer elects to discontinue offering all 1846
health insurance coverage in the individual market in this 1847
state, health insurance coverage may be discontinued by the 1848
insurer only if both of the following apply: 1849

(a) The insurer provides notice to the department of 1850
insurance and to each individual of the discontinuation at least 1851
one hundred eighty days prior to the date of the expiration of 1852
the coverage. 1853

(b) All health insurance delivered or issued for delivery 1854
in this state in such market is discontinued and coverage under 1855
that health insurance in that market is not renewed. 1856

(3) In the event of a discontinuation under division (D) 1857
(2) of this section in the individual market, the insurer shall 1858
not provide for the issuance of any health insurance coverage in 1859

the market and this state during the five-year period beginning 1860
on the date of the discontinuation of the last health insurance 1861
coverage not so renewed. 1862

(E) Notwithstanding divisions (C) and (D) of this section, 1863
an insurer may, at the time of coverage renewal, modify the 1864
health insurance coverage for a policy form offered to 1865
individuals in the individual market if the modification is 1866
consistent with the law of this state and effective on a uniform 1867
basis among all individuals with that policy form. 1868

(F) Such policies are subject to sections 2743 and 2747 of 1869
the "Health Insurance Portability and Accountability Act of 1870
1996," Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg-43 1871
and 300gg-47, as amended. 1872

(G) Sections 3924.031 and 3924.032 of the Revised Code 1873
shall apply to sickness and accident insurance policies offered 1874
in the individual market in the same manner as they apply to 1875
health benefit plans offered in the small employer market. 1876

In accordance with 45 C.F.R. 148.102, divisions (C) to (G) 1877
of this section also apply to all group sickness and accident 1878
insurance policies that are not sold in connection with an 1879
employment-related group health plan and that provide more than 1880
short-term, limited duration coverage. 1881

In applying divisions (C) to (G) of this section with 1882
respect to health insurance coverage that is made available by 1883
an insurer in the individual market to individuals only through 1884
one or more associations, the term "individual" includes the 1885
association of which the individual is a member. 1886

For purposes of this section, any policy issued pursuant 1887
to division (C) of section 3923.13 of the Revised Code in 1888

connection with a public or private college or university 1889
student health insurance program is considered to be issued to a 1890
bona fide association. 1891

As used in this section, "bona fide association" has the 1892
same meaning as in section 3924.03 of the Revised Code, and 1893
"health status-related factor" and "network plan" have the same 1894
meanings as in section 3924.031 of the Revised Code. 1895

This section does not apply to any policy that provides 1896
coverage for specific diseases or accidents only, or to any 1897
hospital indemnity, medicare supplement, long-term care, 1898
disability income, one-time-limited-duration policy that is less 1899
than twelve months, or other policy that offers only 1900
supplemental benefits. 1901

Sec. 3924.01. As used in sections 3924.01 to ~~3924.14~~ 1902
3924.06 of the Revised Code: 1903

(A) "Actuarial certification" means a written statement 1904
prepared by a member of the American academy of actuaries, or by 1905
any other person acceptable to the superintendent of insurance, 1906
that states that, based upon the person's examination, a carrier 1907
offering health benefit plans to small employers is in 1908
compliance with sections 3924.01 to ~~3924.14~~ 3924.06 of the 1909
Revised Code. "Actuarial certification" shall include a review 1910
of the appropriate records of, and the actuarial assumptions and 1911
methods used by, the carrier relative to establishing premium 1912
rates for the health benefit plans. 1913

(B) ~~"Adjusted average market premium price" means the~~ 1914
~~average market premium price as determined by the board of~~ 1915
~~directors of the Ohio health reinsurance program either on the~~ 1916
~~basis of the arithmetic mean of all carriers' premium rates for~~ 1917

~~an OHC plan sold to groups with similar case characteristics by~~ 1918
~~all carriers selling OHC plans in the state, or on any other~~ 1919
~~equitable basis determined by the board.~~ 1920

~~(C)~~—"Base premium rate" means, as to any health benefit 1921
plan that is issued by a carrier and that covers at least two 1922
but no more than fifty employees of a small employer, the lowest 1923
premium rate for a new or existing business prescribed by the 1924
carrier for the same or similar coverage under a plan or 1925
arrangement covering any small employer with similar case 1926
characteristics. 1927

~~(D)~~ (C) "Carrier" means any sickness and accident 1928
insurance company or health insuring corporation authorized to 1929
issue health benefit plans in this state or a MEWA. A sickness 1930
and accident insurance company that owns or operates a health 1931
insuring corporation, either as a separate corporation or as a 1932
line of business, shall be considered as a separate carrier from 1933
that health insuring corporation for purposes of sections 1934
3924.01 to ~~3924.14~~ 3924.06 of the Revised Code. 1935

~~(E)~~ (D) "Case characteristics" means, with respect to a 1936
small employer, the geographic area in which the employees work; 1937
the age and sex of the individual employees and their 1938
dependents; the appropriate industry classification as 1939
determined by the carrier; the number of employees and 1940
dependents; and such other objective criteria as may be 1941
established by the carrier. "Case characteristics" does not 1942
include claims experience, health status, or duration of 1943
coverage from the date of issue. 1944

~~(F)~~ (E) "Dependent" means the spouse or child of an 1945
eligible employee, subject to applicable terms of the health 1946
benefits plan covering the employee. 1947

~~(G)~~-(F) "Eligible employee" means an employee who works a normal work week of thirty or more hours. "Eligible employee" does not include a temporary or substitute employee, or a seasonal employee who works only part of the calendar year on the basis of natural or suitable times or circumstances.

~~(H)~~-(G) "Health benefit plan" means any hospital or medical expense policy or certificate or any health plan provided by a carrier, that is delivered, issued for delivery, renewed, or used in this state on or after the date occurring six months after November 24, 1995. "Health benefit plan" does not include policies covering only accident, credit, dental, disability income, long-term care, hospital indemnity, medicare supplement, specified disease, or vision care; coverage under a one-time-limited-duration policy that is less than twelve months; coverage issued as a supplement to liability insurance; insurance arising out of a workers' compensation or similar law; automobile medical-payment insurance; or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

~~(I)~~-(H) "Late enrollee" means an eligible employee or dependent who enrolls in a small employer's health benefit plan other than during the first period in which the employee or dependent is eligible to enroll under the plan or during a special enrollment period described in section 2701(f) of the "Health Insurance Portability and Accountability Act of 1996," Pub. L. No. 104-191, 110 Stat. 1995, 42 U.S.C.A. 300gg, as amended.

~~(J)~~-(I) "MEWA" means any "multiple employer welfare arrangement" as defined in section 3 of the "Federal Employee

Retirement Income Security Act of 1974," 88 Stat. 832, 29 1978
U.S.C.A. 1001, as amended, except for any arrangement which is 1979
fully insured as defined in division (b) (6) (D) of section 514 of 1980
that act. 1981

~~(K)~~ (J) "Midpoint rate" means, for small employers with 1982
similar case characteristics and plan designs and as determined 1983
by the applicable carrier for a rating period, the arithmetic 1984
average of the applicable base premium rate and the 1985
corresponding highest premium rate. 1986

~~(L)~~ (K) "Pre-existing conditions provision" means a policy 1987
provision that excludes or limits coverage for charges or 1988
expenses incurred during a specified period following the 1989
insured's enrollment date as to a condition for which medical 1990
advice, diagnosis, care, or treatment was recommended or 1991
received during a specified period immediately preceding the 1992
enrollment date. Genetic information shall not be treated as 1993
such a condition in the absence of a diagnosis of the condition 1994
related to such information. 1995

For purposes of this division, "enrollment date" means, 1996
with respect to an individual covered under a group health 1997
benefit plan, the date of enrollment of the individual in the 1998
plan or, if earlier, the first day of the waiting period for 1999
such enrollment. 2000

~~(M)~~ (L) "Service waiting period" means the period of time 2001
after employment begins before an employee is eligible to be 2002
covered for benefits under the terms of any applicable health 2003
benefit plan offered by the small employer. 2004

~~(N) (1)~~ (M) (1) "Small employer" means, in connection with a 2005
group health benefit plan and with respect to a calendar year 2006

and a plan year, an employer who employed an average of at least two but no more than fifty eligible employees on business days during the preceding calendar year and who employs at least two employees on the first day of the plan year.

(2) For purposes of division ~~(N)(1)~~(M)(1) of this section, all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, shall be considered one employer. In the case of an employer that was not in existence throughout the preceding calendar year, the determination of whether the employer is a small or large employer shall be based on the average number of eligible employees that it is reasonably expected the employer will employ on business days in the current calendar year. Any reference in division ~~(N)~~(M) of this section to an "employer" includes any predecessor of the employer. Except as otherwise specifically provided, provisions of sections 3924.01 to ~~3924.14~~3924.06 of the Revised Code that apply to a small employer that has a health benefit plan shall continue to apply until the plan anniversary following the date the employer no longer meets the requirements of this division.

~~(O) "OHC plan" means an Ohio health care plan, which is the basic, standard, or carrier reimbursement plan for small employers and individuals established in accordance with section 3924.10 of the Revised Code.~~

Sec. 3924.02. (A) An individual or group health benefit plan is subject to sections 3924.01 to ~~3924.14~~3924.06 of the Revised Code if it provides health care benefits covering at least two but no more than fifty employees of a small employer, and if it meets either of the following conditions:

(1) Any portion of the premium or benefits is paid by a 2037
small employer, or any covered individual is reimbursed, whether 2038
through wage adjustments or otherwise, by a small employer for 2039
any portion of the premium. 2040

(2) The health benefit plan is treated by the employer or 2041
any of the covered individuals as part of a plan or program for 2042
purposes of section 106 or 162 of the "Internal Revenue Code of 2043
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 2044

(B) Notwithstanding division (A) of this section, 2045
divisions (D), (E) (2), (F), and (G) of section 3924.03 of the 2046
Revised Code and section 3924.04 of the Revised Code do not 2047
apply to health benefit policies that are not sold to owners of 2048
small businesses as an employment benefit plan. Such policies 2049
shall clearly state that they are not being sold as an 2050
employment benefit plan and that the owner of the business is 2051
not responsible, either directly or indirectly, for paying the 2052
premium or benefits. 2053

(C) Every health benefit plan offered or delivered by a 2054
carrier, other than a health insuring corporation, to a small 2055
employer is subject to sections 3923.23, 3923.231, 3923.232, 2056
3923.233, and 3923.234 of the Revised Code and any other 2057
provision of the Revised Code that requires the reimbursement, 2058
utilization, or consideration of a specific category of a 2059
licensed or certified health care practitioner. 2060

(D) Except as expressly provided in sections 3924.01 to 2061
~~3924.14~~ 3924.06 of the Revised Code, no health benefit plan 2062
offered to a small employer is subject to any of the following: 2063

(1) Any law that would inhibit any carrier from 2064
contracting with providers or groups of providers with respect 2065

to health care services or benefits; 2066

(2) Any law that would impose any restriction on the 2067
ability to negotiate with providers regarding the level or 2068
method of reimbursing care or services provided under the health 2069
benefit plan; 2070

(3) Any law that would require any carrier to either 2071
include a specific provider or class of provider when 2072
contracting for health care services or benefits, or to exclude 2073
any class of provider that is generally authorized by statute to 2074
provide such care. 2075

Sec. 3924.06. (A) Compliance with the underwriting and 2076
rating requirements contained in sections 3924.01 to ~~3924.14~~ 2077
3924.06 of the Revised Code shall be demonstrated through 2078
actuarial certification. Carriers offering health benefit plans 2079
to small employers shall file annually with the superintendent 2080
of insurance an actuarial certification stating that the 2081
underwriting and rating methods of the carrier do all of the 2082
following: 2083

(1) Comply with accepted actuarial practices; 2084

(2) Are uniformly applied to health benefit plans covering 2085
small employers; 2086

(3) Comply with the applicable provisions of sections 2087
3924.01 to ~~3924.14~~ 3924.06 of the Revised Code. 2088

(B) If a carrier has established a separate class of 2089
business for one or more small employer health care alliances in 2090
accordance with section 1731.09 of the Revised Code, this 2091
section shall apply in accordance with section 1731.09 of the 2092
Revised Code. 2093

(C) Carriers offering health benefit plans to small employers shall file premium rates with the superintendent in accordance with section 3923.02 of the Revised Code with respect to the carrier's sickness and accident insurance policies sold to small employers and in accordance with section 1751.12 of the Revised Code with respect to the carrier's health insuring corporation policies sold to small employers.

Sec. 3924.73. (A) As used in this section:

(1) "Health care insurer" means any person legally engaged in the business of providing sickness and accident insurance contracts in this state, a health insuring corporation organized under Chapter 1751. of the Revised Code, or any legal entity that is self-insured and provides health care benefits to its employees or members.

(2) "Small employer" has the same meaning as in section 3924.01 of the Revised Code.

(B) (1) Subject to division (B) (2) of this section, nothing in sections 3924.61 to 3924.74 of the Revised Code shall be construed to limit the rights, privileges, or protections of employees or small employers under sections 3924.01 to ~~3924.14~~ 3924.06 of the Revised Code.

(2) If any account holder enrolls or applies to enroll in a policy or contract offered by a health care insurer providing sickness and accident coverage that is more comprehensive than, and has a deductible amount that is less than, the coverage and deductible amount of the policy under which the account holder currently is enrolled, the health care insurer to which the account holder applies may subject the account holder to the same medical review, waiting periods, and underwriting

requirements to which the health care insurer generally subjects 2123
other enrollees or applicants, unless the account holder enrolls 2124
or applies to enroll during a designated period of open 2125
enrollment. 2126

Sec. 4104.07. (A) Except as provided in division (E) of 2127
this section, an application for examination as an inspector of 2128
boilers and pressure vessels shall be in writing, accompanied by 2129
a fee of one hundred ~~fifty~~ dollars, upon a blank to be furnished 2130
by the superintendent of industrial compliance. Any moneys 2131
collected under this section shall be paid into the state 2132
treasury to the credit of the industrial compliance operating 2133
fund created in section 121.084 of the Revised Code. 2134

(B) The superintendent shall determine if an applicant 2135
meets all the requirements for examination in accordance with 2136
rules adopted by the board of building standards under section 2137
4104.02 of the Revised Code. An application shall be rejected 2138
which contains any willful falsification, or untruthful 2139
statements. 2140

(C) An applicant shall be examined by the superintendent, 2141
by a written examination, prescribed by the board, dealing with 2142
the construction, installation, operation, maintenance, and 2143
repair of boilers and pressure vessels and their appurtenances, 2144
and the applicant shall be accepted or rejected on the merits of 2145
the applicant's application and examination. 2146

(D) Upon a favorable report by the superintendent of the 2147
result of an examination, the superintendent shall immediately 2148
issue to the successful applicant a certificate of competency to 2149
that effect. 2150

(E) The superintendent shall issue a certificate of 2151

competency in accordance with Chapter 4796. of the Revised Code 2152
to an applicant if either of the following applies: 2153

(1) The applicant holds a license or certificate in 2154
another state. 2155

(2) The applicant has satisfactory work experience, a 2156
government certification, or a private certification as 2157
described in that chapter as an inspector of boilers and 2158
pressure vessels in a state that does not issue that license or 2159
certificate. 2160

Sec. 4104.08. (A) The director of commerce may appoint 2161
from the holders of certificates of competency provided for in 2162
section 4104.07 of the Revised Code, general inspectors of 2163
boilers and pressure vessels. 2164

(B) Any company authorized to insure boilers and pressure 2165
vessels against explosion in this state may designate from 2166
holders of certificates of competency issued by the 2167
superintendent of industrial compliance, or holders of 2168
certificates of competency or commissions issued by other states 2169
or nations whose examinations for certificates or commissions 2170
have been approved by the board of building standards, persons 2171
to inspect and stamp boilers and pressure vessels covered by the 2172
company's policies, and the superintendent shall issue to such 2173
persons commissions authorizing them to act as special 2174
inspectors. Special inspectors shall be compensated by the 2175
company designating them. 2176

(C) The director shall establish an annual fee to be 2177
charged by the superintendent for each certificate of competency 2178
or commission the superintendent issues. The director shall not 2179
establish an annual fee of more than fifty dollars under this 2180

<u>division.</u>	2181
(D) The superintendent shall issue to each general or special inspector a commission to the effect that the holder thereof is authorized to inspect boilers and pressure vessels in this state.	2182 2183 2184 2185
(E) No person shall be authorized to act as a general inspector or a special inspector who is directly or indirectly interested in the manufacture or sale of boilers or pressure vessels.	2186 2187 2188 2189
Sec. 4104.18. (A) The owner or user of a boiler required under section 4104.12 of the Revised Code to be inspected upon installation, and the owner or user of a boiler for which a certificate of inspection has been issued that is replaced with an appropriate certificate of operation, shall pay to the superintendent of industrial compliance an initial certificate of operation fee in the following amount, as applicable:	2190 2191 2192 2193 2194 2195 2196
(1) Fifty dollars for boilers subject to annual inspections under section 4104.11 of the Revised Code;	2197 2198
(2) One hundred dollars for boilers subject to biennial inspection under section 4104.13 of the Revised Code;	2199 2200
(3) One hundred fifty dollars for boilers subject to triennial inspection under section 4104.11 of the Revised Code;	2201 2202
(4) Two hundred fifty dollars for boilers subject to quinquennial inspection under section 4104.13 of the Revised Code.	2203 2204 2205
(B) The owner or user of a boiler required under section 4104.12 of the Revised Code to be inspected upon installation, and the owner or user of a boiler for which a certificate of	2206 2207 2208

inspection has been issued that is replaced with an appropriate 2209
certificate of operation, shall pay to the superintendent of 2210
industrial compliance an annual certificate of operation renewal 2211
fee in the following amount, as applicable: 2212

(1) Fifty dollars for boilers subject to annual 2213
inspections under section 4101.11 of the Revised Code; 2214

(2) One hundred dollars for boilers subject to biennial 2215
inspections under section 4104.13 of the Revised Code; 2216

(3) One hundred fifty dollars for boilers subject to 2217
triennial inspections under section 4104.11 of the Revised Code; 2218

(4) Two hundred fifty dollars for boilers subject to 2219
quinquennial inspections under section 4104.13 of the Revised 2220
Code. 2221

(C) The fee for complete inspection during construction by 2222
a general inspector on boilers and pressure vessels manufactured 2223
within the state shall be thirty-five dollars per hour. Boiler 2224
and pressure vessel manufacturers other than those located in 2225
the state may secure inspection by a general inspector on work 2226
during construction, upon application to the superintendent, and 2227
upon payment of a fee of thirty-five dollars per hour, plus the 2228
necessary traveling and hotel expenses incurred by the 2229
inspector. 2230

(D) The application fee for applicants for steam engineer, 2231
high pressure boiler operator, or low pressure boiler operator 2232
licenses is ~~seventy-five~~ twenty-five dollars. The fee for each 2233
original or renewal steam engineer, high pressure boiler 2234
operator, or low pressure boiler operator license is fifty 2235
dollars. 2236

(E) ~~The~~ Except as otherwise provided in this division, the 2237

superintendent of industrial compliance, by rule adopted in 2238
accordance with Chapter 119. of the Revised Code, may increase 2239
the fees required by this section and may establish fees to pay 2240
the costs of the division to fulfill its duties established by 2241
this chapter. The fees shall bear some reasonable relationship 2242
to the cost of administering and enforcing the provisions of 2243
this chapter. The superintendent shall not adopt a rule 2244
increasing the application fee for steam engineer, high pressure 2245
boiler operator, or low pressure boiler operator licenses. 2246

(F) Any moneys collected under this section shall be paid 2247
into the state treasury to the credit of the industrial 2248
compliance operating fund created in section 121.084 of the 2249
Revised Code. 2250

~~(F)~~ (G) Any person who fails to pay an invoiced renewal 2251
fee or an invoiced inspection fee required for any inspection 2252
conducted by the division of industrial compliance pursuant to 2253
this chapter within forty-five days of the invoice date shall 2254
pay a late payment fee equal to twenty-five per cent of the 2255
invoiced fee. 2256

~~(G)~~ (H) In addition to the fees assessed in divisions (A), 2257
(B), and (C) of this section, the board of building standards 2258
shall assess the owner or user a fee of three dollars and 2259
twenty-five cents for each certificate of operation or renewal 2260
thereof issued under divisions (A) and (B) of this section and 2261
for each inspection conducted under division (C) of this 2262
section. The board shall adopt rules, in accordance with Chapter 2263
119. of the Revised Code, specifying the manner by which the 2264
superintendent shall collect and remit to the board the fees 2265
assessed under this division and requiring that remittance of 2266
the fees be made at least quarterly. 2267

Sec. 4125.041. A shared employee under a professional 2268
employer organization agreement shall not, solely as a result of 2269
being a shared employee, be considered an employee of the 2270
professional employer organization for purposes of general 2271
liability insurance, fidelity bonds, surety bonds, employer 2272
liability not otherwise covered by Chapters 4121. and 4123. of 2273
the Revised Code, or liquor liability insurance carried by the 2274
professional employer organization, unless the professional 2275
employer organization agreement and applicable prearranged 2276
employment contract, insurance contract, or bond specifically 2277
states otherwise. 2278

A shared employee shall be considered an employee of the 2279
professional employer organization for purposes of determining 2280
whether a professional employer organization who sponsors a 2281
group health benefit plan is a small employer under division ~~(N)~~ 2282
~~(I)~~ (M) (1) of section 3924.01 of the Revised Code. A fully 2283
insured health benefit plan sponsored by a professional employer 2284
organization is not subject to sections 3924.01 to ~~3924.14~~ 2285
3924.06 of the Revised Code if the professional employer 2286
organization is not a small employer for purposes of those 2287
sections. 2288

Sec. 4141.131. The director of job and family services may 2289
enter into contracts for the sale of real property no longer 2290
needed by the director of job and family services for the 2291
operations of the director of job and family services under this 2292
title. Any costs attributable to the director of job and family 2293
services that are associated with the sale of real property 2294
under this section shall be paid out of the unemployment 2295
compensation special administrative fund established pursuant to 2296
section 4141.11 of the Revised Code. ~~The director of job and~~ 2297
~~family services shall submit a report summarizing the use of~~ 2298

~~that fund for the purpose of this section at least annually to~~ 2299
~~the unemployment compensation advisory council as prescribed by~~ 2300
~~the council.~~ 2301

The director of administrative services, with the 2302
assistance of the attorney general, shall prepare a deed to the 2303
real property being sold upon notice from the director of job 2304
and family services that a contract for the sale of that 2305
property has been executed in accordance with this section. The 2306
deed shall state the consideration and any conditions placed 2307
upon the sale. The deed shall be executed by the governor in the 2308
name of the state, countersigned by the secretary of state, 2309
sealed with the great seal of the state, presented in the office 2310
of the director of administrative services for recording, and 2311
delivered to the buyer upon payment of the balance of the 2312
purchase price. 2313

The buyer shall present the deed for recording in the 2314
county recorder's office of the county in which the real 2315
property is located. 2316

Sec. 4141.25. (A) The director of job and family services 2317
shall determine as of each computation date the contribution 2318
rate of each contributing employer subject to this chapter for 2319
the next succeeding contribution period. The director shall 2320
determine a standard rate of contribution or an experience rate 2321
for each contributing employer. Once a rate of contribution has 2322
been established under this section for a contribution period, 2323
except as provided in division (D) of section 4141.26 of the 2324
Revised Code, that rate shall remain effective throughout such 2325
contribution period. The rate of contribution shall be 2326
determined in accordance with the following requirements: 2327

(1) An employer whose experience does not meet the terms 2328

of division (A) (2) of this section shall be assigned a standard 2329
rate of contribution. Effective for contribution periods 2330
beginning on and after January 1, 1998, an employer's standard 2331
rate of contribution shall be a rate of two and seven-tenths per 2332
cent, except that the rate for employers engaged in the 2333
construction industry shall be the average contribution rate 2334
computed for the construction industry or a rate of two and 2335
seven-tenths per cent, whichever is greater. The standard rate 2336
set forth in this division shall be applicable to a nonprofit 2337
organization whose election to make payments in lieu of 2338
contributions is voluntarily terminated or canceled by the 2339
director under section 4141.241 of the Revised Code, and 2340
thereafter pays contributions as required by this section. If 2341
such nonprofit organization had been a contributory employer 2342
prior to its election to make payments in lieu of contributions, 2343
then any prior balance in the contributory account shall become 2344
part of the reactivated account. 2345

As used in division (A) of this section, "the average 2346
contribution rate computed for the construction industry" means 2347
the most recent annual average rate attributable to the 2348
construction industry as prescribed by the director. 2349

(2) A contributing employer subject to this chapter shall 2350
qualify for an experience rate only if there have been four 2351
consecutive quarters, ending on the thirtieth day of June 2352
immediately prior to the computation date, throughout which the 2353
employer's account was chargeable with benefits. Upon meeting 2354
the qualifying requirements provided in division (A) (2) of this 2355
section, the director shall calculate the total credits to each 2356
employer's account consisting of the contributions other than 2357
mutualized contributions including all contributions paid prior 2358
to the computation date for all past periods plus: 2359

(a) The contributions owing on the computation date that 2360
are paid within thirty days after the computation date, and 2361
credited to the employer's account; 2362

(b) All voluntary contributions paid by an employer 2363
pursuant to division (B) of section 4141.24 of the Revised Code. 2364

(3) The director also shall determine the benefits which 2365
are chargeable to each employer's account and which were paid 2366
prior to the computation date with respect to weeks of 2367
unemployment ending prior to the computation date. The director 2368
then shall determine the positive or negative balance of each 2369
employer's account by calculating the excess of such 2370
contributions and interest over the benefits chargeable, or the 2371
excess of such benefits over such contributions and interest. 2372
Any resulting negative balance then shall be subject to 2373
adjustment as provided in division (A) (2) of section 4141.24 of 2374
the Revised Code after which the positive or negative balance 2375
shall be expressed in terms of a percentage of the employer's 2376
average annual payroll. If the total standing to the credit of 2377
an employer's account exceeds the total charges, as provided in 2378
this division, the employer has a positive balance and if such 2379
charges exceed such credits the employer has a negative balance. 2380
Each employer's contribution rate shall then be determined in 2381
accordance with the following schedule: 2382

Contribution Rate Schedule 2383

2384

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A If, as of the computation date the The employer's

contribution rate balance of an employer's contribution rate
account as a percentage of the employer's for the next
average annual payroll is succeeding
contribution period
shall be

B (a) A negative balance of:

C	20.0% or more	6.5%
D	19.0% but less than 20.0%	6.4%
E	17.0% but less than 19.0%	6.3%
F	15.0% but less than 17.0%	6.2%
G	13.0% but less than 15.0%	6.1%
H	11.0% but less than 13.0%	6.0%
I	9.0% but less than 11.0%	5.9%
J	5.0% but less than 9.0%	5.7%
K	4.0% but less than 5.0%	5.5%
L	3.0% but less than 4.0%	5.3%
M	2.0% but less than 3.0%	5.1%
N	1.0% but less than 2.0%	4.9%
O	more than 0.0% but less than 1.0%	4.8%
P	(b) A 0.0% or a positive balance of less than	4.7%

1.0%

Q (c) A positive balance of:

R	1.0% or more, but less than 1.5%	4.6%
S	1.5% or more, but less than 2.0%	4.5%
T	2.0% or more, but less than 2.5%	4.3%
U	2.5% or more, but less than 3.0%	4.0%
V	3.0% or more, but less than 3.5%	3.8%
W	3.5% or more, but less than 4.0%	3.5%
X	4.0% or more, but less than 4.5%	3.3%
Y	4.5% or more, but less than 5.0%	3.0%
Z	5.0% or more, but less than 5.5%	2.8%
AA	5.5% or more, but less than 6.0%	2.5%
AB	6.0% or more, but less than 6.5%	2.2%
AC	6.5% or more, but less than 7.0%	2.0%
AD	7.0% or more, but less than 7.5%	1.8%
AE	7.5% or more, but less than 8.0%	1.6%
AF	8.0% or more, but less than 8.5%	1.4%
AG	8.5% or more, but less than 9.0%	1.3%

AH	9.0% or more, but less than 9.5%	1.1%
AI	9.5% or more, but less than 10.0%	1.0%
AJ	10.0% or more, but less than 10.5%	.9%
AK	10.5% or more, but less than 11.0%	.7%
AL	11.0% or more, but less than 11.5%	.6%
AM	11.5% or more, but less than 12.0%	.5%
AN	12.0% or more, but less than 12.5%	.4%
AO	12.5% or more, but less than 13.0%	.3%
AP	13.0% or more, but less than 14.0%	.2%
AQ	14.0% or more	.1%

(d) The contribution rates shall be as specified in 2385
divisions (a), (b), and (c) of the contribution rate schedule 2386
except that notwithstanding the amendments made to division (a) 2387
of the contribution rate schedule in this section, if, as of the 2388
computation date: for 1991, the negative balance is 5.0% or 2389
more, the contribution rate shall be 5.7%; for 1992, if the 2390
negative balance is 11.0% or more, the contribution rate shall 2391
be 6.0%; and for 1993, if the negative balance is 17.0% or more, 2392
the contribution rate shall be 6.3%. Thereafter, the 2393
contribution rates shall be as specified in the contribution 2394
rate schedule. 2395

(B) (1) The director shall establish and maintain a 2396
separate account to be known as the "mutualized account." As of 2397
each computation date there shall be charged to this account: 2398

(a) As provided in division (A) (2) of section 4141.24 of the Revised Code, an amount equal to the sum of that portion of the negative balances of employer accounts which exceeds the applicable limitations as such balances are computed under division (A) of this section as of such date;

(b) An amount equal to the sum of the negative balances remaining in employer accounts which have been closed during the year immediately preceding such computation date pursuant to division (E) of section 4141.24 of the Revised Code;

(c) An amount equal to the sum of all benefits improperly paid preceding such computation date which are not recovered but which are not charged to an employer's account, or which after being charged, are credited back to an employer's account;

(d) An amount equal to the sum of any other benefits paid preceding such computation date which, under this chapter, are not chargeable to an employer's account;

(e) An amount equal to the sum of any refunds made during the year immediately preceding such computation date of erroneously collected mutualized contributions required by this division which were previously credited to this account;

(f) An amount equal to the sum of any repayments made to the federal government during the year immediately preceding such computation date of amounts which may have been advanced by it to the unemployment compensation fund under section 1201 of the "Social Security Act," 49 Stat. 648 (1935), 42 U.S.C. 301;

(g) Any amounts appropriated by the general assembly out of funds paid by the federal government, under section 903 of the "Social Security Act," to the account of this state in the federal unemployment trust fund.

(2) As of every computation date there shall be credited	2428
to the mutualized account provided for in this division:	2429
(a) The proceeds of the mutualized contributions as	2430
provided in this division;	2431
(b) Any positive balances remaining in employer accounts	2432
which are closed as provided in division (E) of section 4141.24	2433
of the Revised Code;	2434
(c) Any benefits improperly paid which are recovered but	2435
which cannot be credited to an employer's account;	2436
(d) All amounts which may be paid by the federal	2437
government under section 903 of the "Social Security Act" to the	2438
account of this state in the federal unemployment trust fund;	2439
(e) Amounts advanced by the federal government to the	2440
account of this state in the federal unemployment trust fund	2441
under section 1201 of the "Social Security Act" to the extent	2442
such advances have been repaid to or recovered by the federal	2443
government;	2444
(f) Interest credited to the Ohio unemployment trust fund	2445
as deposited with the secretary of the treasury of the United	2446
States;	2447
(g) Amounts deposited into the unemployment compensation	2448
fund for penalties collected pursuant to division (A) (4) of	2449
section 4141.35 of the Revised Code.	2450
(3) Annually, as of the computation date, the director	2451
shall determine the total credits and charges made to the	2452
mutualized account during the preceding twelve months and the	2453
overall condition of the account. The director shall issue an	2454
annual statement containing this information and such other	2455

information as the director deems pertinent, including a report 2456
that the sum of the balances in the mutualized account, 2457
employers' accounts, and any subsidiary accounts equal the 2458
balance in the state's unemployment trust fund maintained under 2459
section 904 of the "Social Security Act." 2460

(4) As used in this division: 2461

(a) "Fund as of the computation date" means as of any 2462
computation date, the aggregate amount of the unemployment 2463
compensation fund, including all contributions owing on the 2464
computation date that are paid within thirty days thereafter, 2465
all payments in lieu of contributions that are paid within sixty 2466
days after the computation date, all reimbursements of the 2467
federal share of extended benefits described in section 4141.301 2468
of the Revised Code that are owing on the computation date, and 2469
all interest earned by the fund and received on or before the 2470
computation date from the federal government. 2471

(b) "Minimum safe level" means an amount equal to two 2472
standard deviations above the average of the adjusted annual 2473
average unemployment compensation benefit payment from 1970 to 2474
the most recent calendar year prior to the computation date, as 2475
determined by the director pursuant to division (B) (4) (b) of 2476
this section. To determine the adjusted annual payment of 2477
unemployment compensation benefits, the director first shall 2478
multiply the number of weeks compensated during each calendar 2479
year beginning with 1970 by the most recent annual average 2480
weekly unemployment compensation benefit payment and then 2481
compute the average and standard deviation of the resultant 2482
products. 2483

(c) "Annual average weekly unemployment compensation 2484
benefit payment" means the amount resulting from dividing the 2485

unemployment compensation benefits paid from the benefit account 2486
maintained within the unemployment compensation fund pursuant to 2487
section 4141.09 of the Revised Code, by the number of weeks 2488
compensated during the same time period. 2489

(5) If, as of any computation date, the charges to the 2490
mutualized account during the entire period subsequent to the 2491
computation date, July 1, 1966, made in accordance with division 2492
(B) (1) of this section, exceed the credits to such account 2493
including mutualized contributions during such period, made in 2494
accordance with division (B) (2) of this section, the amount of 2495
such excess charges shall be recovered during the next 2496
contribution period. To recover such amount, the director shall 2497
compute the percentage ratio of such excess charges to the 2498
average annual payroll of all employers eligible for an 2499
experience rate under division (A) of this section. The 2500
percentage so determined shall be computed to the nearest tenth 2501
of one per cent and shall be an additional contribution rate to 2502
be applied to the wages paid by each employer whose rate is 2503
computed under the provisions of division (A) of this section in 2504
the contribution period next following such computation date, 2505
but such percentage shall not exceed five-tenths of one per 2506
cent; however, when there are any excess charges in the 2507
mutualized account, as computed in this division, then the 2508
mutualized contribution rate shall not be less than one-tenth of 2509
one per cent. 2510

(6) If the fund as of the computation date is above or 2511
below minimum safe level, the contribution rates provided for in 2512
each classification in division (A) (3) of this section for the 2513
next contribution period shall be adjusted as follows: 2514

(a) If the fund is thirty per cent or more above minimum 2515

safe level, the contribution rates provided in division (A) (3) 2516
of this section shall be decreased two-tenths of one per cent. 2517

(b) If the fund is more than fifteen per cent but less 2518
than thirty per cent above minimum safe level, the contribution 2519
rates provided in division (A) (3) of this section shall be 2520
decreased one-tenth of one per cent. 2521

(c) If the fund is more than fifteen per cent but less 2522
than thirty per cent below minimum safe level, the contribution 2523
rates of all employers shall be increased twenty-five one- 2524
thousandths of one per cent plus a per cent increase calculated 2525
and rounded pursuant to division (B) (6) (g) of this section. 2526

(d) If the fund is more than thirty per cent but less than 2527
forty-five per cent below minimum safe level, the contribution 2528
rates of all employers shall be increased seventy-five one- 2529
thousandths of one per cent plus a per cent increase calculated 2530
and rounded pursuant to division (B) (6) (g) of this section. 2531

(e) If the fund is more than forty-five per cent but less 2532
than sixty per cent below minimum safe level, the contribution 2533
rates of all employers shall be increased one-eighth of one per 2534
cent plus a per cent increase calculated and rounded pursuant to 2535
division (B) (6) (g) of this section. 2536

(f) If the fund is sixty per cent or more below minimum 2537
safe level, the contribution rates of all employers shall be 2538
increased two-tenths of one per cent plus a per cent increase 2539
calculated and rounded pursuant to division (B) (6) (g) of this 2540
section. 2541

(g) The additional per cent increase in contribution rates 2542
required by divisions (B) (6) (c), (d), (e), and (f) of this 2543
section that is payable by each individual employer shall be 2544

calculated in the following manner. The flat rate increase 2545
required by a particular division shall be multiplied by three 2546
and the product divided by the average experienced-rated 2547
contribution rate for all employers as determined by the 2548
director for the most recent calendar year. The resulting 2549
quotient shall be multiplied by an individual employer's 2550
contribution rate determined pursuant to division (A) (3) of this 2551
section. The resulting product shall be rounded to the nearest 2552
tenth of one per cent, added to the flat rate increase required 2553
by division (B) (6) (c), (d), (e), or (f) of this section, as 2554
appropriate, and the total shall be rounded to the nearest tenth 2555
of one per cent. As used in division (B) (6) (g) of this section, 2556
the "average experienced-rated contribution rate" means the most 2557
recent annual average contribution rate reported by the director 2558
contained in report RS 203.2 less the mutualized and minimum 2559
safe level contribution rates included in such rate. 2560

(h) If any of the increased contribution rates of division 2561
(B) (6) (c), (d), (e), or (f) of this section are imposed, the 2562
rate shall remain in effect for the calendar year in which it is 2563
imposed and for each calendar year thereafter until the director 2564
determines as of the computation date for calendar year 1991 and 2565
as of the computation date for any calendar year thereafter 2566
pursuant to this section, that the level of the unemployment 2567
compensation fund equals or exceeds the minimum safe level as 2568
defined in division (B) (4) (b) of this section. Nothing in 2569
division (B) (6) (h) of this section shall be construed as 2570
restricting the imposition of the increased contribution rates 2571
provided in divisions (B) (6) (c), (d), (e), and (f) of this 2572
section if the fund falls below the percentage of the minimum 2573
safe level as specified in those divisions. 2574

(7) The additional contributions required by division (B) 2575

(5) of this section shall be credited to the mutualized account. 2576
The additional contributions required by division (B) (6) of this 2577
section shall be credited fifty per cent to individual employer 2578
accounts and fifty per cent to the mutualized account. 2579

(C) If an employer makes a payment of contributions which 2580
is less than the full amount required by this section and 2581
sections 4141.23, 4141.24, 4141.241, 4141.242, 4141.25, 4141.26, 2582
and 4141.27 of the Revised Code, such partial payment shall be 2583
applied first against the mutualized contributions required 2584
under this chapter. Any remaining partial payment shall be 2585
credited to the employer's individual account. 2586

(D) Whenever there are any increases in contributions 2587
resulting from an increase in wages subject to contributions as 2588
defined in division (G) of section 4141.01 of the Revised Code, 2589
or from an increase in the mutualized rate of contributions 2590
provided in division (B) of this section, or from a revision of 2591
the contribution rate schedule provided in division (A) of this 2592
section, except for that portion of the increase attributable to 2593
a change in the positive or negative balance in an employer's 2594
account, which increases become effective after a contract for 2595
the construction of real property, as defined in section 5701.02 2596
of the Revised Code, has been entered into, the contractee upon 2597
written notice by a prime contractor shall reimburse the 2598
contractor for all increased contributions paid by the prime 2599
contractor or by subcontractors upon wages for services 2600
performed under the contract. Upon reimbursement by the 2601
contractee to the prime contractor, the prime contractor shall 2602
reimburse each subcontractor for the increased contributions. 2603

(E) Effective only for the contribution period beginning 2604
on January 1, 1996, and ending on December 31, 1996, mutualized 2605

contributions collected or received by the director pursuant to 2606
division (B) (5) of this section and amounts credited to the 2607
mutualized account pursuant to division (B) (7) of this section 2608
shall be deposited into or credited to the unemployment 2609
compensation benefit reserve fund that is created under division 2610
(F) of this section, except that amounts collected, received, or 2611
credited in excess of two hundred million dollars shall be 2612
deposited into or credited to the unemployment trust fund 2613
established pursuant to section 4141.09 of the Revised Code. 2614

(F) The state unemployment compensation benefit reserve 2615
fund is hereby created as a trust fund in the custody of the 2616
treasurer of state and shall not be part of the state treasury. 2617
The fund shall consist of all moneys collected or received as 2618
mutualized contributions pursuant to division (B) (5) of this 2619
section and amounts credited to the mutualized account pursuant 2620
to division (B) (7) of this section as provided by division (E) 2621
of this section. All moneys in the fund shall be used solely to 2622
pay unemployment compensation benefits in the event that funds 2623
are no longer available for that purpose from the unemployment 2624
trust fund established pursuant to section 4141.09 of the 2625
Revised Code. 2626

(G) The balance in the unemployment compensation benefit 2627
reserve fund remaining at the end of the contribution period 2628
beginning January 1, 2000, and any mutualized contribution 2629
amounts for the contribution period beginning on January 1, 2630
1996, that may be received after December 31, 2000, shall be 2631
deposited into the unemployment trust fund established pursuant 2632
to section 4141.09 of the Revised Code. Income earned on moneys 2633
in the state unemployment compensation benefit reserve fund 2634
shall be available for use by the director only for the purposes 2635
described in division (I) of this section, and shall not be used 2636

for any other purpose. 2637

(H) The unemployment compensation benefit reserve fund 2638
balance shall be added to the unemployment trust fund balance in 2639
determining the minimum safe level tax to be imposed pursuant to 2640
division (B) of this section and shall be included in the 2641
mutualized account balance for the purpose of determining the 2642
mutualized contribution rate pursuant to division (B) (5) of this 2643
section. 2644

(I) All income earned on moneys in the unemployment 2645
compensation benefit reserve fund from the investment of the 2646
fund by the treasurer of state shall accrue to the department of 2647
job and family services automation administration fund, which is 2648
hereby established in the state treasury. Moneys within the 2649
automation administration fund shall be used to meet the costs 2650
related to automation of the department and the administrative 2651
costs related to collecting and accounting for unemployment 2652
compensation benefit reserve fund revenue. Any funds remaining 2653
in the automation administration fund upon completion of the 2654
department's automation projects that are funded by that fund 2655
shall be deposited into the unemployment trust fund established 2656
pursuant to section 4141.09 of the Revised Code. 2657

~~(J) The director shall prepare and submit monthly reports~~ 2658
~~to the unemployment compensation advisory commission with~~ 2659
~~respect to the status of efforts to collect and account for~~ 2660
~~unemployment compensation benefit reserve fund revenue and the~~ 2661
~~costs related to collecting and accounting for that revenue. The~~ 2662
~~director shall obtain approval from the unemployment~~ 2663
~~compensation advisory commission for expenditure of funds from~~ 2664
~~the department of job and family services automation~~ 2665
~~administration fund. Funds may be approved approve funds for~~ 2666

expenditure for purposes set forth in division (I) of this 2667
section only to the extent that federal or other funds are not 2668
available. 2669

Sec. 4141.292. An individual suffering total or partial 2670
unemployment directly attributable to a major disaster declared 2671
by the president of the United States pursuant to the "Disaster 2672
Relief Act of 1974," 88 Stat. 143, 42 U.S.C. 5121, who is not 2673
eligible to be paid unemployment compensation benefits under 2674
this chapter or any other state or federal unemployment 2675
compensation law for the first week of the individual's 2676
unemployment caused by the disaster is eligible to be paid a 2677
state disaster unemployment benefit payment for that week. 2678

The director shall compute the state disaster unemployment 2679
benefit payment as if the individual was otherwise qualified and 2680
claiming weekly unemployment compensation benefits under this 2681
chapter. The director shall pay the state disaster unemployment 2682
benefit payment from the unemployment compensation special 2683
administrative fund created in section 4141.11 of the Revised 2684
Code. The director shall maintain appropriate records of 2685
payments made under this section ~~and shall submit those records~~ 2686
~~at least annually to the unemployment compensation advisory~~ 2687
~~council as prescribed by the council.~~ 2688

Sec. 4517.02. (A) Except as otherwise provided in this 2689
section, no person shall do any of the following: 2690

(1) Engage in the business of displaying or selling at 2691
retail new motor vehicles or assume to engage in that business, 2692
unless the person is licensed as a new motor vehicle dealer 2693
under sections 4517.01 to 4517.45 of the Revised Code, or is a 2694
salesperson ~~licensed under those sections and employed by a~~ 2695
licensed new motor vehicle dealer; 2696

(2) Engage in the business of offering for sale, 2697
displaying for sale, or selling at retail or wholesale used 2698
motor vehicles or assume to engage in that business, unless the 2699
person is licensed as a new motor vehicle dealer, used motor 2700
vehicle dealer, or motor vehicle leasing dealer under sections 2701
4517.01 to 4517.45 of the Revised Code, is a salesperson 2702
~~licensed under those sections and~~ employed by a licensed used 2703
motor vehicle dealer or licensed new motor vehicle dealer, or 2704
the person holds a construction equipment auction license issued 2705
under section 4517.17 of the Revised Code; 2706

(3) Engage in the business of regularly making available, 2707
offering to make available, or arranging for another person to 2708
use a motor vehicle, in the manner described in division (M) of 2709
section 4517.01 of the Revised Code, unless the person is 2710
licensed as a motor vehicle leasing dealer under sections 2711
4517.01 to 4517.45 of the Revised Code; 2712

(4) Engage in the business of motor vehicle auctioning or 2713
assume to engage in that business, unless the person is licensed 2714
as a motor vehicle auction owner under sections 4517.01 to 2715
4517.45 of the Revised Code and the person uses an auctioneer 2716
who is licensed under Chapter 4707. of the Revised Code to 2717
conduct the motor vehicle auctions or the person holds a 2718
construction equipment auction license issued under section 2719
4517.17 of the Revised Code; 2720

(5) Engage in the business of distributing motor vehicles 2721
or assume to engage in that business, unless the person is 2722
licensed as a distributor under sections 4517.01 to 4517.45 of 2723
the Revised Code; 2724

(6) Make more than five casual sales of motor vehicles in 2725
a twelve-month period, commencing with the day of the month in 2726

which the first such sale is made, nor provide a location or 2727
space for the sale of motor vehicles at a flea market, without 2728
obtaining a license as a dealer under sections 4517.01 to 2729
4517.45 of the Revised Code, provided that nothing in this 2730
section shall be construed to prohibit the disposition without a 2731
license of a motor vehicle originally acquired and held for 2732
purposes other than sale, rental, or lease to an employee, 2733
retiree, officer, or director of the person making the 2734
disposition, to a corporation affiliated with the person making 2735
the disposition, or to a person licensed under sections 4517.01 2736
to 4517.45 of the Revised Code; 2737

(7) Engage in the business of auctioning both large 2738
construction or transportation equipment and also motor vehicles 2739
incident thereto, unless the person is a construction equipment 2740
auctioneer or the person is licensed as a motor vehicle auction 2741
owner and the person uses an auctioneer who is licensed under 2742
Chapter 4707. of the Revised Code to conduct the auction; 2743

(8) Engage in the business of displaying or selling at 2744
retail adaptive mobility vehicles or assume to engage in that 2745
business, unless the person is licensed as an adaptive mobility 2746
dealer under sections 4517.01 to 4517.45 of the Revised Code, or 2747
is a salesperson ~~licensed under those sections and~~ employed by a 2748
licensed adaptive mobility dealer, except that a licensed new 2749
motor vehicle dealer may sell at retail a used adaptive mobility 2750
vehicle. 2751

(B) Nothing in this section shall be construed to require 2752
an auctioneer licensed under sections 4707.01 to 4707.19 of the 2753
Revised Code, ~~to obtain a motor vehicle salesperson's license~~ 2754
~~under sections 4517.01 to 4517.45 of the Revised Code when~~ 2755
~~conducting an auction sale for a licensed motor vehicle dealer~~ 2756

~~on the dealer's premises, or when conducting an auction sale for~~ 2757
~~a licensed motor vehicle auction owner; nor shall such an~~ 2758
~~auctioneer be required~~ to obtain a motor vehicle auction owner's 2759
license under sections 4517.01 to 4517.45 of the Revised Code 2760
when engaged in auctioning for a licensed motor vehicle auction 2761
owner. 2762

The establishment of a construction equipment auction 2763
license by Am. Sub. H.B. 114 of the 129th general assembly shall 2764
not in any way modify, limit, or restrict in any manner the 2765
conduct of auctions by persons licensed under Chapter 4707. of 2766
the Revised Code who are acting in compliance with that chapter. 2767

(C) Sections 4517.01 to 4517.45 of the Revised Code do not 2768
apply to any of the following: 2769

(1) Persons engaging in the business of selling commercial 2770
tractors, trailers, or semitrailers incidentally to engaging 2771
primarily in business other than the selling or leasing of motor 2772
vehicles; 2773

(2) Mortgagees selling at retail only those motor vehicles 2774
that have come into their possession by a default in the terms 2775
of a mortgage contract; 2776

(3) The leasing, rental, and interchange of motor vehicles 2777
used directly in the rendition of a public utility service by 2778
regulated motor carriers. 2779

(D) When a partnership licensed under sections 4517.01 to 2780
4517.45 of the Revised Code is dissolved by death, the surviving 2781
partners may operate under the license for a period of sixty 2782
days, and the heirs or representatives of deceased persons and 2783
receivers or trustees in bankruptcy appointed by any competent 2784
authority may operate under the license of the person succeeded 2785

in possession by that heir, representative, receiver, or trustee 2786
in bankruptcy. 2787

(E) No remanufacturer shall engage in the business of 2788
selling at retail any new motor vehicle without having written 2789
authority from the manufacturer or distributor of the vehicle to 2790
sell new motor vehicles and to perform repairs under the terms 2791
of the manufacturer's or distributor's new motor vehicle 2792
warranty, unless, at the time of the sale of the vehicle, each 2793
customer is furnished with a binding agreement ensuring that the 2794
customer has the right to have the vehicle serviced or repaired 2795
by a new motor vehicle dealer who is franchised to sell and 2796
service vehicles of the same line-make as the chassis of the 2797
remanufactured vehicle purchased by the customer and whose 2798
service or repair facility is located within either twenty miles 2799
of the remanufacturer's location and place of business or twenty 2800
miles of the customer's residence or place of business. If there 2801
is no such new motor vehicle dealer located within twenty miles 2802
of the remanufacturer's location and place of business or the 2803
customer's residence or place of business, the binding agreement 2804
furnished to the customer may be with the new motor vehicle 2805
dealer who is franchised to sell and service vehicles of the 2806
same line-make as the chassis of the remanufactured vehicle 2807
purchased by the customer and whose service or repair facility 2808
is located nearest to the remanufacturer's location and place of 2809
business or the customer's residence or place of business. 2810
Additionally, at the time of sale of any vehicle, each customer 2811
of the remanufacturer shall be furnished with a warranty issued 2812
by the remanufacturer for a term of at least one year. 2813

(F) No adaptive mobility dealer shall do any of the 2814
following: 2815

(1) Represent that the dealer is engaged in the business 2816
of selling new motor vehicles; 2817

(2) Sell, transfer, or offer to sell or transfer a new 2818
motor vehicle unless that new motor vehicle is purchased through 2819
a licensed new motor vehicle dealer; 2820

(3) Sell or offer to sell an adaptive mobility vehicle 2821
without written documentation proving that the vehicle was 2822
adapted or modified in accordance with 49 C.F.R. part 568 or 2823
595. 2824

(G) Except as otherwise provided in this division, whoever 2825
violates this section is guilty of a minor misdemeanor and shall 2826
be subject to a mandatory fine of one hundred dollars. If the 2827
offender previously has been convicted of or pleaded guilty to a 2828
violation of this section, whoever violates this section is 2829
guilty of a misdemeanor of the first degree and shall be subject 2830
to a mandatory fine of one thousand dollars. 2831

(H) The offenses established under this section are strict 2832
liability offenses and section 2901.20 of the Revised Code does 2833
not apply. The designation of these offenses as strict liability 2834
offenses shall not be construed to imply that any other offense, 2835
for which there is no specified degree of culpability, is not a 2836
strict liability offense. 2837

Sec. 4517.04. Each person applying for a new motor vehicle 2838
dealer's license shall biennially make out and deliver to the 2839
registrar of motor vehicles, before the first day of April, and 2840
upon a blank to be furnished by the registrar for that purpose, 2841
a separate application for license for each county in which the 2842
business of selling new motor vehicles is to be conducted. The 2843
application shall be in the form prescribed by the registrar, 2844

shall be signed and sworn to by the applicant, and, in addition 2845
to any other information required by the registrar, shall 2846
include the following: 2847

(A) Name of applicant and location of principal place of 2848
business; 2849

(B) Name or style under which business is to be conducted 2850
and, if a corporation, the state of incorporation; 2851

(C) Name and address of each owner or partner and, if a 2852
corporation, the names of the officers and directors; 2853

(D) The county in which the business is to be conducted 2854
and the address of each place of business therein; 2855

(E) A statement of the previous history, record, and 2856
association of the applicant and of each owner, partner, 2857
officer, and director, that shall be sufficient to establish to 2858
the satisfaction of the registrar the reputation in business of 2859
the applicant; 2860

(F) A statement showing whether the applicant has 2861
previously applied for a motor vehicle dealer's license, motor 2862
vehicle leasing dealer's license, distributor's license, or 2863
motor vehicle auction owner's license, ~~or motor vehicle~~ 2864
~~salesperson's license,~~ and the result of the application, and 2865
whether the applicant has ever been the holder of any such 2866
license that was revoked or suspended; 2867

(G) If the applicant is a corporation or partnership, a 2868
statement showing whether any partner, employee, officer, or 2869
director has been refused a motor vehicle dealer's license, 2870
motor vehicle leasing dealer's license, distributor's license, 2871
or motor vehicle auction owner's license, ~~or motor vehicle~~ 2872
~~salesperson's license,~~ or has been the holder of any such 2873

license that was revoked or suspended; 2874

(H) A statement of the makes of new motor vehicles to be 2875
handled. 2876

The statement required by division (E) of this section 2877
shall indicate whether the applicant or, if applicable, any of 2878
the applicant's owners, partners, officers, or directors, 2879
individually, or as owner, partner, officer, or director of a 2880
business entity, has been convicted of, pleaded guilty, or 2881
pleaded no contest, in a criminal action, a disqualifying 2882
offense as determined under section 9.79 of the Revised Code, or 2883
had a judgment rendered against the person in a civil action for 2884
a violation of sections 4549.41 to 4549.46 of the Revised Code, 2885
of any substantively comparable provisions of the law of any 2886
other state, or of subchapter IV of the "Motor Vehicle 2887
Information and Cost Savings Act," 86 Stat. 961 (1972), 15 2888
U.S.C. 1981. 2889

A true copy of the contract, agreement, or understanding 2890
the applicant has entered into or is about to enter into with 2891
the manufacturer or distributor of the new motor vehicles the 2892
applicant will handle shall be filed with the application. If 2893
the contract, agreement, or understanding is not in writing, a 2894
written statement of all the terms thereof shall be filed. Each 2895
such copy or statement shall bear a certificate signed by each 2896
party to the contract, agreement, or understanding, to the 2897
effect that the copy or statement is true and complete and 2898
contains all of the agreements made or about to be made between 2899
the parties. 2900

The application also shall be accompanied by a photograph, 2901
as prescribed by the registrar, of each place of business 2902
operated, or to be operated, by the applicant. 2903

Sec. 4517.10. At the time the registrar of motor vehicles 2904
grants the application of any person for a license as motor 2905
vehicle dealer, motor vehicle leasing dealer, distributor, or 2906
motor vehicle auction owner, ~~or motor vehicle salesperson,~~ the 2907
registrar shall issue to the person a license. The registrar 2908
shall prescribe different forms for the licenses of motor 2909
vehicle dealers, motor vehicle leasing dealers, distributors, 2910
and motor vehicle auction owners, ~~and motor vehicle~~ 2911
~~salespersons,~~ and all licenses shall include the name and post- 2912
office address of the person licensed. 2913

On and after the effective date of this amendment, the 2914
registrar shall not require a license to practice as a motor 2915
vehicle salesperson. Any motor vehicle salesperson license that 2916
was issued prior to the effective date of this amendment remains 2917
valid only until the expiration date of the license. The license 2918
shall not be renewed. 2919

The fee for a motor vehicle dealer's license and a motor 2920
vehicle leasing dealer's license shall be fifty dollars. In 2921
addition to the license fee, the registrar shall collect from 2922
each applicant for an initial motor vehicle dealer's license and 2923
motor vehicle leasing dealer's license a separate fee in an 2924
amount equal to the last assessment required by section 4505.181 2925
of the Revised Code for all motor vehicle dealers and motor 2926
vehicle leasing dealers. The registrar shall deposit the 2927
separate fee into the state treasury to the credit of the title 2928
defect recision fund created in section 1345.52 of the Revised 2929
Code. ~~The fee for a salesperson's license shall be ten dollars.~~ 2930
The fee for a motor vehicle auction owner's license shall be one 2931
hundred dollars for each location. The fee for a distributor's 2932
license shall be one hundred dollars for each distributorship. 2933
In all cases, the fee shall accompany the application for 2934

license. 2935

The registrar may require each applicant for a license 2936
issued under this chapter to pay an additional fee, which shall 2937
be used by the registrar to pay the costs of obtaining a record 2938
of any arrests and convictions of the applicant from the Ohio 2939
bureau of identification and investigation. The amount of the 2940
fee shall be equal to that paid by the registrar to obtain such 2941
record. 2942

If a motor vehicle dealer or a motor vehicle leasing 2943
dealer has more than one place of business in the county, the 2944
dealer shall make application, in such form as the registrar 2945
prescribes, for a certified copy of the license issued to the 2946
dealer for each place of business operated. In the event of the 2947
loss, mutilation, or destruction of a license issued under 2948
sections 4517.01 to 4517.65 of the Revised Code, any licensee 2949
may make application to the registrar, in such form as the 2950
registrar prescribes, for a duplicate copy thereof. The fee for 2951
a certified or duplicate copy of a motor vehicle dealer's, motor 2952
vehicle leasing dealer's, distributor's, or auction owner's 2953
license, is two dollars, ~~and the fee for a duplicate copy of a~~ 2954
~~salesperson's license is one dollar.~~ All fees for such copies 2955
shall accompany the applications. 2956

Beginning on September 16, 2004, all motor vehicle 2957
dealers' licenses, motor vehicle leasing dealers' licenses, 2958
distributors' licenses, and auction owners' licenses, ~~and all~~ 2959
~~salespersons' licenses~~ issued or renewed shall expire biennially 2960
on a day within the two-year cycle that is prescribed by the 2961
registrar, unless sooner suspended or revoked. Before the first 2962
day after the day prescribed by the registrar in the year that 2963
the license expires, each licensed motor vehicle dealer, motor 2964

vehicle leasing dealer, distributor, and auction owner ~~and each-~~ 2965
~~licensed salesperson,~~ in the year in which the license will 2966
expire, shall file an application, in such form as the registrar 2967
prescribes, for the renewal of such license. The fee for 2968
renewing a motor vehicle dealer's license and a motor vehicle 2969
leasing dealer's license shall be fifty dollars. ~~The fee for-~~ 2970
~~renewing a salesperson's license shall be ten dollars.~~ The fee 2971
for renewing a motor vehicle auction owner's license shall be 2972
one hundred dollars for each location. The fee for renewing a 2973
distributor's license shall be one hundred dollars for each 2974
distributorship. In all cases the license renewal fee shall 2975
accompany the renewal application. 2976

~~Any salesperson's license shall be suspended upon the~~ 2977
~~termination, suspension, or revocation of the license of the~~ 2978
~~motor vehicle dealer for whom the salesperson is acting, or upon~~ 2979
~~the salesperson leaving the service of the motor vehicle dealer;~~ 2980
~~provided that upon the termination, suspension, or revocation of~~ 2981
~~the license of the motor vehicle dealer for whom the salesperson~~ 2982
~~is acting, or upon the salesperson leaving the service of a~~ 2983
~~licensed motor vehicle dealer, the licensed salesperson, upon~~ 2984
~~entering the service of any other licensed motor vehicle dealer,~~ 2985
~~shall make application to the registrar, in such form as the~~ 2986
~~registrar prescribes, to have the salesperson's license~~ 2987
~~reinstated, transferred, and registered as a salesperson for the~~ 2988
~~other dealer. If the information contained in the application is~~ 2989
~~satisfactory to the registrar, the registrar shall have the~~ 2990
~~salesperson's license reinstated, transferred, and registered as~~ 2991
~~a salesperson for the other dealer. The fee for the~~ 2992
~~reinstatement and transfer of license shall be two dollars. No~~ 2993
license issued to a motor vehicle dealer, motor vehicle leasing 2994
dealer, or auction owner, ~~or salesperson,~~ under sections 4517.01 2995

to 4517.65 of the Revised Code shall be transferable to any 2996
other person. 2997

Each motor vehicle dealer, motor vehicle leasing dealer, 2998
distributor, and auction owner shall keep the dealer's or 2999
auction owner's license or a certified copy thereof posted in a 3000
conspicuous place in each place of business. ~~A dealer shall keep~~ 3001
~~a current list of the dealer's licensed salespersons, showing~~ 3002
~~the names, addresses, and serial numbers of their licenses and~~ 3003
~~shall make the list available upon request. Each salesperson~~ 3004
~~shall keep the salesperson's license or a certified copy thereof~~ 3005
~~at the salesperson's place of business and shall provide such~~ 3006
~~license or copy upon demand to any inspector of the bureau of~~ 3007
~~motor vehicles, state highway patrol trooper, police officer, or~~ 3008
~~person with whom the salesperson seeks to transact business as a~~ 3009
~~motor vehicle salesperson.~~ 3010

The notice of refusal to grant a license shall disclose 3011
the reason for refusal. 3012

Sec. 4517.14. ~~The registrar of motor vehicles shall deny~~ 3013
~~the application of any person for a license as a salesperson and~~ 3014
~~refuse to issue the license if the registrar finds that the~~ 3015
~~applicant:~~ 3016

~~(A) Has made any false statement of a material fact in the~~ 3017
~~application;~~ 3018

~~(B) Has not complied with sections 4517.01 to 4517.45 of~~ 3019
~~the Revised Code;~~ 3020

~~(C) Is of bad business repute or has habitually defaulted~~ 3021
~~on financial obligations;~~ 3022

~~(D) Has been convicted of a disqualifying offense as~~ 3023
~~determined in accordance with section 9.79 of the Revised Code;~~ 3024

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

~~(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;~~

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

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

Sec. 4517.15. Any person who has been denied a license under section 4517.12~~7~~ or 4517.13~~7~~ or 4517.14 of the Revised Code may appeal from the action of the registrar of motor vehicles to the motor vehicle dealers board in the manner provided in section 4517.33 of the Revised Code.

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

Chapter 4517. of the Revised Code shall do any of the following: 3054

(1) Directly or indirectly, solicit the sale of a motor 3055
vehicle through a pecuniarily interested person other than a 3056
salesperson ~~licensed~~ in the employ of ~~a~~ the licensed dealer; 3057

(2) Pay any commission or compensation in any form to any 3058
person in connection with the sale of a motor vehicle unless the 3059
person is ~~licensed as~~ a salesperson in the employ of the dealer; 3060

~~(3) Fail to immediately notify the registrar of motor 3061
vehicles upon termination of the employment of any person 3062
licensed as a salesperson to sell, display, offer for sale, or 3063
deal in motor vehicles for the dealer; 3064~~

~~(4) Knowingly engage in any wholesale motor vehicle 3065
transaction with any person required to be licensed pursuant to 3066
Chapter 4517. of the Revised Code, if the person is not licensed 3067
pursuant to that chapter, if the person's license to operate as 3068
a dealer has been suspended or revoked, or if the person's 3069
application for a license to operate as a dealer has been 3070
denied. 3071~~

(B) Whoever violates this section is guilty of a 3072
misdemeanor of the fourth degree. 3073

Sec. 4517.33. The motor vehicle dealers board shall hear 3074
appeals which may be taken from an order of the registrar of 3075
motor vehicles, refusing to issue a license. All appeals from 3076
any order of the registrar refusing to issue any license upon 3077
proper application must be taken within thirty days from the 3078
date of the order, or the order is final and conclusive. All 3079
appeals from orders of the registrar must be by petition in 3080
writing and verified under oath by the applicant whose 3081
application for license has been denied, and must set forth the 3082

reason for the appeal and the reason why, in the petitioner's 3083
opinion, the order of the registrar is not correct. In such 3084
appeals the board may make investigation to determine the 3085
correctness and legality of the order of the registrar. 3086

The board may make rules governing its actions relative to 3087
the suspension and revocation of dealers', motor vehicle leasing 3088
dealers', distributors', auction owners', ~~salespersons'~~, and 3089
construction equipment auction licenses, and may, upon its own 3090
motion, and shall, upon the verified complaint in writing of any 3091
person, investigate the conduct of any licensee under sections 3092
4517.01 to 4517.65 of the Revised Code. The board shall suspend 3093
or revoke or notify the registrar to refuse to renew any 3094
dealer's, motor vehicle leasing dealer's, distributor's, auction 3095
owner's, ~~salesperson's~~, or construction equipment auction 3096
license, if any ground existed upon which the license might have 3097
been refused, or if a ground exists that would be cause for 3098
refusal to issue a license. 3099

The board may suspend or revoke any license if the 3100
licensee has in any manner violated the rules issued pursuant to 3101
sections 4517.01 to 4517.65 of the Revised Code, or has violated 3102
section 4501.02 of the Revised Code, or has been convicted of 3103
committing a felony or violating any law that in any way relates 3104
to the selling, taxing, licensing, or regulation of sales of 3105
motor vehicles. 3106

Within ten days after receipt of an abstract from a county 3107
court judge, mayor of a mayor's court, or clerk of a court of 3108
record indicating a violation of division (D) of section 3109
4513.241 of the Revised Code, the board shall determine whether 3110
the person named in the abstract is licensed under this chapter 3111
and, if the person is so licensed, shall further determine 3112

whether the person previously has been convicted of or pleaded 3113
guilty to a violation of that section. If the person previously 3114
has been convicted of or pleaded guilty to a violation of that 3115
section, the board, in accordance with Chapter 119. of the 3116
Revised Code but without a prior hearing, shall suspend the 3117
person's license for a period of not more than one hundred 3118
eighty days. 3119

Sec. 4517.43. (A) The applications for licenses and the 3120
copies of contracts required by sections 4517.04, 4517.05, 3121
4517.051, 4517.06, 4517.07, and 4517.08, ~~and 4517.09~~ of the 3122
Revised Code are not part of the public records but are 3123
confidential information for the use of the registrar of motor 3124
vehicles and the motor vehicle dealers board. No person shall 3125
divulge any information contained in such applications and 3126
acquired by the person in the person's capacity as an official 3127
or employee of the bureau of motor vehicles or of the board, 3128
except in a report to the registrar, to the board, or when 3129
called upon to testify in any court or proceeding. 3130

(B) Whoever violates this section is guilty of a minor 3131
misdemeanor. 3132

Sec. 4549.50. Violation of sections 4549.41 to 4549.46 of 3133
the Revised Code by any person licensed or granted a permit by 3134
this state as a dealer, wholesaler, distributor, ~~salesman~~, or 3135
auction owner under Chapter 4517. of the Revised Code, is prima- 3136
facie evidence of intent to defraud and constitutes cause for 3137
the revocation or denial of the license of such person to sell 3138
any motor vehicle in this state. 3139

Any person who violates sections 4549.41 to 4549.46 of the 3140
Revised Code, upon receiving notice from the registrar of motor 3141
vehicles or motor vehicle dealers board of the intent to revoke 3142

or suspend a license or permit, shall immediately post a surety 3143
bond with the registrar in favor of the state in the amount of 3144
twenty-five thousand dollars and shall maintain the bond while 3145
the license or permit is in effect. The bond shall be for the 3146
use, benefit, and protection of any transferee damaged by the 3147
licensee's or ~~permittee's~~ permittee's violation of sections 3148
4549.41 to 4549.46 of the Revised Code or for the payment of 3149
civil penalties or costs resulting from enforcement actions. Any 3150
transferee claiming against the bond or the attorney general may 3151
maintain an action against the transferor or the surety, except 3152
that the surety is liable only for actual damages. The aggregate 3153
liability of the surety shall not exceed twenty-five thousand 3154
dollars. Any money unclaimed by transferees after two years from 3155
the date of the conviction of or judgment against the transferor 3156
shall be deposited in the consumer protection enforcement fund 3157
created by section 1345.51 of the Revised Code. The surety bond 3158
shall remain in effect until the license or permit is revoked or 3159
suspended by the motor vehicle dealers board pursuant to section 3160
4517.33 of the Revised Code. Upon reinstatement of a license or 3161
permit that has been suspended, or upon reissuance of a license 3162
or permit after the period of revocation, the licensee or 3163
~~permittee~~ permittee shall post an additional surety bond in 3164
accordance with this section. The surety bond shall remain in 3165
effect during the period in which the licensee or ~~permittee~~ 3166
permittee engages in business in the state. 3167

Sec. 4701.06. (A) The accountancy board shall grant the 3168
certificate of "certified public accountant" to any person who 3169
satisfies the following requirements: 3170

(1) The person has attained the age of eighteen years. 3171

(2) The person meets the following requirements of 3172

education and experience: 3173

(a) Graduation with a baccalaureate, master's, or higher 3174
~~degree that includes successful completion of one hundred fifty-~~ 3175
~~semester hours of undergraduate or graduate education.~~ The board 3176
by rule shall ~~specify graduate degrees that satisfy this-~~ 3177
~~requirement and also by rule shall require~~ any subjects that it 3178
considers appropriate. The total educational program shall 3179
include an accounting concentration with related courses in 3180
other areas of business administration, as defined by board 3181
rule. 3182

(b) ~~Acquisition~~ Except as provided in division (B) of this 3183
section, acquisition of one year of experience satisfactory to 3184
the board in any of the following: 3185

(i) A public accounting firm; 3186

(ii) Government; 3187

(iii) Business; 3188

(iv) Academia. 3189

(3) The person has passed an examination that is 3190
administered in the manner and that covers the subjects that the 3191
board prescribes by rule. In adopting the relevant rules, the 3192
board shall ensure to the extent possible that the examination, 3193
the examination process, and the examination's passing standard 3194
are uniform with the examinations, examination processes, and 3195
examination passing standards of all other states and may 3196
provide for the use of all or parts of the uniform certified 3197
public accountant examination and advisory grading service of 3198
the American institute of certified public accountants. The 3199
board may contract with third parties to perform administrative 3200
services that relate to the examination and that the board 3201

determines are appropriate in order to assist the board in 3202
performing its duties in relation to the examination. 3203

~~(B)(1)~~ (B) The experience requirement for a candidate who 3204
~~does not meet~~ satisfies the educational requirements under 3205
division (A)(2)(a) of this section ~~because the board has waived~~ 3206
~~them under division (B)(2) of this section~~ by obtaining a 3207
baccalaureate degree ~~is four~~ two years of the experience 3208
described in division (A)(2)(b) of this section. 3209

~~(2) The board shall waive the educational requirement set~~ 3210
~~forth in division (A)(2)(a) of this section for any candidate if~~ 3211
~~the board finds that the candidate has obtained from an~~ 3212
~~accredited college or university approved by the board, either~~ 3213
~~an associate degree or a baccalaureate degree, other than a~~ 3214
~~baccalaureate degree described in division (A)(2)(a) of this~~ 3215
~~section, with a concentration in accounting that includes~~ 3216
~~related courses in other areas of business administration, and~~ 3217
~~if the board is satisfied from the results of special~~ 3218
~~examinations that the board gives the candidate to test the~~ 3219
~~candidate's educational qualification that the candidate is as~~ 3220
~~well equipped, educationally, as if the candidate met the~~ 3221
~~applicable educational requirement specified in division (A)(2)~~ 3222
~~(a) of this section.~~ 3223

The board shall provide by rule for the general scope of 3224
any special examinations for a waiver of the educational 3225
requirements under division (A)(2)(a) of this section and may 3226
obtain any advice and assistance that it considers appropriate 3227
to assist it in preparing and grading those special 3228
examinations. The board may use any existing examinations or may 3229
prepare any number of new examinations to assist in determining 3230
the equivalent training of a candidate. The board by rule shall 3231

~~prescribe any special examinations for a waiver of the~~ 3232
~~educational requirements under division (A) (2) (a) of this~~ 3233
~~section and the passing score required for each examination.~~ 3234

(C) A candidate ~~who has graduated with a baccalaureate~~ 3235
~~degree or its equivalent or a higher degree that includes~~ 3236
~~successful completion of at least one hundred twenty semester~~ 3237
~~hours of undergraduate or graduate education enrolled in an~~ 3238
~~educational program that satisfies division (A) (2) (a) of this~~ 3239
~~section who is one hundred eighty days or fewer from completing~~ 3240
~~the program on the date the candidate applies to take the~~ 3241
~~examination referred to in division (A) (3) of this section is~~ 3242
eligible to take the examination ~~referred to in division (A) (3)~~ 3243
~~of this section~~ without waiting until the candidate meets the 3244
education or experience requirements. ~~The board by rule shall~~ 3245
~~specify degrees that make a candidate eligible under this~~ 3246
~~division and by rule shall require any subjects that it~~ 3247
~~considers appropriate.~~ 3248

(D) A candidate for the certificate of certified public 3249
accountant who has successfully completed the examination under 3250
division (A) (3) of this section has no status as a certified 3251
public accountant, unless and until the candidate has the 3252
requisite education and experience and has received a 3253
certificate as a certified public accountant. The board shall 3254
determine and charge a fee for issuing the certificate that is 3255
adequate to cover the expense. 3256

(E) The board by rule may prescribe the terms and 3257
conditions under which a candidate who passes part but not all 3258
of the examination may retake the examination. It also may 3259
provide by rule for a reasonable waiting period for a 3260
candidate's reexamination. 3261

The applicable educational and experience requirements 3262
under divisions (A) (2), (B), and (C) of this section shall be 3263
those in effect on the date on which the candidate first sits 3264
for the examination. 3265

(F) The board shall charge a candidate a reasonable fee, 3266
to be determined by the board, that is adequate to cover all 3267
rentals, compensation for proctors, and other administrative 3268
expenses of the board related to examination or reexamination, 3269
including the expenses of procuring and grading the examination 3270
provided for in division (A) (3) of this section ~~and for any~~ 3271
~~special examinations for a waiver of the educational~~ 3272
~~requirements under division (A) (2) (a) of this section.~~ Fees for 3273
reexamination under division (E) of this section shall be 3274
charged by the board in amounts determined by it. The applicable 3275
fees shall be paid by the candidate at the time the candidate 3276
applies for examination or reexamination. 3277

(G) Any person who has received from the board a 3278
certificate as a certified public accountant and who holds an 3279
Ohio permit shall be styled and known as a "certified public 3280
accountant" and also may use the abbreviation "CPA." The board 3281
shall maintain a list of certified public accountants. Any 3282
certified public accountant also may be known as a "public 3283
accountant." 3284

(H) Persons who, on the effective date of an amendment of 3285
this section, held certified public accountant certificates 3286
previously issued under the laws of this state shall not be 3287
required to obtain additional certificates under this section 3288
but shall otherwise be subject to all provisions of this 3289
section, and those previously issued certificates, for all 3290
purposes, shall be considered certificates issued under this 3291

section and subject to its provisions. 3292

(I) The board may waive the examination under division (A) 3293
(3) of this section and, upon payment of a fee determined by it, 3294
may issue a certificate as a "certified public accountant" to 3295
any person who possesses the qualification specified in division 3296
(A) (1) of this section and what the board determines to be 3297
substantially the equivalent of the applicable qualifications 3298
under division (A) (2) of this section and who is the holder of a 3299
certificate, license, or degree in a foreign country that 3300
constitutes a recognized qualification for the practice of 3301
public accounting in that country, that is comparable to that of 3302
a certified public accountant of this state, and that is then in 3303
full force and effect. 3304

(J) The board shall issue a certificate as a "certified 3305
public accountant" in accordance with Chapter 4796. of the 3306
Revised Code to a person if either of the following applies: 3307

(1) The person holds a certificate as a certified public 3308
accountant in another state. 3309

(2) The person has satisfactory work experience, a 3310
government certification, or a private certification as 3311
described in that chapter as a certified public accountant in a 3312
state that does not issue that certificate. 3313

Sec. 4701.14. (A) Except as permitted by rules adopted by 3314
the accountancy board, no individual shall assume or use the 3315
title or designation "certified public accountant," "certified 3316
accountant," "chartered accountant," "enrolled accountant," 3317
"licensed accountant," or "registered accountant," or any other 3318
title or designation likely to be confused with "certified 3319
public accountant," or any of the abbreviations "CPA," "PA," 3320

"CA," "EA," "LA," or "RA," or similar abbreviations likely to be 3321
confused with "CPA," or any other title, designation, words, 3322
letters, abbreviation, sign, card, or device tending to indicate 3323
that the individual is a certified public accountant, unless the 3324
individual holds a CPA certificate and holds an Ohio permit. 3325
However, an individual who possesses a foreign certificate, has 3326
registered under section 4701.09 of the Revised Code, and holds 3327
an Ohio permit may use the title permitted under the laws of the 3328
individual's other licensing jurisdiction, followed by the name 3329
of the jurisdiction. 3330

(B) Except as permitted by rules adopted by the board, no 3331
individual shall assume or use the title or designation "public 3332
accountant," "certified public accountant," "certified 3333
accountant," "chartered accountant," "enrolled accountant," 3334
"registered accountant," or "licensed accountant," or any other 3335
title or designation likely to be confused with "public 3336
accountant," or any of the abbreviations "PA," "CPA," "CA," 3337
"EA," "LA," or "RA," or similar abbreviations likely to be 3338
confused with "PA," or any other title, designation, words, 3339
letters, abbreviation, sign, card, or device tending to indicate 3340
that the individual is a public accountant, unless the 3341
individual holds a PA registration and holds an Ohio permit, or 3342
unless the individual holds a CPA certificate. An individual who 3343
holds a PA registration and an Ohio permit may hold self out to 3344
the public as an "accountant" or "auditor." 3345

(C) Except as provided in divisions (C) (1), (2), (3), and 3346
(4) of this section, no partnership, professional association, 3347
corporation-for-profit, limited liability company, or other 3348
business organization not addressed in this section that is 3349
practicing public accounting in this state shall assume or use 3350
the title or designation "certified public accountant," "public 3351

accountant," "certified accountant," "chartered accountant," 3352
"enrolled accountant," "licensed accountant," "registered 3353
accountant," or any other title or designation likely to be 3354
confused with "certified public accountant" or "public 3355
accountant," or any of the abbreviations "CPA," "PA," "CA," 3356
"EA," "RA," or "LA," or similar abbreviations likely to be 3357
confused with "CPA" or "PA," or any other title, designation, 3358
words, letters, abbreviation, sign, card, or device tending to 3359
indicate that the business organization is a public accounting 3360
firm. 3361

(1) (a) A partnership may assume or use the title or 3362
designation "certified public accountant," the abbreviation 3363
"CPA," or any other title, designation, words, letters, 3364
abbreviation, sign, card, or device tending to indicate that the 3365
partnership is composed of certified public accountants if it is 3366
a registered firm, if a majority of its partners who are 3367
individuals hold a CPA certificate or a foreign certificate, and 3368
if a majority of the owners of any qualified firm that is a 3369
partner hold a CPA certificate or a foreign certificate. 3370

(b) A partnership may assume or use the title or 3371
designation "public accountant," the abbreviation "PA," or any 3372
other title, designation, words, letters, abbreviation, sign, 3373
card, or device tending to indicate that the partnership is 3374
composed of public accountants if it is a registered firm, if a 3375
majority of its partners who are individuals hold a PA 3376
registration, a CPA certificate, or a foreign certificate, and 3377
if a majority of the owners of any qualified firm that is a 3378
partner hold a PA registration, a CPA certificate, or a foreign 3379
certificate. 3380

(2) (a) A professional association incorporated under 3381

Chapter 1785. of the Revised Code may assume or use the title or 3382
designation "certified public accountant," the abbreviation 3383
"CPA," or any other title, designation, words, letters, 3384
abbreviation, sign, card, or device tending to indicate that the 3385
professional association is composed of certified public 3386
accountants if it is a registered firm, if a majority of its 3387
shareholders who are individuals hold a CPA certificate or a 3388
foreign certificate, and if a majority of the owners of any 3389
qualified firm that is a shareholder hold a CPA certificate or a 3390
foreign certificate. 3391

(b) A professional association incorporated under Chapter 3392
1785. of the Revised Code may assume or use the title or 3393
designation "public accountant," the abbreviation "PA," or any 3394
other title, designation, words, letters, abbreviation, sign, 3395
card, or device tending to indicate that the professional 3396
association is composed of public accountants if it is a 3397
registered firm, if a majority of its shareholders who are 3398
individuals hold a PA registration, a CPA certificate, or a 3399
foreign certificate, and if a majority of the owners of any 3400
qualified firm that is a shareholder hold a PA registration, a 3401
CPA certificate, or a foreign certificate. 3402

(3) (a) A corporation-for-profit incorporated under Chapter 3403
1701. of the Revised Code may assume or use the title or 3404
designation "certified public accountant," the abbreviation 3405
"CPA," or any other title, designation, words, letters, 3406
abbreviation, sign, card, or device tending to indicate that the 3407
corporation is composed of certified public accountants if it is 3408
a registered firm, if a majority of its shareholders who are 3409
individuals hold a CPA certificate or a foreign certificate, and 3410
if a majority of the owners of any qualified firm that is a 3411
shareholder hold a CPA certificate or a foreign certificate. 3412

(b) A corporation incorporated under Chapter 1701. of the Revised Code may assume or use the title or designation "public accountant," the abbreviation "PA," or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the corporation is composed of public accountants if it is a registered firm, if a majority of the shareholders who are individuals hold a PA registration, a CPA certificate, or a foreign certificate, and if a majority of the owners of any qualified firm that is a shareholder hold a PA registration, a CPA certificate, or a foreign certificate.

(4) (a) A limited liability company organized under former Chapter 1705. of the Revised Code as that chapter existed prior to February 11, 2022, or Chapter 1706. of the Revised Code may assume or use the title or designation "certified public accountant," the abbreviation "CPA," or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the limited liability company is composed of certified public accountants if it is a registered firm, if a majority of its members who are individuals hold a CPA certificate or a foreign certificate, and if a majority of the owners of any qualified firm that is a member hold a CPA certificate or a foreign certificate.

(b) A limited liability company organized under former Chapter 1705. of the Revised Code as that chapter existed prior to February 11, 2022, or Chapter 1706. of the Revised Code may assume or use the title or designation "public accountant," the abbreviation "PA," or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the limited liability company is composed of public accountants if it is a registered firm, if a majority of the members who are individuals hold a PA registration, CPA

certificate, or a foreign certificate, and if a majority of the 3444
owners of any qualified firm that is a member hold a PA 3445
registration, a CPA certificate, or a foreign certificate. 3446

(D) No individual shall sign, affix, or associate the 3447
individual's name or any trade or assumed name used by the 3448
individual in the individual's profession or business to any 3449
attest report with any wording indicating that the individual is 3450
an accountant or auditor, or with any wording accompanying or 3451
contained in the attest report that indicates that the 3452
individual has expert knowledge in accounting or auditing or 3453
expert knowledge regarding compliance with conditions 3454
established by law or contract, including, but not limited to, 3455
statutes, ordinances, regulations, grants, loans, and 3456
appropriations, unless the individual holds an Ohio permit. 3457
However, this division does not prohibit any officer, employee, 3458
partner, or principal of any organization from affixing the 3459
officer's, employee's, partner's, or principal's signature to 3460
any statement or report in reference to the financial affairs of 3461
that organization with any wording designating the position, 3462
title, or office that the individual holds in that organization. 3463
This division also does not prohibit any act of a public 3464
official or public employee in the performance of the public 3465
official's or public employee's duties. 3466

(E) No person shall sign, affix, or associate the name of 3467
a partnership, limited liability company, professional 3468
association, corporation-for-profit, or other business 3469
organization not addressed in this section to any attest report 3470
with any wording accompanying or contained in the attest report 3471
that indicates that the partnership, limited liability company, 3472
professional association, corporation-for-profit, or other 3473
business organization is composed of or employs accountants or 3474

auditors or persons having expert knowledge in accounting or 3475
auditing or expert knowledge regarding compliance with 3476
conditions established by law or contract, including, but not 3477
limited to, statutes, ordinances, regulations, grants, loans, 3478
and appropriations, unless the partnership, limited liability 3479
company, professional association, corporation-for-profit, or 3480
other business organization is a registered firm. 3481

(F) No individual who does not hold an Ohio permit shall 3482
hold self out to the public as an "accountant" or "auditor" by 3483
use of either or both of those words on any sign, card, or 3484
letterhead, in any advertisement or directory, or otherwise, 3485
without indicating on the sign, card, or letterhead, in the 3486
advertisement or directory, or in the other manner of holding 3487
out that the person does not hold an Ohio permit. An individual 3488
who holds a CPA certificate and an Ohio permit may hold self out 3489
to the public as an "accountant" or "auditor." However, this 3490
division does not prohibit any officer, employee, partner, or 3491
principal of any organization from describing self by the 3492
position, title, or office the person holds in that 3493
organization. This division also does not prohibit any act of a 3494
public official or public employee in the performance of the 3495
public official's or public employee's duties. 3496

(G) No partnership, professional association, corporation- 3497
for-profit, limited liability company, or other business 3498
organization not addressed in this section that is not entitled 3499
to assume or use the title "certified public accountant" or 3500
"public accountant" under division (C) of this section shall 3501
hold itself out to the public as a partnership, professional 3502
association, corporation-for-profit, limited liability company, 3503
or other business organization not addressed in this section as 3504
being composed of or employing "accountants" or "auditors" by 3505

use of either or both of those words on any sign, card, or 3506
letterhead, in any advertisement or directory, or otherwise, 3507
without indicating on the sign, card, or letterhead, in the 3508
advertisement or directory, or in the other manner of holding 3509
out that the partnership, professional association, corporation- 3510
for-profit, limited liability company, or other business 3511
organization is not a registered firm and is not permitted by 3512
law to practice as a public accounting firm. 3513

(H) No person shall assume or use the title or designation 3514
"certified public accountant" or "public accountant" in 3515
conjunction with names indicating or implying that there is a 3516
partnership or in conjunction with the designation "and Company" 3517
or "and Co." or a similar designation if, in any of those cases, 3518
there is in fact no bona fide partnership entitled to designate 3519
itself as a partnership of certified public accountants under 3520
division (C) (1) (a) of this section or as a partnership of public 3521
accountants under division (C) (1) (b) of this section. However, a 3522
sole proprietor or partnership that was on October 22, 1959, or 3523
a corporation that on or after September 30, 1974, has been, 3524
lawfully using a title or designation of those types in 3525
conjunction with names or designations of those types, may 3526
continue to do so if the sole proprietor, partnership, or 3527
corporation otherwise complies with this section. 3528

(I) (1) Notwithstanding any other provision of this 3529
chapter, an individual whose principal place of business is not 3530
in this state ~~and who shall have all of the privileges of a~~ 3531
holder of a CPA certificate and an Ohio permit without the need 3532
to obtain a CPA certificate and an Ohio permit if all of the 3533
following apply: 3534

(a) The individual holds a valid foreign certificate ~~as a~~ 3535

~~certified public accountant shall be presumed to have 3536
qualifications substantially equivalent to this state's CPA- 3537
requirements and shall have all of the privileges of a holder of- 3538
a CPA certificate and an Ohio permit without the need to obtain- 3539
a CPA certificate and an Ohio permit if the accountancy board- 3540
has found and has specified in its rules adopted pursuant to- 3541
division (A) of section 4701.03 of the Revised Code that the CPA- 3542
requirements of the state that issued the individual's foreign- 3543
certificate are substantially equivalent to this state's CPA- 3544
requirements. 3545~~

(b) The individual has obtained a baccalaureate or higher 3546
degree. 3547

(c) The individual has completed an educational program 3548
with an accounting concentration. 3549

(d) The individual has passed all parts of the uniform 3550
certified public accountant examination. 3551

(2) Any individual exercising the privilege afforded under 3552
division (I)(1) of this section hereby consents and is subject, 3553
as a condition of the grant of the privilege, to all of the 3554
following: 3555

(a) The personal and subject matter jurisdiction of the 3556
accountancy board; 3557

(b) All practice and disciplinary provisions of this 3558
chapter and the accountancy board's rules; 3559

(c) The appointment of the board that issued the 3560
individual's foreign certificate as the individual's agent upon 3561
whom process may be served in any action or proceeding by the 3562
accountancy board against the individual. 3563

(3) The holder of a CPA certificate and an Ohio permit who offers or renders attest services or uses the holder's CPA title in another state shall be subject to disciplinary action in this state for an act committed in the other state for which the holder of a foreign certificate issued by the other state would be subject to discipline in the other state.

(4) The holder of a foreign certificate who offers or renders attest services or uses a CPA title or designation in this state pursuant to the privilege afforded by division (I) (1) of this section shall be subject to disciplinary action in this state for any act that would subject the holder of a CPA certificate and an Ohio permit to disciplinary action in this state.

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.~~

~~(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 architects 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.

~~(C)~~ (B) The board ~~also~~ shall establish the following fees:

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

(2) The fee for a duplicate renewal card;	3593
(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;	3594 3595 3596 3597
(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;	3598 3599 3600
(5) The fee to cover costs for checks or other instruments returned to the board by financial institutions due to insufficient funds.	3601 3602 3603
<u>(C) The architects board shall not charge an application fee for obtaining registration under section 4703.07 or a fee for obtaining an initial certificate of qualification to practice architecture under section 4703.08 of the Revised Code.</u>	3604 3605 3606 3607
Sec. 4707.02. (A) No person shall act as an auction firm or auctioneer within this state without a license issued by the department of agriculture. No auction shall be conducted in this state except by an auctioneer licensed by the department.	3608 3609 3610 3611
Except as provided in division (D) of this section, the department shall not issue or renew a license if the applicant or licensee has been convicted of a felony or crime involving fraud or theft in this or another state at any time during the ten years immediately preceding application or renewal.	3612 3613 3614 3615 3616
(B) Division (A) of this section does not apply to any of the following:	3617 3618
(1) Sales at auction that either are required by law to be at auction, other than sales pursuant to a judicial order or	3619 3620

decree, or are conducted by or under the direction of a public authority; 3621
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(2) The owner of any real or personal property desiring to sell the property at auction, provided that the property was not acquired for the purpose of resale; 3623
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(3) An auction mediation company; 3626

(4) An auction that is conducted in a course of study for auctioneers that is approved by the state auctioneers commission created under section 4707.03 of the Revised Code for purposes of student training and is supervised by a licensed auctioneer; 3627
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(5) (a) An auction that is sponsored by a nonprofit or charitable organization that is registered in this state under Chapter 1702. or Chapter 1716. of the Revised Code, respectively, if the auction only involves the property of the members of the organization and the auction is part of a fair that is organized by an agricultural society under Chapter 1711. of the Revised Code or by the Ohio expositions commission under Chapter 991. of the Revised Code at which an auctioneer who is licensed under this chapter physically conducts the auction; 3631
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(b) Sales at an auction sponsored by a charitable, religious, or civic organization that is tax exempt under subsection 501(c)(3) of the Internal Revenue Code, or by a public school, chartered nonpublic school, or community school, if no person in the business of organizing, arranging, or conducting an auction for compensation and no consignor of consigned items sold at the auction, except such organization or school, receives compensation from the proceeds of the auction. As used in division (B)(5)(b) of this section, "compensation" means money, a thing of value other than participation in a 3640
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charitable event, or a financial benefit. 3650

(c) Sales at an auction sponsored by an organization that 3651
is tax exempt under subsection 501(c)(6) of the Internal Revenue 3652
Code and that is a part of a national, regional, or state 3653
convention or conference that advances or promotes the auction 3654
profession in this state when the property to be sold is donated 3655
to or is the property of the organization and the proceeds 3656
remain within the organization or are donated to a charitable 3657
organization that is tax exempt under subsection 501(c)(3) of 3658
the Internal Revenue Code. 3659

(6) A person licensed as a livestock dealer under Chapter 3660
943. of the Revised Code who exclusively sells livestock and 3661
uses an auctioneer who is licensed under this chapter to conduct 3662
the auction; 3663

(7) A person licensed as a motor vehicle auction owner 3664
under Chapter 4517. of the Revised Code who exclusively sells 3665
motor vehicles to a person licensed under Chapter 4517. of the 3666
Revised Code and who uses an auctioneer who is licensed under 3667
this chapter to conduct the auction; 3668

(8) A bid calling contest that is approved by the 3669
commission and that is conducted for the purposes of the 3670
advancement or promotion of the auction profession in this 3671
state; 3672

(9) An auction at which the champion of a national or 3673
international bid calling contest appears, provided that both of 3674
the following apply: 3675

(a) The champion is not paid a commission. 3676

(b) The auction is conducted under the direct supervision 3677
of an auctioneer licensed under this chapter in order to ensure 3678

that the champion complies with this chapter and rules adopted 3679
under it. 3680

(10) A person who, ~~in any calendar year, sells not more~~ 3681
~~than ten thousand dollars of personal property via an auction~~ 3682
mediation company if ~~both of the following apply:~~ 3683

~~(a) The the~~ auction mediation company specifically 3684
provides a fraud protection or money-back guarantee to the buyer 3685
of the property being sold. 3686

~~(b) The person is either selling the property of another~~ 3687
~~and does not receive any compensation for such sale, or the~~ 3688
~~person is selling the person's own personal property.~~ 3689

(C) (1) No person shall advertise or hold oneself out as an 3690
auction firm or auctioneer without a license issued by the 3691
department of agriculture. 3692

(2) Division (C) (1) of this section does not apply to an 3693
individual who is the subject of an advertisement regarding an 3694
auction conducted under division (B) (5) (b) of this section. 3695

(D) The department shall not refuse to issue a license to 3696
an applicant because of a criminal conviction unless the refusal 3697
is in accordance with section 9.79 of the Revised Code. 3698

Sec. 4713.01. As used in this chapter: 3699

(A) "Apprentice instructor" means an individual holding a 3700
practicing license issued by the state cosmetology and barber 3701
board who is engaged in learning or acquiring knowledge of the 3702
occupation of an instructor of a branch of cosmetology at a 3703
school. 3704

(B) "Barber," "barber instructor," "barber shop," and 3705
"practice of barbering" have the same meanings as in section 3706

4709.01 of the Revised Code. 3707

(C) "Beauty salon" means a salon in which an individual is 3708
authorized to engage in all branches of cosmetology. 3709

(D) "Biennial licensing period" means the two-year period 3710
beginning on the first day of February of an odd-numbered year 3711
and ending on the last day of January of the next odd-numbered 3712
year. 3713

(E) "Boutique salon" means a salon in which an individual 3714
engages in the practice of boutique services and no other branch 3715
of cosmetology. 3716

(F) "Braiding" means intertwining the hair in a systematic 3717
motion to create patterns in a three-dimensional form, including 3718
patterns that are inverted, upright, or singled against the 3719
scalp that follow along straight or curved partings. "Braiding" 3720
may include twisting, locking, beading, crocheting, wrapping, or 3721
similarly manipulating the hair while adding bulk or length with 3722
human hair, synthetic hair, or both, and using simple devices 3723
such as clips, combs, crochet hooks, blunt-tipped needles, and 3724
hairpins. "Braiding" does not include the use of chemical hair- 3725
joining agents such as synthetic tape, keratin bonds, or fusion 3726
bonds to weave or fuse individual strands or wefts; applications 3727
of dyes, reactive chemicals, or other preparations to alter the 3728
color or straighten, curl, or alter the structure of hair; or 3729
embellishing or beautifying hair by cutting or singeing, except 3730
as needed to finish the ends of synthetic hair used to add bulk 3731
to or lengthen hair. 3732

(G) "Branch of cosmetology" means the practice of 3733
esthetics, practice of hair design, practice of manicuring, 3734
practice of natural hair styling, or practice of boutique 3735

services.	3736
(H) "Cosmetic therapy" means the permanent removal of hair from the human body through the use of electric modalities and may include the systematic friction, stroking, slapping, and kneading or tapping of the face, neck, scalp, or shoulders.	3737 3738 3739 3740
(I) "Cosmetologist" means an individual authorized to engage in all branches of cosmetology in a licensed facility.	3741 3742
(J) "Cosmetology instructor" means an individual authorized to teach the theory and practice of all branches of cosmetology at a school.	3743 3744 3745
(K) "Esthetician" means an individual who engages in the practice of esthetics but no other branch of cosmetology in a licensed facility.	3746 3747 3748
(L) "Esthetics instructor" means an individual who teaches the theory and practice of esthetics, but no other branch of cosmetology, at a school.	3749 3750 3751
(M) "Esthetics salon" means a salon in which an individual engages in the practice of esthetics but no other branch of cosmetology.	3752 3753 3754
(N) "Eye lash extensions" include temporary and semi-permanent enhancements designed to add length, thickness, and fullness to natural eyelashes.	3755 3756 3757
(O) "Hair designer" means an individual who engages in the practice of hair design but no other branch of cosmetology in a licensed facility.	3758 3759 3760
(P) "Hair design instructor" means an individual who teaches the theory and practice of hair design, but no other branch of cosmetology, at a school.	3761 3762 3763

(Q) "Hair design salon" means a salon in which an individual engages in the practice of hair design but no other branch of cosmetology.

(R) "Hair removal" includes tweezing, waxing, sugaring, and threading. "Hair removal" does not include electrolysis.

(S) "Independent contractor" means an individual who is not an employee of a salon but practices a branch of cosmetology within a salon in a licensed facility.

(T) "Infection control" means the practice of preventing the spread of infections and disease by ensuring that a salon, school, or tanning facility, including all equipment and implements in the salon, school, or tanning facility, are maintained by doing all of the following, as applicable:

(1) Removing surface or visible dirt or debris by cleaning with soap, detergent, or a chemical cleaner, followed by rinsing with clean water;

(2) Using a chemical disinfectant to kill or denature bacteria, fungi, and viruses;

(3) Applying heat or using other procedures to eliminate, remove, or kill all forms of microbial life present on a surface or contained in a fluid.

(U) "Instructor license" means a license to teach the theory and practice of a branch of cosmetology at a school.

(V) "Licensed facility" means any premises, building, or part of a building licensed under section 4713.41 of the Revised Code in which the practice of one or more branches of cosmetology are authorized by the state cosmetology and barber board to be performed.

(W) "Advanced license" means a license issued under	3792
section 4713.30 of the Revised Code to work in a salon and	3793
practice the branch of cosmetology practiced at the salon.	3794
(X) "Makeup artistry" means the application of cosmetics	3795
for the purpose of skin beautification. "Makeup artistry" does	3796
not include any other services described in the practice of any	3797
other branch of cosmetology.	3798
(Y) "Manicurist" means an individual who engages in the	3799
practice of manicuring but no other branch of cosmetology in a	3800
licensed facility.	3801
(Z) "Manicurist instructor" means an individual who	3802
teaches the theory and practice of manicuring, but no other	3803
branch of cosmetology, at a school.	3804
(AA) "Nail salon" means a salon in which an individual	3805
engages in the practice of manicuring but no other branch of	3806
cosmetology.	3807
(BB) "Natural hair stylist" means an individual who	3808
engages in the practice of natural hair styling but no other	3809
branch of cosmetology in a licensed facility.	3810
(CC) "Natural hair style instructor" means an individual	3811
who teaches the theory and practice of natural hair styling, but	3812
no other branch of cosmetology, at a school.	3813
(DD) "Natural hair style salon" means a salon in which an	3814
individual engages in the practice of natural hair styling but	3815
no other branch of cosmetology.	3816
(EE) "Practice of boutique services" means braiding,	3817
threading, shampooing, and makeup artistry.	3818
(FF) "Practice of cosmetology" means the practice of all	3819

branches of cosmetology. 3820

(GG) "Practice of esthetics" means the application of 3821
cosmetics, tonics, antiseptics, creams, lotions, or other 3822
preparations for the purpose of skin beautification and includes 3823
preparation of the skin by manual massage techniques or by use 3824
of electrical, mechanical, or other apparatus; enhancement of 3825
the skin by skin care, facials, body treatments, hair removal, 3826
and other treatments; and eye lash extension services. 3827

(HH) "Practice of hair design" means embellishing or 3828
beautifying hair, wigs, or hairpieces by arranging, dressing, 3829
pressing, curling, waving, permanent waving, cleansing, cutting, 3830
singeing, bleaching, coloring, braiding, weaving, bonding and 3831
fusion of individual strands or wefts, or similar work. 3832
"Practice of hair design" includes utilizing techniques 3833
performed by hand that result in tension on hair roots such as 3834
twisting, wrapping, weaving, extending, locking, or braiding of 3835
the hair. 3836

(II) "Practice of manicuring" means cleaning, trimming, 3837
shaping the free edge of, or applying polish to the nails of any 3838
individual; applying nail enhancements and embellishments to any 3839
individual; massaging the hands and lower arms up to the elbow 3840
of any individual; massaging the feet and lower legs up to the 3841
knee of any individual; using lotions or softeners on the hands 3842
and feet of any individual; or any combination of these types of 3843
services. 3844

(JJ) "Practice of natural hair styling" means embellishing 3845
or beautifying hair, wigs, or hairpieces by arranging, dressing, 3846
pressing, curling, cleansing, cutting, singeing, braiding, 3847
weaving, bonding and fusion of individual strands or wefts, or 3848
similar work. "Practice of natural hair styling" includes 3849

utilizing techniques performed by hand that result in tension on 3850
hair roots such as twisting, wrapping, weaving, ~~bonding and~~ 3851
~~fusion of individual strands or wefts,~~ extending, locking, or 3852
braiding of the hair ~~and includes cleansing the hair in~~ 3853
~~preparation for performing such techniques on the hair.~~ 3854

"Practice of natural hair styling" does not include the 3855
application of dyes, reactive chemicals, or other preparations 3856
to alter the color or to straighten, curl, or alter the 3857
structure of the hair. ~~"Practice of natural hair styling" also~~ 3858
~~does not include embellishing or beautifying hair by cutting or~~ 3859
~~singeing, except as needed to finish off the end of a braid, or~~ 3860
~~by dressing, pressing, curling, waving, permanent waving, or~~ 3861
~~similar work.~~ 3862

(KK) "Practicing license" means a license to practice a 3863
branch of cosmetology in a licensed facility. 3864

(LL) "Salon" means a licensed facility on any premises, 3865
building, or part of a building in which an individual engages 3866
in the practice of one or more branches of cosmetology. "Salon" 3867
does not include a barber shop licensed under Chapter 4709. of 3868
the Revised Code. "Salon" does not mean a tanning facility, 3869
although a tanning facility may be located in a salon. 3870

(MM) "School" means any premises, building, or part of a 3871
building in which students are instructed in the theories and 3872
practices of one or more branches of cosmetology or barbering. 3873

(NN) "Shampooing" means the act of cleansing ~~and,~~ 3874
rinsing, or conditioning an individual's hair ~~under the~~ 3875
~~supervision of an individual licensed under this chapter and in~~ 3876
~~preparation to immediately receive a service from a licensee.~~ 3877

(OO) "Student" means both of the following: 3878

(1) An individual, other than an apprentice instructor, 3879
who is engaged in learning or acquiring knowledge of the 3880
practice of a branch of cosmetology at a school; 3881

(2) An individual engaged in learning or acquiring 3882
knowledge of the practice of barbering at a school. 3883

(PP) "Tanning facility" means any premises, building, or 3884
part of a building that contains one or more rooms or booths 3885
with any of the following: 3886

(1) Equipment or beds used for tanning human skin by the 3887
use of fluorescent sun lamps using ultraviolet or other 3888
artificial radiation; 3889

(2) Equipment or booths that use chemicals applied to 3890
human skin, including chemical applications commonly referred to 3891
as spray-on, mist-on, or sunless tans; 3892

(3) Equipment or beds that use visible light for cosmetic 3893
purposes. 3894

(QQ) "Threading" includes a service that results in the 3895
removal of hair from its follicle from around the eyebrows and 3896
from other parts of the face with the use of a single strand of 3897
thread and an astringent, if the service does not use chemicals 3898
of any kind, wax, or any implements, instruments, or tools to 3899
remove hair. 3900

Sec. 4713.69. (A) Except as provided in division (C) of 3901
this section, the state cosmetology and barber board shall issue 3902
a boutique services registration to an applicant who satisfies 3903
both of the following conditions: 3904

(1) Is at least sixteen years of age; 3905

(2) Has submitted a written application on a form 3906

prescribed by the board containing all of the following:	3907
(a) The applicant's name and home address;	3908
(b) The applicant's home telephone number and cellular telephone number, if any;	3909 3910
(c) The applicant's electronic mail address, if any;	3911
(d) The applicant's date of birth;	3912
(e) Whether the applicant has an occupational license, certification, or registration to provide beauty services in another state, and if so, what type of license and in what state;	3913 3914 3915 3916
(f) Whether the applicant has ever had an occupational license, certification, or registration suspended, revoked, or denied in any state;	3917 3918 3919
(g) An affidavit or certificate providing proof of formal training or apprenticeship under an individual providing such services.	3920 3921 3922
(B) The board shall specify the manner by which boutique services registrants shall fulfill the continuing education requirements set forth in section 4713.09 of the Revised Code.	3923 3924 3925
(C) The board shall issue a boutique services registration in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:	3926 3927 3928
(1) The applicant holds a license or registration in providing boutique services in another state.	3929 3930
(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter in providing boutique services in a	3931 3932 3933

state that does not issue that license or registration. 3934

Sec. 4715.03. (A) The state dental board shall organize by 3935
electing from its members a president, vice-president, 3936
secretary, and vice-secretary. The secretary and vice-secretary 3937
shall be elected from the members of the board who are dentists. 3938
It shall hold meetings monthly at least eight months a year at 3939
such times and places as the board designates. A majority of the 3940
members of the board shall constitute a quorum. The board shall 3941
make such reasonable rules as it determines necessary pursuant 3942
to Chapter 119. of the Revised Code. 3943

(B) A concurrence of a majority of the members of the 3944
board shall be required to do any of the following: 3945

(1) Grant, refuse, suspend, place on probationary status, 3946
revoke, refuse to renew, or refuse to reinstate a license or 3947
censure a license holder or take any other action authorized 3948
under section 4715.30 of the Revised Code; 3949

(2) Seek an injunction under section 4715.05 of the 3950
Revised Code; 3951

(3) Enter into a consent agreement with a license holder; 3952

(4) If the board develops and implements the quality 3953
intervention program under section 4715.031 of the Revised Code, 3954
refer a license holder to the program; 3955

(5) Terminate an investigation conducted under division 3956
(D) of this section; 3957

(6) Dismiss any complaint filed with the board. 3958

(C) (1) The board shall adopt rules in accordance with 3959
Chapter 119. of the Revised Code to do both of the following: 3960

(a) Establish standards for the safe practice of dentistry and dental hygiene by qualified practitioners and shall, through its policies and activities, promote such practice;

(b) Establish universal blood and body fluid precautions that shall be used by each person licensed under this chapter who performs exposure prone invasive procedures.

(2) The rules adopted under division (C) (1) (b) of this section shall define and establish requirements for universal blood and body fluid precautions that include the following:

(a) Appropriate use of hand washing;

(b) Disinfection and sterilization of equipment;

(c) Handling and disposal of needles and other sharp instruments;

(d) Wearing and disposal of gloves and other protective garments and devices.

(D) The board shall administer and enforce the provisions of this chapter. The board shall, in accordance with sections 4715.032 to 4715.035 of the Revised Code, investigate evidence which appears to show that any person has violated any provision of this chapter. Any person may report to the board under oath any information such person may have appearing to show a violation of any provision of this chapter. In the absence of bad faith, any person who reports such information or who testifies before the board in any disciplinary proceeding conducted pursuant to Chapter 119. of the Revised Code is not liable for civil damages as a result of making the report or providing testimony. If after investigation and reviewing the recommendation of the ~~supervisory investigative panel~~ secretary and vice-secretary issued pursuant to section 4715.034 of the

Revised Code the board determines that there are reasonable 3990
grounds to believe that a violation of this chapter has 3991
occurred, the board shall, except as provided in this chapter, 3992
conduct disciplinary proceedings pursuant to Chapter 119. of the 3993
Revised Code, seek an injunction under section 4715.05 of the 3994
Revised Code, enter into a consent agreement with a license 3995
holder, or provide for a license holder to participate in the 3996
quality intervention program established under section 4715.031 3997
of the Revised Code if the board develops and implements that 3998
program. 3999

For the purpose of any disciplinary proceeding or any 4000
investigation conducted under this division, the board may 4001
administer oaths, order the taking of depositions, issue 4002
subpoenas in accordance with section 4715.033 of the Revised 4003
Code, compel the attendance and testimony of persons at 4004
depositions, and compel the production of books, accounts, 4005
papers, documents, or other tangible things. The hearings and 4006
investigations of the board shall be considered civil actions 4007
for the purposes of section 2305.252 of the Revised Code. 4008
Notwithstanding section 121.22 of the Revised Code and except as 4009
provided in section 4715.036 of the Revised Code, proceedings of 4010
the board relative to the investigation of a complaint or the 4011
determination whether there are reasonable grounds to believe 4012
that a violation of this chapter has occurred are confidential 4013
and are not subject to discovery in any civil action. 4014

(E) (1) The board shall examine or cause to be examined 4015
eligible applicants to practice dental hygiene. The board may 4016
distinguish by rule different classes of qualified personnel 4017
according to skill levels and require all or only certain of 4018
these classes of qualified personnel to be examined and 4019
certified by the board. 4020

(2) The board shall administer a written jurisprudence examination to each applicant for a license to practice dentistry. The examination shall cover only the statutes and administrative rules governing the practice of dentistry in this state.

(F) (1) In accordance with Chapter 119. of the Revised Code, subject to division (F) (2) of this section the board shall adopt, and may amend or rescind, rules establishing the eligibility criteria, the application and permit renewal procedures, and safety standards applicable to a dentist licensed under this chapter who applies for a permit to employ or use conscious sedation. These rules shall include all of the following:

(a) The eligibility requirements and application procedures for an eligible dentist to obtain a conscious sedation permit;

(b) The minimum educational and clinical training standards required of applicants, which shall include satisfactory completion of an advanced cardiac life support course;

(c) The facility equipment and inspection requirements;

(d) Safety standards;

(e) Requirements for reporting adverse occurrences.

(2) The board shall issue a permit to employ or use conscious sedation in accordance with Chapter 4796. of the Revised Code to a dentist licensed under this chapter if either of the following applies:

(a) The dentist holds a license or permit to employ or use

conscious sedation in another state. 4049

(b) The dentist has satisfactory work experience, a 4050
government certification, or a private certification as 4051
described in Chapter 4796. of the Revised Code in employing or 4052
using conscious sedation in a state that does not issue that 4053
license. 4054

(G) (1) In accordance with Chapter 119. of the Revised 4055
Code, subject to division (G) (2) of this section the board shall 4056
adopt rules establishing eligibility criteria, application and 4057
permit renewal procedures, and safety standards applicable to a 4058
dentist licensed under this chapter who applies for a general 4059
anesthesia permit. 4060

(2) The board shall issue a general anesthesia permit in 4061
accordance with Chapter 4796. of the Revised Code to a dentist 4062
licensed under this chapter if either of the following applies: 4063

(a) The dentist holds a general anesthesia license or 4064
permit in another state. 4065

(b) The dentist has satisfactory work experience, a 4066
government certification, or a private certification as 4067
described in Chapter 4796. of the Revised Code utilizing general 4068
anesthesia in a state that does not issue that license or 4069
permit. 4070

Sec. 4715.032. ~~There is hereby created the supervisory~~ 4071
~~investigative panel of the state dental board. The supervisory~~ 4072
~~investigative panel shall consist solely of the board's Pursuant~~ 4073
~~to sections 4715.03, 4715.033, 4715.034, 4715.035, and 4715.30~~ 4074
~~of the Revised Code, the secretary and vice-secretary. The~~ 4075
~~supervisory investigative panel of the state dental board shall~~ 4076
jointly supervise all of the board's investigations. 4077

Sec. 4715.033. (A) All subpoenas the state dental board 4078
seeks to issue with respect to an investigation shall, subject 4079
to division (B) of this section, be authorized by the 4080
~~supervisory investigative panel~~secretary and vice-secretary of 4081
the state dental board. 4082

(B) Before the ~~supervisory investigative panel authorizes~~ 4083
~~secretary and vice-secretary of the state dental board authorize~~ 4084
the state dental board to issue a subpoena, the ~~panel~~secretary 4085
and vice-secretary shall consult with the office of the attorney 4086
general and determine whether there is probable cause to believe 4087
that the complaint filed alleges a violation of this chapter or 4088
any rule adopted under it and that the information sought 4089
pursuant to the subpoena is relevant to the alleged violation 4090
and material to the investigation. 4091

(C) (1) Any subpoena to compel the production of records 4092
that the board issues ~~after authorization by the supervisory~~ 4093
~~investigative panel~~ shall pertain to records that cover a 4094
reasonable period of time surrounding the alleged violation. 4095

(2) (a) Except as provided in division (C) (2) (b) of this 4096
section, the subpoena shall state that the person being 4097
subpoenaed has a reasonable period of time that is not less than 4098
seven calendar days to comply with the subpoena. 4099

(b) If the board's secretary determines that the person 4100
being subpoenaed represents a clear and immediate danger to the 4101
public health and safety, the subpoena shall state that the 4102
person being subpoenaed must immediately comply with the 4103
subpoena. 4104

(D) On a person's failure to comply with a subpoena issued 4105
by the board and after reasonable notice to that person of the 4106

failure, the board may move for an order compelling the 4107
production of persons or records pursuant to the Rules of Civil 4108
Procedure. 4109

Sec. 4715.034. (A) At any time during an investigation, 4110
the ~~supervisory investigative panel~~ secretary and vice-secretary 4111
of the state dental board may ask to meet with the individual 4112
who is the subject of the investigation. At the conclusion of 4113
the investigation, the ~~panel~~ secretary and vice-secretary shall 4114
recommend that the state dental board do one of the following: 4115

(1) Pursue disciplinary action under section 4715.30 of 4116
the Revised Code; 4117

(2) Seek an injunction under section 4715.05 of the 4118
Revised Code; 4119

(3) Enter into a consent agreement if the subject of the 4120
investigation is a licensee; 4121

(4) Refer the individual to the quality intervention 4122
program, if that program is developed and implemented under 4123
section 4715.031 of the Revised Code and the subject of the 4124
investigation is a licensee; 4125

(5) Terminate the investigation. 4126

(B) The ~~supervisory investigative panel's~~ recommendation 4127
of the secretary and vice-secretary shall be in writing and 4128
specify the reasons for the recommendation. Except as provided 4129
in section 4715.035 of the Revised Code, the ~~panel~~ secretary and 4130
vice-secretary shall make ~~its~~ their recommendation not later 4131
than one year after the date the ~~panel begins~~ secretary and 4132
vice-secretary begin to supervise the investigation or, if the 4133
investigation pertains to an alleged violation of division (A) 4134
(9) of section 4715.30 of the Revised Code, not later than two 4135

years after the ~~panel begins to~~ secretary and vice-secretary 4136
begin to supervise the investigation. 4137

Once the panel makes its recommendation, the members of 4138
the panel shall not participate in any deliberations the board 4139
has on the case. 4140

Sec. 4715.035. Both of the following periods of time shall 4141
not be counted for purposes of determining the time within which 4142
the ~~supervisory investigative panel is~~ secretary and vice- 4143
secretary of the state dental board are required to make ~~its-~~ 4144
their recommendation to the state dental board under section 4145
4715.034 of the Revised Code: 4146

(A) The period during which the ~~panel suspends~~ secretary 4147
and vice-secretary suspend the investigation of an individual 4148
because the individual is also the subject of a criminal 4149
investigation and ~~the panel is~~ are asked to do so by the entity 4150
conducting the criminal investigation or the ~~panel determines-~~ 4151
secretary and vice-secretary determine it is necessary to do so 4152
as a result of the criminal investigation. 4153

(B) The period beginning when the board moves for an order 4154
compelling the production of persons or records, as permitted by 4155
division (D) of section 4715.033 of the Revised Code, and ending 4156
when either of the following occurs: 4157

(1) The court renders a decision not to issue the order. 4158

(2) The court renders a decision to issue the order and 4159
the person subject to the order produces the persons or records. 4160

Sec. 4715.30. (A) Except as provided in division (K) of 4161
this section, an applicant for or holder of a certificate or 4162
license issued under this chapter is subject to disciplinary 4163
action by the state dental board for any of the following 4164

reasons:	4165
(1) Employing or cooperating in fraud or material deception in applying for or obtaining a license or certificate;	4166 4167
(2) Obtaining or attempting to obtain money or anything of value by intentional misrepresentation or material deception in the course of practice;	4168 4169 4170
(3) Advertising services in a false or misleading manner or violating the board's rules governing time, place, and manner of advertising;	4171 4172 4173
(4) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	4174 4175 4176
(5) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	4177 4178 4179
(6) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, any felony or of a misdemeanor committed in the course of practice;	4180 4181 4182 4183 4184
(7) Engaging in lewd or immoral conduct in connection with the provision of dental services;	4185 4186
(8) Selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes, or conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, a violation of any	4187 4188 4189 4190 4191 4192

federal or state law regulating the possession, distribution, or use of any drug;	4193 4194
(9) Providing or allowing dental hygienists, expanded function dental auxiliaries, or other practitioners of auxiliary dental occupations working under the certificate or license holder's supervision, or a dentist holding a temporary limited continuing education license under division (C) of section 4715.16 of the Revised Code working under the certificate or license holder's direct supervision, to provide dental care that departs from or fails to conform to accepted standards for the profession, whether or not injury to a patient results;	4195 4196 4197 4198 4199 4200 4201 4202 4203
(10) Inability to practice under accepted standards of the profession because of physical or mental disability, dependence on alcohol or other drugs, or excessive use of alcohol or other drugs;	4204 4205 4206 4207
(11) Violation of any provision of this chapter or any rule adopted thereunder;	4208 4209
(12) Failure to use universal blood and body fluid precautions established by rules adopted under section 4715.03 of the Revised Code;	4210 4211 4212
(13) Except as provided in division (H) of this section, either of the following:	4213 4214
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers dental services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that certificate or license holder;	4215 4216 4217 4218 4219 4220 4221

(b) Advertising that the certificate or license holder 4222
will waive the payment of all or any part of a deductible or 4223
copayment that a patient, pursuant to a health insurance or 4224
health care policy, contract, or plan that covers dental 4225
services, would otherwise be required to pay. 4226

(14) Failure to comply with section 4715.302 or 4729.79 of 4227
the Revised Code, unless the state board of pharmacy no longer 4228
maintains a drug database pursuant to section 4729.75 of the 4229
Revised Code; 4230

(15) Any of the following actions taken by an agency 4231
responsible for authorizing, certifying, or regulating an 4232
individual to practice a health care occupation or provide 4233
health care services in this state or another jurisdiction, for 4234
any reason other than the nonpayment of fees: the limitation, 4235
revocation, or suspension of an individual's license to 4236
practice; acceptance of an individual's license surrender; 4237
denial of a license; refusal to renew or reinstate a license; 4238
imposition of probation; or issuance of an order of censure or 4239
other reprimand; 4240

(16) Failure to cooperate in an investigation conducted by 4241
the board under division (D) of section 4715.03 of the Revised 4242
Code, including failure to comply with a subpoena or order 4243
issued by the board or failure to answer truthfully a question 4244
presented by the board at a deposition or in written 4245
interrogatories, except that failure to cooperate with an 4246
investigation shall not constitute grounds for discipline under 4247
this section if a court of competent jurisdiction has issued an 4248
order that either quashes a subpoena or permits the individual 4249
to withhold the testimony or evidence in issue; 4250

(17) Failure to comply with the requirements in section 4251

3719.061 of the Revised Code before issuing for a minor a 4252
prescription for an opioid analgesic, as defined in section 4253
3719.01 of the Revised Code; 4254

(18) Failure to comply with the requirements of sections 4255
4715.71 and 4715.72 of the Revised Code regarding the operation 4256
of a mobile dental facility; 4257

(19) A pattern of continuous or repeated violations of 4258
division (F) (2) of section 3963.02 of the Revised Code. 4259

(B) A manager, proprietor, operator, or conductor of a 4260
dental facility shall be subject to disciplinary action if any 4261
dentist, dental hygienist, expanded function dental auxiliary, 4262
or qualified personnel providing services in the facility is 4263
found to have committed a violation listed in division (A) of 4264
this section and the manager, proprietor, operator, or conductor 4265
knew of the violation and permitted it to occur on a recurring 4266
basis. 4267

(C) Subject to Chapter 119. of the Revised Code, the board 4268
may take one or more of the following disciplinary actions if 4269
one or more of the grounds for discipline listed in divisions 4270
(A) and (B) of this section exist: 4271

(1) Censure the license or certificate holder; 4272

(2) Place the license or certificate on probationary 4273
status for such period of time the board determines necessary 4274
and require the holder to: 4275

(a) Report regularly to the board upon the matters which 4276
are the basis of probation; 4277

(b) Limit practice to those areas specified by the board; 4278

(c) Continue or renew professional education until a 4279

satisfactory degree of knowledge or clinical competency has been 4280
attained in specified areas. 4281

(3) Suspend the certificate or license; 4282

(4) Revoke the certificate or license. 4283

Where the board places a holder of a license or 4284
certificate on probationary status pursuant to division (C) (2) 4285
of this section, the board may subsequently suspend or revoke 4286
the license or certificate if it determines that the holder has 4287
not met the requirements of the probation or continues to engage 4288
in activities that constitute grounds for discipline pursuant to 4289
division (A) or (B) of this section. 4290

Any order suspending a license or certificate shall state 4291
the conditions under which the license or certificate will be 4292
restored, which may include a conditional restoration during 4293
which time the holder is in a probationary status pursuant to 4294
division (C) (2) of this section. The board shall restore the 4295
license or certificate unconditionally when such conditions are 4296
met. 4297

(D) If the physical or mental condition of an applicant or 4298
a license or certificate holder is at issue in a disciplinary 4299
proceeding, the board may order the license or certificate 4300
holder to submit to reasonable examinations by an individual 4301
designated or approved by the board and at the board's expense. 4302
The physical examination may be conducted by any individual 4303
authorized by the Revised Code to do so, including a physician 4304
assistant, a clinical nurse specialist, a certified nurse 4305
practitioner, or a certified nurse-midwife. Any written 4306
documentation of the physical examination shall be completed by 4307
the individual who conducted the examination. 4308

Failure to comply with an order for an examination shall 4309
be grounds for refusal of a license or certificate or summary 4310
suspension of a license or certificate under division (E) of 4311
this section. 4312

(E) If a license or certificate holder has failed to 4313
comply with an order under division (D) of this section, the 4314
board may apply to the court of common pleas of the county in 4315
which the holder resides for an order temporarily suspending the 4316
holder's license or certificate, without a prior hearing being 4317
afforded by the board, until the board conducts an adjudication 4318
hearing pursuant to Chapter 119. of the Revised Code. If the 4319
court temporarily suspends a holder's license or certificate, 4320
the board shall give written notice of the suspension personally 4321
or by certified mail to the license or certificate holder. Such 4322
notice shall inform the license or certificate holder of the 4323
right to a hearing pursuant to Chapter 119. of the Revised Code. 4324

(F) Any holder of a certificate or license issued under 4325
this chapter who has pleaded guilty to, has been convicted of, 4326
or has had a judicial finding of eligibility for intervention in 4327
lieu of conviction entered against the holder in this state for 4328
aggravated murder, murder, voluntary manslaughter, felonious 4329
assault, kidnapping, rape, sexual battery, gross sexual 4330
imposition, aggravated arson, aggravated robbery, or aggravated 4331
burglary, or who has pleaded guilty to, has been convicted of, 4332
or has had a judicial finding of eligibility for treatment or 4333
intervention in lieu of conviction entered against the holder in 4334
another jurisdiction for any substantially equivalent criminal 4335
offense, is automatically suspended from practice under this 4336
chapter in this state and any certificate or license issued to 4337
the holder under this chapter is automatically suspended, as of 4338
the date of the guilty plea, conviction, or judicial finding, 4339

whether the proceedings are brought in this state or another 4340
jurisdiction. Continued practice by an individual after the 4341
suspension of the individual's certificate or license under this 4342
division shall be considered practicing without a certificate or 4343
license. The board shall notify the suspended individual of the 4344
suspension of the individual's certificate or license under this 4345
division in accordance with sections 119.05 and 119.07 of the 4346
Revised Code. If an individual whose certificate or license is 4347
suspended under this division fails to make a timely request for 4348
an adjudicatory hearing, the board shall enter a final order 4349
revoking the individual's certificate or license. 4350

(G) If the ~~supervisory investigative panel determines~~ 4351
secretary and vice-secretary of the state dental board determine 4352
both of the following, ~~the panel~~ they may recommend that the 4353
board suspend an individual's certificate or license without a 4354
prior hearing: 4355

(1) That there is clear and convincing evidence that an 4356
individual has violated division (A) of this section; 4357

(2) That the individual's continued practice presents a 4358
danger of immediate and serious harm to the public. 4359

Written allegations shall be prepared for consideration by 4360
the board. The board, upon review of those allegations and by an 4361
affirmative vote of not fewer than four dentist members of the 4362
board and seven of its members in total, excluding ~~any member on~~ 4363
~~the supervisory investigative panel~~ the secretary and vice- 4364
secretary, may suspend a certificate or license without a prior 4365
hearing. A telephone conference call may be utilized for 4366
reviewing the allegations and taking the vote on the summary 4367
suspension. 4368

The board shall serve a written order of suspension in accordance with sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency or any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. A failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order.

(H) Sanctions shall not be imposed under division (A) (13) of this section against any certificate or license holder who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other person who holds a certificate or license issued pursuant to this chapter to the extent allowed by this chapter and the rules of

the board. 4399

(I) In no event shall the board consider or raise during a 4400
hearing required by Chapter 119. of the Revised Code the 4401
circumstances of, or the fact that the board has received, one 4402
or more complaints about a person unless the one or more 4403
complaints are the subject of the hearing or resulted in the 4404
board taking an action authorized by this section against the 4405
person on a prior occasion. 4406

(J) The board may share any information it receives 4407
pursuant to an investigation under division (D) of section 4408
4715.03 of the Revised Code, including patient records and 4409
patient record information, with law enforcement agencies, other 4410
licensing boards, and other governmental agencies that are 4411
prosecuting, adjudicating, or investigating alleged violations 4412
of statutes or administrative rules. An agency or board that 4413
receives the information shall comply with the same requirements 4414
regarding confidentiality as those with which the state dental 4415
board must comply, notwithstanding any conflicting provision of 4416
the Revised Code or procedure of the agency or board that 4417
applies when it is dealing with other information in its 4418
possession. In a judicial proceeding, the information may be 4419
admitted into evidence only in accordance with the Rules of 4420
Evidence, but the court shall require that appropriate measures 4421
are taken to ensure that confidentiality is maintained with 4422
respect to any part of the information that contains names or 4423
other identifying information about patients or complainants 4424
whose confidentiality was protected by the state dental board 4425
when the information was in the board's possession. Measures to 4426
ensure confidentiality that may be taken by the court include 4427
sealing its records or deleting specific information from its 4428
records. 4429

(K) The board shall not refuse to issue a license or certificate to an applicant for either of the following reasons unless the refusal is in accordance with section 9.79 of the Revised Code:

(1) A conviction or plea of guilty to an offense;

(2) A judicial finding of eligibility for treatment or intervention in lieu of a conviction.

Sec. 4723.114. (A) As used in this section, "person" has the same meaning as in section 1.59 of the Revised Code.

(B) A person or governmental entity that employs, or contracts directly or through another person or governmental entity for the provision of services by, a nurse holding a multistate license to practice registered or licensed practical nursing issued pursuant to section 4723.11 of the Revised Code shall do both of the following if the nurse's home state, as defined in that section, is not Ohio:

(1) Report to the board of nursing the number of nurses holding multistate licenses who are employed by, or providing services for, the person or governmental entity;

(2) Provide each nurse holding a multistate license a copy of board-developed information concerning laws and rules specific to the practice of nursing in Ohio.

(C) The board shall develop information concerning laws and rules specific to the practice of nursing in Ohio and make that information available on its internet web site.

(D) The board may display on its internet web site a list of the names of persons or governmental entities that have complied with the reporting requirement described in division

(B) (1) of this section or any rule adopted by the board to 4458
implement that requirement. The board may update the list 4459
annually to reflect any changes in compliance with the 4460
requirement or rule. 4461

(E) The board may adopt rules in accordance with Chapter 4462
119. of the Revised Code to implement this section. 4463

Sec. 4723.89. (A) As used in this section and section 4464
4723.90 of the Revised Code: 4465

(1) "Doula" means a trained, nonmedical professional who 4466
advocates for, and provides continuous physical, emotional, and 4467
informational support to, a pregnant woman through the delivery 4468
of a child and immediately after the delivery, including during 4469
any of the following periods: 4470

(a) The antepartum period; 4471

(b) The intrapartum period; 4472

(c) The postpartum period. 4473

(2) "Doula certification organization" means an 4474
organization that is recognized, at an international, national, 4475
state, or local level, for training and certifying doulas. 4476

(B) ~~Beginning on October 3, 2024, a~~ A person shall not use 4477
or assume the title "state of Ohio certified doula" unless the 4478
person holds a certificate issued under this section by the 4479
board of nursing. 4480

(C) The board of nursing shall seek and consider the 4481
opinion of the doula advisory group established in section 4482
4723.90 of the Revised Code when an individual is seeking to be 4483
eligible for medicaid reimbursement as a state of Ohio certified 4484
doula. 4485

(D) The board shall adopt rules in accordance with Chapter	4486
119. of the Revised Code establishing standards and procedures	4487
for issuing certificates to doulas under this section. The rules	4488
shall include all of the following:	4489
(1) Requirements for certification as a <u>state of Ohio</u>	4490
<u>certified</u> doula, including both of the following:	4491
(a) A requirement that a doula either be certified by a	4492
doula certification organization or, if not certified, have	4493
education and experience considered by the board to be	4494
appropriate, as specified in the rules;	4495
(b) A requirement that the results of a criminal records	4496
check conducted in accordance with section 4723.091 of the	4497
Revised Code demonstrate that the applicant is not ineligible	4498
for certification in accordance with section 4723.092 of the	4499
Revised Code.	4500
(2) Requirements for renewal of a certificate and	4501
continuing education;	4502
(3) Requirements for training on racial bias, health	4503
disparities, and cultural competency as a condition of initial	4504
certification and certificate renewal;	4505
(4) Certificate application and renewal fees, as well as a	4506
waiver of those fees for applicants with a family income not	4507
exceeding three hundred per cent of the federal poverty line;	4508
(5) Requirements and standards of practice for <u>state of</u>	4509
<u>Ohio</u> certified doulas;	4510
(6) The amount of a fine to be imposed under division (F)	4511
of this section;	4512
(7) Any other standards or procedures the board considers	4513

necessary to implement this section. 4514

(E) The board of nursing shall develop and regularly 4515
update a registry of doulas who hold certificates issued under 4516
this section. The registry shall be made available to the public 4517
on a web site maintained by the board. 4518

(F) In an adjudication under Chapter 119. of the Revised 4519
Code, the board of nursing may impose a fine against any person 4520
who violates division (B) of this section. On request of the 4521
board, the attorney general shall bring and prosecute to 4522
judgment a civil action to collect any fine imposed under this 4523
division that remains unpaid. 4524

Sec. 4723.90. (A) There is hereby established within the 4525
board of nursing the doula advisory group. 4526

(B) (1) The advisory group shall consist of the following 4527
seventeen members: 4528

(a) The following members appointed by the board of 4529
nursing: 4530

(i) Three members representing communities most impacted 4531
by negative maternal and infant health outcomes; 4532

(ii) Five members who are doulas with current, valid 4533
certification from a doula certification organization; 4534

(iii) Two members who are public health officials, 4535
physicians, nurses, or social workers; 4536

(iv) Two members who are consumers; 4537

(v) Two members representing a doula certification program 4538
or organization established in Ohio. 4539

(b) One member representing the commission on minority 4540

health appointed by the executive director of the commission on 4541
minority health; 4542

(c) One member representing the department of health 4543
appointed by the director of health; 4544

(d) One member representing the board of nursing appointed 4545
by the board of nursing. 4546

(2) Both of the following apply to the board of nursing in 4547
appointing members to the advisory group pursuant to division 4548
(B) (1) (a) of this section: 4549

(a) A good faith effort shall be made to select members 4550
who represent counties with higher rates of infant and maternal 4551
mortality, particularly those counties with the largest 4552
disparities. 4553

(b) Priority shall be given to individuals with direct 4554
service experience providing care to infants and pregnant and 4555
postpartum women. 4556

~~(C) The advisory group, by a majority vote of a quorum of~~ 4557
~~its members, shall select an individual to serve as its~~ 4558
~~chairperson. The advisory group may replace a chairperson in the~~ 4559
~~same manner~~ member described in division (B) (1) (d) of this 4560
section shall serve as the advisory group's chairperson. 4561

(D) Of the initial appointments to the advisory group 4562
pursuant to division (B) (1) (a) of this section, half shall be 4563
appointed to a term of one year and half shall be appointed to a 4564
term of two years. Thereafter, all terms shall be two years. 4565

(E) The board of nursing, the executive director of the 4566
commission on minority health, and the director of health shall 4567
fill a vacancy as soon as practicable. 4568

(F) If requested, a member shall receive reimbursement of 4569
actual and necessary expenses incurred pursuant to fulfilling 4570
the member's advisory group duties. 4571

(G) Members may be reappointed for an unlimited number of 4572
terms. 4573

(H) The advisory group shall meet at the call of the 4574
advisory group's chairperson as often as the chairperson 4575
determines necessary for timely completion of the group's duties 4576
as described in this section. 4577

(I) The board of nursing shall provide meeting space, 4578
virtual meeting technology, staff services, and other technical 4579
assistance required by the advisory group in carrying out its 4580
duties. 4581

(J) The advisory group shall do all of the following: 4582

(1) Provide general advice, guidance, and recommendations 4583
to the board of nursing regarding doula certification and the 4584
adoption of rules under divisions (D) (3) and (5) of section 4585
4723.89 of the Revised Code; 4586

(2) Advise the board of nursing regarding individuals 4587
seeking to be eligible for medicaid reimbursement as state of 4588
Ohio certified doulas; 4589

(3) Provide general advice, guidance, and recommendations 4590
to the department of medicaid regarding the medicaid coverage of 4591
doula services required under section 5164.071 of the Revised 4592
Code; 4593

(4) Beginning two years after ~~the effective date of this~~ 4594
~~section~~ April 30, 2024, and annually thereafter, submit a report 4595
to the general assembly in accordance with section 101.68 of the 4596

Revised Code including the following information regarding the	4597
doula services provided pursuant to section 5164.071 of the	4598
Revised Code:	4599
(a) The number of pregnant women and infants served;	4600
(b) The number and types of doula services provided;	4601
(c) Outcome metrics, including maternal and infant health	4602
outcomes.	4603
Sec. 4735.01. As used in this chapter:	4604
(A) "Real estate broker" includes any person, partnership,	4605
association, limited liability company, limited liability	4606
partnership, or corporation, foreign or domestic, who for	4607
another, whether pursuant to a power of attorney or otherwise,	4608
and who for a fee, commission, or other valuable consideration,	4609
or with the intention, or in the expectation, or upon the	4610
promise of receiving or collecting a fee, commission, or other	4611
valuable consideration does any of the following:	4612
(1) Sells, exchanges, purchases, rents, or leases, or	4613
negotiates the sale, exchange, purchase, rental, or leasing of	4614
any real estate;	4615
(2) Offers, attempts, or agrees to negotiate the sale,	4616
exchange, purchase, rental, or leasing of any real estate;	4617
(3) Lists, or offers, attempts, or agrees to list, or	4618
auctions, or offers, attempts, or agrees to auction, any real	4619
estate;	4620
(4) Buys or offers to buy, sells or offers to sell, or	4621
otherwise deals in options on real estate;	4622
(5) Operates, manages, or rents, or offers or attempts to	4623

operate, manage, or rent, other than as custodian, caretaker, or 4624
janitor, any building or portions of buildings to the public as 4625
tenants; 4626

(6) Advertises or holds self out as engaged in the 4627
business of selling, exchanging, purchasing, renting, or leasing 4628
real estate; 4629

(7) Directs or assists in the procuring of prospects or 4630
the negotiation of any transaction, other than mortgage 4631
financing, which does or is calculated to result in the sale, 4632
exchange, leasing, or renting of any real estate; 4633

(8) Is engaged in the business of charging an advance fee 4634
or contracting for collection of a fee in connection with any 4635
contract whereby the broker undertakes primarily to promote the 4636
sale, exchange, purchase, rental, or leasing of real estate 4637
through its listing in a publication issued primarily for such 4638
purpose, or for referral of information concerning such real 4639
estate to brokers, or both, except that this division does not 4640
apply to a publisher of listings or compilations of sales of 4641
real estate by their owners; 4642

(9) Collects rental information for purposes of referring 4643
prospective tenants to rental units or locations of such units 4644
and charges the prospective tenants a fee. 4645

(B) "Real estate" includes leaseholds as well as any and 4646
every interest or estate in land situated in this state, whether 4647
corporeal or incorporeal, whether freehold or nonfreehold, and 4648
the improvements on the land, but does not include cemetery 4649
interment rights. 4650

(C) "Real estate salesperson" means any person associated 4651
with a licensed real estate broker to do or to deal in any acts 4652

or transactions set out or comprehended by the definition of a 4653
real estate broker, for compensation or otherwise. 4654

(D) "Institution of higher education" includes all of the 4655
following: 4656

(1) A state institution of higher education, as defined in 4657
section 3345.011 of the Revised Code; 4658

(2) A nonprofit institution issued a certificate of 4659
authorization under Chapter 1713. of the Revised Code; 4660

(3) A private institution exempt from regulation under 4661
Chapter 3332. of the Revised Code, as prescribed in section 4662
3333.046 of the Revised Code. 4663

(4) An institution with a certificate of registration from 4664
the state board of career colleges and schools under Chapter 4665
3332. of the Revised Code that is approved to offer degree or 4666
certificate programs in accordance with section 3332.05 of the 4667
Revised Code. 4668

(E) "Foreign real estate" means real estate not situated 4669
in this state and any interest in real estate not situated in 4670
this state. 4671

(F) "Foreign real estate dealer" includes any person, 4672
partnership, association, limited liability company, limited 4673
liability partnership, or corporation, foreign or domestic, who 4674
for another, whether pursuant to a power of attorney or 4675
otherwise, and who for a fee, commission, or other valuable 4676
consideration, or with the intention, or in the expectation, or 4677
upon the promise of receiving or collecting a fee, commission, 4678
or other valuable consideration, does or deals in any act or 4679
transaction specified or comprehended in division (A) of this 4680
section with respect to foreign real estate. 4681

(G) "Foreign real estate salesperson" means any person 4682
associated with a licensed foreign real estate dealer to do or 4683
deal in any act or transaction specified or comprehended in 4684
division (A) of this section with respect to foreign real 4685
estate, for compensation or otherwise. 4686

(H) Any person, partnership, association, limited 4687
liability company, limited liability partnership, or 4688
corporation, who, for another, in consideration of compensation, 4689
by fee, commission, salary, or otherwise, or with the intention, 4690
in the expectation, or upon the promise of receiving or 4691
collecting a fee, does, or offers, attempts, or agrees to engage 4692
in, any single act or transaction contained in the definition of 4693
a real estate broker, whether an act is an incidental part of a 4694
transaction, or the entire transaction, shall be constituted a 4695
real estate broker or real estate salesperson under this 4696
chapter. 4697

(I) (1) The terms "real estate broker," "real estate 4698
salesperson," "foreign real estate dealer," and "foreign real 4699
estate salesperson" do not include a person, partnership, 4700
association, limited liability company, limited liability 4701
partnership, or corporation, or the regular employees thereof, 4702
who perform any of the acts or transactions specified or 4703
comprehended in division (A) of this section, whether or not 4704
for, or with the intention, in expectation, or upon the promise 4705
of receiving or collecting a fee, commission, or other valuable 4706
consideration: 4707

(a) With reference to real estate situated in this state 4708
owned by such person, partnership, association, limited 4709
liability company, limited liability partnership, or 4710
corporation, or acquired on its own account in the regular 4711

course of, or as an incident to the management of the property 4712
and the investment in it; 4713

(b) As receiver or trustee in bankruptcy, as guardian, 4714
executor, administrator, trustee, assignee, commissioner, or any 4715
person doing the things mentioned in this section, under 4716
authority or appointment of, or incident to a proceeding in, any 4717
court, or as a bona fide public officer, or as executor, 4718
trustee, or other bona fide fiduciary under any trust agreement, 4719
deed of trust, will, or other instrument that has been executed 4720
in good faith creating a like bona fide fiduciary obligation; 4721

(c) As a public officer while performing the officer's 4722
official duties; 4723

(d) As an attorney at law in the performance of the 4724
attorney's duties; 4725

(e) As a person who engages in the brokering of the sale 4726
of business assets, not including the sale, lease, exchange, or 4727
assignment of any interest in real estate; 4728

(f) As a person who engages in the sale of manufactured 4729
homes as defined in division (C) (4) of section 3781.06 of the 4730
Revised Code, or of mobile homes as defined in division (O) of 4731
section 4501.01 of the Revised Code, provided the sale does not 4732
include the negotiation, sale, lease, exchange, or assignment of 4733
any interest in real estate; 4734

(g) As a person who engages in the sale of commercial real 4735
estate pursuant to the requirements of section 4735.022 of the 4736
Revised Code; 4737

(h) As an oil and gas land professional in the performance 4738
of the oil and gas land professional's duties, provided the oil 4739
and gas land professional is not engaged in the purchase or sale 4740

of a fee simple absolute interest in oil and gas or other real 4741
estate and the oil and gas land professional complies with 4742
division (A) of section 4735.023 of the Revised Code; 4743

(i) As an oil and gas land professional employed by the 4744
person, partnership, association, limited liability company, 4745
limited liability partnership, or corporation for which the oil 4746
and gas land professional is performing the oil and gas land 4747
professional's duties. 4748

(2) A person, partnership, association, limited liability 4749
company, limited liability partnership, or corporation exempt 4750
under division (I)(1)(a) of this section shall be limited by the 4751
legal interest in the real estate held by that person or entity 4752
to performing any of the acts or transactions specified in or 4753
comprehended by division (A) of this section. 4754

(J) "Disabled licensee" means a person licensed pursuant 4755
to this chapter who is under a severe disability which is of 4756
such a nature as to prevent the person from being able to attend 4757
any instruction lasting at least three hours in duration. 4758

(K) "Division of real estate" may be used interchangeably 4759
with, and for all purposes has the same meaning as, "division of 4760
real estate and professional licensing." 4761

(L) "Superintendent" or "superintendent of real estate" 4762
means the superintendent of the division of real estate and 4763
professional licensing of this state. Whenever the division or 4764
superintendent of real estate is referred to or designated in 4765
any statute, rule, contract, or other document, the reference or 4766
designation shall be deemed to refer to the division or 4767
superintendent of real estate and professional licensing, as the 4768
case may be. 4769

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

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

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

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

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

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

(S) "Out-of-state commercial broker" includes any person, partnership, association, limited liability company, limited liability partnership, or corporation that is licensed to do

business as a real estate broker in a jurisdiction other than 4799
Ohio. 4800

(T) "Out-of-state commercial salesperson" includes any 4801
person affiliated with an out-of-state commercial broker who is 4802
not licensed as a real estate salesperson in Ohio. 4803

(U) "Exclusive right to sell or lease listing agreement" 4804
means an agency agreement between a seller and broker that meets 4805
the requirements of section 4735.55 of the Revised Code and does 4806
both of the following: 4807

(1) Grants the broker the exclusive right to represent the 4808
seller in the sale or lease of the seller's property; 4809

(2) Provides the broker will be compensated if the broker, 4810
the seller, or any other person or entity produces a purchaser 4811
or tenant in accordance with the terms specified in the listing 4812
agreement or if the property is sold or leased during the term 4813
of the listing agreement to anyone other than to specifically 4814
exempted persons or entities. 4815

(V) "Exclusive agency agreement" means an agency agreement 4816
between a seller and broker that meets the requirements of 4817
section 4735.55 of the Revised Code and does both of the 4818
following: 4819

(1) Grants the broker the exclusive right to represent the 4820
seller in the sale or lease of the seller's property; 4821

(2) Provides the broker will be compensated if the broker 4822
or any other person or entity produces a purchaser or tenant in 4823
accordance with the terms specified in the listing agreement or 4824
if the property is sold or leased during the term of the listing 4825
agreement, unless the property is sold or leased solely through 4826
the efforts of the seller or to the specifically exempted 4827

persons or entities. 4828

(W) "Exclusive purchaser agency agreement" means an agency 4829
agreement between a purchaser and broker that meets the 4830
requirements of section 4735.55 of the Revised Code and does 4831
both of the following: 4832

(1) Grants the broker the exclusive right to represent the 4833
purchaser in the purchase or lease of property; 4834

(2) Provides the broker will be compensated in accordance 4835
with the terms specified in the exclusive agency agreement or if 4836
a property is purchased or leased by the purchaser during the 4837
term of the agency agreement unless the property is specifically 4838
exempted in the agency agreement. 4839

The agreement may authorize the broker to receive 4840
compensation from the seller or the seller's agent and may 4841
provide that the purchaser is not obligated to compensate the 4842
broker if the property is purchased or leased solely through the 4843
efforts of the purchaser. 4844

(X) "Seller" means a party in a real estate transaction 4845
who is the potential transferor of property. "Seller" includes 4846
an owner of property who is seeking to sell the property and a 4847
landlord who is seeking to rent or lease property to another 4848
person. 4849

(Y) "Resigned" means the license status in which a license 4850
has been voluntarily and permanently surrendered to or is 4851
otherwise in the possession of the division of real estate and 4852
professional licensing, may not be renewed or reactivated in 4853
accordance with the requirements specified in this chapter or 4854
the rules adopted pursuant to it, and is not associated with a 4855
real estate broker. 4856

(Z) "Bona fide" means made in good faith or without purpose of circumventing license law. 4857
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(AA) "Associate broker" means an individual licensed as a real estate broker under this chapter who does not function as the principal broker or a management level licensee. 4859
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(BB) "Brokerage" means a corporation, partnership, limited partnership, association, limited liability company, limited liability partnership, or sole proprietorship, foreign or domestic, that has been issued a broker's license. "Brokerage" includes the affiliated licensees who have been assigned management duties that include supervision of licensees whose duties may conflict with those of other affiliated licensees. 4862
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(CC) ~~"Credit eligible~~ Except as provided in section 4735.011 of the Revised Code, "eligible course" means a credit or ~~noncredit bearing course that is both of the following:~~ 4869
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~~(1) The noncredit course is~~ offered by an institution of higher education.— 4872
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~~(2) The course is eligible for academic credit that that~~ may be applied toward the requirements for a degree or certificate at the institution ~~of higher education.~~ 4874
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(DD) "Distance education" means courses required by divisions (B) (6) and (G) of section 4735.07, divisions (F) (6) and (J) of section 4735.09, and division (A) of section 4735.141 of the Revised Code in which instruction is accomplished through use of interactive, electronic media and where the teacher and student are separated by distance or time, or both. 4877
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(EE) "Licensee" means any individual licensed as a real estate broker or salesperson by the Ohio real estate commission pursuant to this chapter. 4883
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(FF) "Management level licensee" means a licensee who is 4886
employed by or affiliated with a real estate broker and who has 4887
supervisory responsibility over other licensees employed by or 4888
affiliated with that real estate broker. 4889

(GG) "Oil and gas land professional" means a person 4890
regularly engaged in the preparation and negotiation of 4891
agreements for the purpose of exploring for, transporting, 4892
producing, or developing oil and gas mineral interests, 4893
including, but not limited to, oil and gas leases and pipeline 4894
easements. 4895

(HH) "Principal broker" means an individual licensed as a 4896
real estate broker under this chapter who oversees and directs 4897
the operations of the brokerage. 4898

(II) "Right-to-list home sale agreement" means an 4899
agreement whereby the owner of residential real estate agrees to 4900
provide another person with exclusive rights to list the real 4901
estate for sale at a future date in exchange for monetary 4902
consideration, or an equivalent to monetary consideration, and 4903
that meets one or both of the following: 4904

(1) The agreement states that it runs with the land or 4905
otherwise purports to bind future owners of the residential real 4906
estate; 4907

(2) The agreement purports to be a lien, encumbrance, or 4908
other real property security interest. 4909

Sec. 4735.011. If an institution of higher education is 4910
approved in accordance with section 3332.05 of the Revised Code 4911
to offer only certificate programs through distance education, 4912
the design and delivery method of a course offered by the 4913
institution must be certified by the association of real estate 4914

license law officials, the international distance education 4915
certification center, or another certifying body recognized by 4916
the superintendent of real estate and professional licensing to 4917
be considered an eligible course for purposes of this chapter. 4918

Sec. 4735.07. (A) The superintendent of real estate, with 4919
the consent of the Ohio real estate commission, may enter into 4920
agreements with recognized national testing services to 4921
administer the real estate broker's examination under the 4922
superintendent's supervision and control, consistent with the 4923
requirements of this chapter as to the contents of such 4924
examination. 4925

(B) No applicant for a real estate broker's license shall 4926
take the broker's examination who has not established to the 4927
satisfaction of the superintendent that the applicant: 4928

(1) Is honest and truthful; 4929

(2) (a) Has not been convicted of a disqualifying offense 4930
as determined in accordance with section 9.79 of the Revised 4931
Code; 4932

(b) Has not been finally adjudged by a court to have 4933
violated any municipal, state, or federal civil rights laws 4934
relevant to the protection of purchasers or sellers of real 4935
estate or, if the applicant has been so adjudged, at least two 4936
years have passed since the court decision and the 4937
superintendent has disregarded the adjudication because the 4938
applicant has proven, by a preponderance of the evidence, that 4939
the applicant's activities and employment record since the 4940
adjudication show that the applicant is honest and truthful, and 4941
there is no basis in fact for believing that the applicant will 4942
again violate the laws involved. 4943

(3) Has not, during any period in which the applicant was 4944
licensed under this chapter, violated any provision of, or any 4945
rule adopted pursuant to, this chapter, or, if the applicant has 4946
violated any such provision or rule, has established to the 4947
satisfaction of the superintendent that the applicant will not 4948
again violate such provision or rule; 4949

(4) Is at least eighteen years of age; 4950

(5) Has been a licensed real estate broker or salesperson 4951
for at least two of the five years preceding the person's 4952
application, and has completed one of the following: 4953

(a) At least twenty real estate transactions, in which 4954
property was sold for another by the applicant while acting in 4955
the capacity of a real estate broker or salesperson; 4956

(b) Such equivalent experience as is defined by rules 4957
adopted by the commission. 4958

(6) (a) If licensed as a real estate salesperson prior to 4959
August 1, 2001, successfully has completed at an institution of 4960
higher education all of the following ~~credit eligible~~ eligible 4961
courses by either classroom instruction or distance education: 4962

(i) Thirty hours of instruction in real estate practice; 4963

(ii) Thirty hours of instruction that includes the 4964
subjects of Ohio real estate law, municipal, state, and federal 4965
civil rights law, new case law on housing discrimination, 4966
desegregation issues, and methods of eliminating the effects of 4967
prior discrimination. If feasible, the instruction in Ohio real 4968
estate law shall be taught by a member of the faculty of an 4969
accredited law school. If feasible, the instruction in 4970
municipal, state, and federal civil rights law, new case law on 4971
housing discrimination, desegregation issues, and methods of 4972

eliminating the effects of prior discrimination shall be taught 4973
by a staff member of the Ohio civil rights commission who is 4974
knowledgeable with respect to those subjects. The requirements 4975
of this division do not apply to an applicant who is admitted to 4976
practice before the supreme court. 4977

(iii) Thirty hours of instruction in real estate 4978
appraisal; 4979

(iv) Thirty hours of instruction in real estate finance; 4980

(v) ~~Three quarter~~ Thirty hours, ~~or its equivalent in~~ 4981
~~semester hours,~~ in financial management; 4982

(vi) ~~Three quarter~~ Thirty hours, ~~or its equivalent in~~ 4983
~~semester hours,~~ in human resource or personnel management; 4984

(vii) ~~Three quarter~~ Thirty hours, ~~or its equivalent in~~ 4985
~~semester hours,~~ in applied business economics; 4986

(viii) ~~Three quarter~~ Thirty hours, ~~or its equivalent in~~ 4987
~~semester hours,~~ in business law. 4988

(b) If licensed as a real estate salesperson on or after 4989
August 1, 2001, successfully has completed at an institution of 4990
higher education all of the following ~~credit eligible~~ eligible 4991
courses by either classroom instruction or distance education: 4992

(i) Forty hours of instruction in real estate practice; 4993

(ii) Forty hours of instruction that includes the subjects 4994
of Ohio real estate law, municipal, state, and federal civil 4995
rights law, new case law on housing discrimination, 4996
desegregation issues, and methods of eliminating the effects of 4997
prior discrimination. If feasible, the instruction in Ohio real 4998
estate law shall be taught by a member of the faculty of an 4999
accredited law school. If feasible, the instruction in 5000

municipal, state, and federal civil rights law, new case law on 5001
housing discrimination, desegregation issues, and methods of 5002
eliminating the effects of prior discrimination shall be taught 5003
by a staff member of the Ohio civil rights commission who is 5004
knowledgeable with respect to those subjects. The requirements 5005
of this division do not apply to an applicant who is admitted to 5006
practice before the supreme court. 5007

(iii) Twenty hours of instruction in real estate 5008
appraisal; 5009

(iv) Twenty hours of instruction in real estate finance; 5010

(v) The training in the amount of hours specified under 5011
divisions (B) (6) (a) (v), (vi), (vii), and (viii) of this section. 5012

(c) Division (B) (6) (a) or (b) of this section does not 5013
apply to any applicant who holds a valid real estate 5014
salesperson's license issued prior to January 2, 1972. Divisions 5015
(B) (6) (a) (v), (vi), (vii), and (viii) or division (B) (6) (b) (v) 5016
of this section do not apply to any applicant who holds a valid 5017
real estate salesperson's license issued prior to January 3, 5018
1984. 5019

(d) Divisions (B) (6) (a) (iii) and (B) (6) (b) (iii) of this 5020
section do not apply to any new applicant who holds a valid Ohio 5021
real estate appraiser license or certificate issued prior to the 5022
date of application for a real estate broker's license. 5023

(e) Successful completion of the instruction required by 5024
division (B) (6) (a) or (b) of this section shall be determined by 5025
the law in effect on the date the instruction was completed. 5026

~~(7) If licensed as a real estate salesperson on or after 5027
January 3, 1984, satisfactorily has completed a minimum of two 5028
years of post-secondary education, or its equivalent in semester 5029~~

~~or quarter hours, at an institution of higher education, and has~~ 5030
~~fulfilled the requirements of division (B) (6) (a) or (b) of this~~ 5031
~~section. The requirements of division (B) (6) (a) or (b) of this~~ 5032
~~section may be included in the two years of post secondary~~ 5033
~~education, or its equivalent in semester or quarter hours, that~~ 5034
~~is required by this division. The post secondary education~~ 5035
~~requirement may be satisfied by completing the credit eligible~~ 5036
~~courses using either classroom instruction or distance~~ 5037
~~education. Successful completion of any course required by this~~ 5038
~~section shall be determined by the law in effect on the date the~~ 5039
~~course was completed.~~ 5040

(C) Each applicant for a broker's license shall be 5041
examined in the principles of real estate practice, Ohio real 5042
estate law, and financing and appraisal, and as to the duties of 5043
real estate brokers and real estate salespersons, the 5044
applicant's knowledge of real estate transactions and 5045
instruments relating to them, and the canons of business ethics 5046
pertaining to them. The commission from time to time shall 5047
promulgate such canons and cause them to be published in printed 5048
form. 5049

(D) Examinations shall be administered with reasonable 5050
accommodations in accordance with the requirements of the 5051
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 5052
U.S.C. 12101. The contents of an examination shall be consistent 5053
with the requirements of division (B) (6) of this section and 5054
with the other specific requirements of this section. An 5055
applicant who has completed the requirements of division (B) (6) 5056
of this section at the time of application shall be examined no 5057
later than twelve months after the applicant is notified of 5058
admission to the examination. 5059

(E) Notwithstanding any provision of this chapter or 5060
Chapter 4796. of the Revised Code to the contrary, the 5061
superintendent shall issue a real estate broker's license in 5062
accordance with Chapter 4796. of the Revised Code to an 5063
applicant if either of the following applies: 5064

(1) The applicant satisfies the requirements specified in 5065
section 4796.03 or 4796.04 of the Revised Code, as applicable, 5066
and all of the following apply: 5067

(a) The applicant has worked as a real estate broker for 5068
at least two of the five years immediately preceding the date of 5069
the application. 5070

(b) The applicant has completed not less than twenty real 5071
estate transactions in which the applicant acted in the capacity 5072
of a real estate broker. 5073

(c) The applicant passes an examination on Ohio real 5074
estate law. 5075

(2) The applicant satisfies the requirements specified in 5076
section 4796.05 of the Revised Code and divisions (E) (1) (b) and 5077
(c) of this section. 5078

(F) There shall be no limit placed on the number of times 5079
an applicant may retake the examination. 5080

(G) (1) Not earlier than the date of issue of a real estate 5081
broker's license to a licensee, but not later than twelve months 5082
after the date of issue of a real estate broker's license to a 5083
licensee, the licensee shall submit proof satisfactory to the 5084
superintendent, on forms made available by the superintendent, 5085
of the completion of ten hours of instruction that shall be 5086
completed in schools, seminars, and educational institutions 5087
that are approved by the commission. Approval of the curriculum 5088

and providers shall be granted according to rules adopted 5089
pursuant to section 4735.10 of the Revised Code and may be taken 5090
through classroom instruction or distance education. 5091

If the required proof of completion is not submitted to 5092
the superintendent within twelve months of the date a license is 5093
issued under this section, the license of the real estate broker 5094
is suspended automatically without the taking of any action by 5095
the superintendent. The broker's license shall not be 5096
reactivated by the superintendent until it is established, to 5097
the satisfaction of the superintendent, that the requirements of 5098
this division have been met and that the licensee is in 5099
compliance with this chapter. A licensee's license is revoked 5100
automatically without the taking of any action by the 5101
superintendent if the licensee fails to submit proof of 5102
completion of the education requirements specified under 5103
division (G)(1) of this section within twelve months of the date 5104
the license is suspended. 5105

(2) If the license of a real estate broker is suspended 5106
pursuant to division (G)(1) of this section, the license of a 5107
real estate salesperson associated with that broker 5108
correspondingly is suspended pursuant to division (H) of section 5109
4735.20 of the Revised Code. However, the suspended license of 5110
the associated real estate salesperson shall be reactivated and 5111
no fee shall be charged or collected for that reactivation if 5112
all of the following occur: 5113

(a) That broker subsequently submits satisfactory proof to 5114
the superintendent that the broker has complied with the 5115
requirements of division (G)(1) of this section and requests 5116
that the broker's license as a real estate broker be 5117
reactivated; 5118

(b) The superintendent then reactivates the broker's 5119
license as a real estate broker; 5120

(c) The associated real estate salesperson intends to 5121
continue to be associated with that broker and otherwise is in 5122
compliance with this chapter. 5123

Sec. 4735.09. (A) Application for a license as a real 5124
estate salesperson shall be made to the superintendent of real 5125
estate on forms furnished by the superintendent and signed by 5126
the applicant. The application shall be in the form prescribed 5127
by the superintendent and shall contain such information as is 5128
required by this chapter and the rules of the Ohio real estate 5129
commission. The application shall be accompanied by the 5130
recommendation of the real estate broker with whom the applicant 5131
is associated or with whom the applicant intends to be 5132
associated, certifying that the applicant is honest and 5133
truthful, and has not been finally adjudged by a court to have 5134
violated any municipal, state, or federal civil rights laws 5135
relevant to the protection of purchasers or sellers of real 5136
estate, which conviction or adjudication the applicant has not 5137
disclosed to the superintendent, and recommending that the 5138
applicant be admitted to the real estate salesperson 5139
examination. 5140

(B) A fee of eighty-one dollars shall accompany the 5141
application, which fee includes the fee for the initial year of 5142
the licensing period, if a license is issued. The initial year 5143
of the licensing period commences at the time the license is 5144
issued and ends on the applicant's first birthday thereafter. 5145
The application fee shall be nonrefundable. A fee of eighty-one 5146
dollars shall be charged by the superintendent for each 5147
successive application made by the applicant. 5148

(C) There shall be no limit placed on the number of times 5149
an applicant may retake the examination. 5150

(D) The superintendent, with the consent of the 5151
commission, may enter into an agreement with a recognized 5152
national testing service to administer the real estate 5153
salesperson's examination under the superintendent's supervision 5154
and control, consistent with the requirements of this chapter as 5155
to the contents of the examination. 5156

If the superintendent, with the consent of the commission, 5157
enters into an agreement with a national testing service to 5158
administer the real estate salesperson's examination, the 5159
superintendent may require an applicant to pay the testing 5160
service's examination fee directly to the testing service. If 5161
the superintendent requires the payment of the examination fee 5162
directly to the testing service, each applicant shall submit to 5163
the superintendent a processing fee in an amount determined by 5164
the Ohio real estate commission pursuant to division (A)(1) of 5165
section 4735.10 of the Revised Code. 5166

(E) The superintendent shall issue a real estate 5167
salesperson's license when satisfied that the applicant has 5168
received a passing score on each portion of the salesperson's 5169
examination as determined by rule by the real estate commission. 5170

(F) No applicant for a salesperson's license shall take 5171
the salesperson's examination who has not established to the 5172
satisfaction of the superintendent that the applicant: 5173

(1) Is honest and truthful; 5174

(2) (a) Has not been convicted of a disqualifying offense 5175
as determined in accordance with section 9.79 of the Revised 5176
Code; 5177

(b) Has not been finally adjudged by a court to have 5178
violated any municipal, state, or federal civil rights laws 5179
relevant to the protection of purchasers or sellers of real 5180
estate or, if the applicant has been so adjudged, at least two 5181
years have passed since the court decision and the 5182
superintendent has disregarded the adjudication because the 5183
applicant has proven, by a preponderance of the evidence, that 5184
the applicant is honest and truthful, and there is no basis in 5185
fact for believing that the applicant again will violate the 5186
laws involved. 5187

(3) Has not, during any period in which the applicant was 5188
licensed under this chapter, violated any provision of, or any 5189
rule adopted pursuant to this chapter, or, if the applicant has 5190
violated such provision or rule, has established to the 5191
satisfaction of the superintendent that the applicant will not 5192
again violate such provision or rule; 5193

(4) Is at least eighteen years of age; 5194

(5) If born after the year 1950, has a high school diploma 5195
or a certificate of high school equivalence issued under section 5196
3301.80 of the Revised Code; 5197

(6) Has successfully completed at an institution of higher 5198
education all of the following ~~credit-eligible~~ eligible courses 5199
by either classroom instruction or distance education: 5200

(a) Forty hours of instruction in real estate practice; 5201

(b) Forty hours of instruction that includes the subjects 5202
of Ohio real estate law, municipal, state, and federal civil 5203
rights law, new case law on housing discrimination, 5204
desegregation issues, and methods of eliminating the effects of 5205
prior discrimination. If feasible, the instruction in Ohio real 5206

estate law shall be taught by a member of the faculty of an 5207
accredited law school. If feasible, the instruction in 5208
municipal, state, and federal civil rights law, new case law on 5209
housing discrimination, desegregation issues, and methods of 5210
eliminating the effects of prior discrimination shall be taught 5211
by a staff member of the Ohio civil rights commission who is 5212
knowledgeable with respect to those subjects. The requirements 5213
of this division do not apply to an applicant who is admitted to 5214
practice before the supreme court. 5215

(c) ~~Twenty~~Ten hours of instruction in real estate 5216
appraisal; 5217

(d) ~~Twenty~~Ten hours of instruction in real estate 5218
finance. 5219

(G) (1) Successful completion of the instruction required 5220
by division (F) (6) of this section shall be determined by the 5221
law in effect on the date the instruction was completed. 5222

(2) Division (F) (6) (c) of this section does not apply to 5223
any new applicant who holds a valid Ohio real estate appraiser 5224
license or certificate issued prior to the date of application 5225
for a real estate salesperson's license. 5226

(H) Only for noncredit course offerings, an institution of 5227
higher education shall obtain approval from the appropriate 5228
state authorizing entity prior to offering a real estate course 5229
that is designed and marketed as satisfying the salesperson 5230
license education requirements of division (F) (6) of this 5231
section. The state authorizing entity may consult with the 5232
superintendent in reviewing the course for compliance with this 5233
section. 5234

(I) Any person who has not been licensed as a real estate 5235

salesperson or broker within a four-year period immediately 5236
preceding the person's current application for the salesperson's 5237
examination shall have successfully completed the prelicensure 5238
instruction required by division (F) (6) of this section within a 5239
ten-year period immediately preceding the person's current 5240
application for the salesperson's examination. 5241

(J) Not earlier than the date of issue of a real estate 5242
salesperson's license to a licensee, but not later than twelve 5243
months after the date of issue of a real estate salesperson 5244
license to a licensee, the licensee shall submit proof 5245
satisfactory to the superintendent, on forms made available by 5246
the superintendent, of the completion of twenty hours of 5247
instruction that shall be completed in schools, seminars, and 5248
educational institutions approved by the commission. The 5249
instruction shall include, but is not limited to, current 5250
practices relating to commercial real estate, property 5251
management, short sales, and land contracts; contract law; 5252
federal and state programs; economic conditions; and fiduciary 5253
responsibility. Approval of the curriculum and providers shall 5254
be granted according to rules adopted pursuant to section 5255
4735.10 of the Revised Code and may be taken through classroom 5256
instruction or distance education. 5257

If proof of completion of the required instruction is not 5258
submitted within twelve months of the date a license is issued 5259
under this section, the licensee's license is suspended 5260
automatically without the taking of any action by the 5261
superintendent. The superintendent immediately shall notify the 5262
broker with whom such salesperson is associated of the 5263
suspension of the salesperson's license. A salesperson whose 5264
license has been suspended under this division shall have twelve 5265
months after the date of the suspension of the salesperson's 5266

license to submit proof of successful completion of the 5267
instruction required under this division. No such license shall 5268
be reactivated by the superintendent until it is established, to 5269
the satisfaction of the superintendent, that the requirements of 5270
this division have been met and that the licensee is in 5271
compliance with this chapter. A licensee's license is revoked 5272
automatically without the taking of any action by the 5273
superintendent when the licensee fails to submit the required 5274
proof of completion of the education requirements under division 5275
(I) of this section within twelve months of the date the license 5276
is suspended. 5277

(K) Examinations shall be administered with reasonable 5278
accommodations in accordance with the requirements of the 5279
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 5280
U.S.C. 12189. The contents of an examination shall be consistent 5281
with the classroom instructional requirements of division (F) (6) 5282
of this section. An applicant who has completed the classroom 5283
instructional requirements of division (F) (6) of this section at 5284
the time of application shall be examined no later than twelve 5285
months after the applicant is notified of the applicant's 5286
admission to the examination. 5287

(L) Notwithstanding any provision of this chapter or 5288
Chapter 4796. of the Revised Code to the contrary, the 5289
superintendent shall issue a real estate salesperson's license 5290
in accordance with Chapter 4796. of the Revised Code to an 5291
applicant if both of the following apply: 5292

(1) The applicant satisfies the requirements specified in 5293
section 4796.03, 4796.04, or 4796.05 of the Revised Code, as 5294
applicable. 5295

(2) The applicant passes an examination on Ohio real 5296

estate law. 5297

Sec. 4735.23. At the request of the superintendent of real 5298
estate, the department of higher education or the state board of 5299
career colleges and schools with respect to an institution that 5300
offers a certificate program, may, in consultation with the 5301
division of real estate, perform a review of programs offered by 5302
an institution of higher education pursuant to division (B) (6) 5303
(a) or (b) of section 4735.07 and division (F) (6) of section 5304
4735.09 of the Revised Code. The superintendent ~~or,~~ the 5305
chancellor of higher education~~,~~ or the board may request from 5306
the institution any information the superintendent ~~or,~~ 5307
chancellor~~,~~ or board considers necessary to perform this 5308
review. 5309

Sec. 4738.05. At the time the registrar of motor vehicles 5310
grants the application of any person for a license under this 5311
chapter, the registrar shall issue to the person a license that 5312
shall have provisional status for a period of one hundred eighty 5313
days from the date of issuance. At the end of that period and 5314
subject to the results of the inspection described in section 5315
4738.071 of the Revised Code of the place of business of the 5316
license holder, the license either shall be revoked or shall 5317
remain valid and no longer have provisional status. The 5318
registrar shall prescribe forms for licenses, and all licenses 5319
shall include the name and post office address of the person 5320
licensed. 5321

The fee for a motor vehicle salvage dealer's license,~~a~~ 5322
~~salvage motor vehicle auction license,~~ or a salvage motor 5323
vehicle pool license shall be one hundred dollars. In all cases 5324
the fee shall accompany the application for license. No fee is 5325
required for a salvage motor vehicle auction license. 5326

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

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

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

(1) "Occupational licensing board" has the same meaning as in section 4798.01 of the Revised Code. "Occupational licensing board" does not include the supreme court with respect to governing the practice of law pursuant to rules prescribed under Ohio Constitution, Article IV, Section 5.

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

the Revised Code. 5357

(B) Notwithstanding any provision of law to the contrary, 5358
no occupational licensing board shall adopt, provide, approve 5359
for credit, count for credit, or require completion of 5360
continuing education curriculum or coursework, seminars, 5361
webinars, or online instruction that promote any of the 5362
following concepts: 5363

(1) An individual of a protected class is inherently 5364
superior or inferior to another protected class, and members of 5365
a protected class should be discriminated against solely or 5366
partly because of the individual's membership in a protected 5367
class. 5368

(2) An individual, by virtue of the individual's 5369
membership in a protected class, is inherently racist, sexist, 5370
or oppressive, whether consciously or unconsciously. 5371

(3) An individual's moral standing or worth is necessarily 5372
determined by the individual's membership in any protected 5373
class. 5374

(4) An individual, by virtue of the individual's 5375
membership in any protected class, bears responsibility for the 5376
actions committed in the past by other members of the same 5377
protected class. 5378

(5) Meritocracy or traits such as hard work ethic are 5379
racist or sexist, or were created by individuals of a particular 5380
protected class to oppress members of another protected class. 5381

Sec. 4749.03. (A) (1) Any individual, including a partner 5382
in a partnership, may be licensed as a private investigator 5383
under a class B license, or as a security guard provider under a 5384
class C license, or as a private investigator and a security 5385

guard provider under a class A license, if the individual meets 5386
all of the following requirements: 5387

(a) Has not been adjudicated incompetent for the purpose 5388
of holding the license, as provided in section 5122.301 of the 5389
Revised Code, without having been restored to legal capacity for 5390
that purpose. 5391

(b) Depending upon the class of license for which 5392
application is made, for a continuous period of at least two 5393
years immediately preceding application for a license, has been 5394
engaged in investigatory or security services work for a law 5395
enforcement or other public agency engaged in investigatory 5396
activities, or for a private investigator or security guard 5397
provider, or engaged in the practice of law, or has acquired 5398
equivalent experience as determined by rule of the director of 5399
public safety. 5400

(c) Demonstrates competency as a private investigator or 5401
security guard provider by passing an examination devised for 5402
this purpose by the director, except that any individually 5403
licensed person who qualifies a corporation for licensure shall 5404
not be required to be reexamined if the person qualifies the 5405
corporation in the same capacity that the person was 5406
individually licensed. 5407

(d) Submits evidence of comprehensive general liability 5408
insurance coverage, or other equivalent guarantee approved by 5409
the director in such form and in principal amounts satisfactory 5410
to the director, but not less than one hundred thousand dollars 5411
for each person and three hundred thousand dollars for each 5412
occurrence for bodily injury liability, and one hundred thousand 5413
dollars for property damage liability. 5414

(e) Pays the requisite examination and license fees. 5415

(2) A corporation may be licensed as a private 5416
investigator under a class B license, or as a security guard 5417
provider under a class C license, or as a private investigator 5418
and a security guard provider under a class A license, if an 5419
application for licensure is filed by an officer of the 5420
corporation and the officer, another officer, or the qualifying 5421
agent of the corporation satisfies the requirements of divisions 5422
(A) (1) and (F) (1) of this section. Officers and the statutory 5423
agent of a corporation shall be determined in accordance with 5424
Chapter 1701. of the Revised Code. 5425

(3) At least one partner in a partnership shall be 5426
licensed as a private investigator, or as a security guard 5427
provider, or as a private investigator and a security guard 5428
provider. Partners in a partnership shall be determined as 5429
provided for in Chapter 1775. or 1776. of the Revised Code. 5430

(B) An application for a class A, B, or C license shall be 5431
completed in the form the director prescribes. In the case of an 5432
individual, the application shall state the applicant's name, 5433
birth date, citizenship, current residence, residences for the 5434
preceding ten years, current employment, employment for the 5435
preceding seven years, experience qualifications, the location 5436
of each of the applicant's offices in this state, and any other 5437
information that is necessary in order for the director to 5438
comply with the requirements of this chapter. In the case of a 5439
corporation, the application shall state the name of the officer 5440
or qualifying agent filing the application; the state in which 5441
the corporation is incorporated and the date of incorporation; 5442
the states in which the corporation is authorized to transact 5443
business; the name of its qualifying agent; the name of the 5444

officer or qualifying agent of the corporation who satisfies the 5445
requirements of divisions (A) (1) and (F) (1) of this section and 5446
the birth date, citizenship, physical description, current 5447
residence, residences for the preceding ten years, current 5448
employment, employment for the preceding seven years, and 5449
experience qualifications of that officer or qualifying agent; 5450
and other information that the director requires. A corporation 5451
may specify in its application information relative to one or 5452
more individuals who satisfy the requirements of divisions (A) 5453
(1) and (F) (1) of this section. 5454

The application described in this division shall be 5455
accompanied by both of the following: 5456

(1) References from at least five reputable citizens for 5457
the applicant or, in the case of a corporation, for each officer 5458
or qualifying agent specified in the application as satisfying 5459
the requirements of divisions (A) (1) and (F) (1) of this section, 5460
each of whom has known the applicant, officer, or qualifying 5461
agent for at least five years preceding the application, and 5462
none of whom are connected with the applicant, officer, or 5463
qualifying agent by blood or marriage; 5464

(2) An examination fee of twenty-five dollars for the 5465
applicant or, in the case of a corporation, for each officer or 5466
qualifying agent specified in the application as satisfying the 5467
requirements of divisions (A) (1) and (F) (1) of this section, and 5468
a license fee in the amount the director determines, not to 5469
exceed ~~three~~two hundred ~~seventy-five~~ dollars. The license fee 5470
shall be refunded if a license is not issued. 5471

(C) (1) Each individual applying for a license and each 5472
individual specified by a corporation as an officer or 5473
qualifying agent in an application shall submit one complete set 5474

of fingerprints directly to the superintendent of the bureau of 5475
criminal identification and investigation for the purpose of 5476
conducting a criminal records check. The individual shall 5477
provide the fingerprints using a method the superintendent 5478
prescribes pursuant to division (C) (2) of section 109.572 of the 5479
Revised Code and fill out the form the superintendent prescribes 5480
pursuant to division (C) (1) of section 109.572 of the Revised 5481
Code. An applicant who intends to carry a firearm as defined in 5482
section 2923.11 of the Revised Code in the course of business or 5483
employment shall so notify the superintendent. This notification 5484
is in addition to any other requirement related to carrying a 5485
firearm that applies to the applicant. The individual or 5486
corporation requesting the criminal records check shall pay the 5487
fee the superintendent prescribes. 5488

(2) The superintendent shall conduct the criminal records 5489
check as set forth in division (B) of section 109.572 of the 5490
Revised Code. If an applicant intends to carry a firearm in the 5491
course of business or employment, the superintendent shall make 5492
a request to the federal bureau of investigation for any 5493
information and review the information the bureau provides 5494
pursuant to division (B) (2) of section 109.572 of the Revised 5495
Code. The superintendent shall submit all results of the 5496
completed investigation to the director of public safety. 5497

(3) If the director determines that the applicant, 5498
officer, or qualifying agent meets the requirements of divisions 5499
(A) (1) (a), (b), and (d) of this section and that an officer or 5500
qualifying agent meets the requirement of division (F) (1) of 5501
this section, the director shall notify the applicant, officer, 5502
or agent of the time and place for the examination. If the 5503
director determines that an applicant does not meet the 5504
requirements of divisions (A) (1) (a), (b), and (d) of this 5505

section, the director shall notify the applicant that the 5506
applicant's application is refused and refund the license fee. 5507
If the director determines that none of the individuals 5508
specified in the application of a corporation as satisfying the 5509
requirements of divisions (A)(1) and (F)(1) of this section meet 5510
the requirements of divisions (A)(1)(a), (b), and (d) and (F)(1) 5511
of this section, the director shall notify the corporation that 5512
its application is refused and refund the license fee. If the 5513
bureau assesses the director a fee for any investigation, the 5514
director, in addition to any other fee assessed pursuant to this 5515
chapter, may assess the applicant, officer, or qualifying agent, 5516
as appropriate, a fee that is equal to the fee assessed by the 5517
bureau. 5518

(4)(a) Subject to division (C)(4)(c) of this section, the 5519
director shall not adopt, maintain, renew, or enforce any rule, 5520
or otherwise preclude in any way, an individual from renewing a 5521
license under this chapter due to any past criminal activity or 5522
interpretation of moral character. If the director denies an 5523
individual a license renewal, the reasons for such denial shall 5524
be put in writing. 5525

(b) The director may refuse to issue a license to an 5526
applicant because of a conviction of or plea of guilty to an 5527
offense if the refusal is in accordance with section 9.79 of the 5528
Revised Code. 5529

(c) In considering a renewal of an individual's license, 5530
the director shall not consider any conviction or plea of guilty 5531
prior to the initial licensing. However, the director may 5532
consider a conviction or plea of guilty if it occurred after the 5533
individual was initially licensed, or after the most recent 5534
license renewal. 5535

(d) The director may grant an individual a conditional 5536
license that lasts for one year. After the one-year period has 5537
expired, the license is no longer considered conditional, and 5538
the individual shall be considered fully licensed. 5539

(D) If upon application, investigation, and examination, 5540
the director finds that the applicant or, in the case of a 5541
corporation, any officer or qualifying agent specified in the 5542
application as satisfying the requirements of divisions (A) (1) 5543
and (F) (1) of this section, meets the applicable requirements, 5544
the director shall issue the applicant or the corporation a 5545
class A, B, or C license. The director also shall issue an 5546
identification card to an applicant, but not an officer or 5547
qualifying agent of a corporation, who meets the applicable 5548
requirements. The license and identification card shall state 5549
the licensee's name, the classification of the license, the 5550
location of the licensee's principal place of business in this 5551
state, and the expiration date of the license, and, in the case 5552
of a corporation, it also shall state the name of each officer 5553
or qualifying agent who satisfied the requirements of divisions 5554
(A) (1) and (F) (1) of this section. 5555

Licenses issued before the effective date of this 5556
amendment expire on the first day of March following the date 5557
of initial issue, and on the first day of March ~~of each year~~ 5558
every two years thereafter. Licenses issued on or after the 5559
effective date of this amendment expire two years after the date 5560
of initial issue. ~~Annual renewals~~ Renewals shall be according to 5561
the standard renewal procedures contained in Chapter 4745. of 5562
the Revised Code, upon payment of ~~an annual~~ a renewal fee the 5563
director determines, not to exceed ~~two~~ five hundred ~~seventy five~~ 5564
fifty dollars. No license shall be renewed if the licensee or, 5565
in the case of a corporation, each officer or qualifying agent 5566

who qualified the corporation for licensure no longer meets the 5567
applicable requirements of this section. No license shall be 5568
renewed unless the licensee provides evidence of workers' 5569
compensation risk coverage and unemployment compensation 5570
insurance coverage, other than for clerical employees and 5571
excepting sole proprietors who are exempted therefrom, as 5572
provided for in Chapters 4123. and 4141. of the Revised Code, 5573
respectively, as well as the licensee's state tax identification 5574
number. No reexamination shall be required for renewal of a 5575
current license. 5576

For purposes of this chapter, a class A, B, or C license 5577
issued to a corporation shall be considered as also having 5578
licensed the individuals who qualified the corporation for 5579
licensure, for as long as they are associated with the 5580
corporation. 5581

For purposes of this division, "sole proprietor" means an 5582
individual licensed under this chapter who does not employ any 5583
other individual. 5584

(E) The director may issue a duplicate copy of a license 5585
issued under this section for the purpose of replacement of a 5586
lost, spoliated, or destroyed license, upon payment of a fee the 5587
director determines, not exceeding twenty-five dollars. Any 5588
change in license classification requires new application and 5589
application fees. 5590

(F) (1) In order to qualify a corporation for a class A, B, 5591
or C license, an officer or qualifying agent may qualify another 5592
corporation for similar licensure, provided that the officer or 5593
qualifying agent is actively engaged in the business of both 5594
corporations. 5595

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

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

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

(G) If a corporation is for any reason no longer associated with an individual who qualified it for licensure under this chapter, an officer of the corporation shall notify the director of that fact by certified mail, return receipt requested, within ten days after the association terminates. If the notification is so given, the individual was the only individual that qualified the corporation for licensure, and the corporation submits the name of another officer or qualifying

agent to qualify the corporation for the license within thirty 5626
days after the association terminates, the corporation may 5627
continue to operate in the business of private investigation, 5628
the business of security services, or both businesses in this 5629
state under that license for ninety days after the association 5630
terminates. If the officer or qualifying agent whose name is 5631
submitted satisfies the requirements of divisions (A) (1) and (F) 5632
(1) of this section, the director shall issue a new license to 5633
the corporation within that ninety-day period. The names of more 5634
than one individual may be submitted. 5635

Sec. 4763.05. (A) (1) (a) A person shall make application 5636
for an initial state-certified general real estate appraiser 5637
certificate, an initial state-certified residential real estate 5638
appraiser certificate, an initial state-licensed residential 5639
real estate appraiser license, or an initial state-registered 5640
real estate appraiser assistant registration in writing to the 5641
superintendent of real estate on a form the superintendent 5642
prescribes. The application shall include the address of the 5643
applicant's principal place of business and all other addresses 5644
at which the applicant currently engages in the business of 5645
performing real estate appraisals and the address of the 5646
applicant's current residence. The superintendent shall retain 5647
the applicant's current residence address in a separate record 5648
which does not constitute a public record for purposes of 5649
section 149.43 of the Revised Code. The application shall 5650
indicate whether the applicant seeks certification as a general 5651
real estate appraiser or as a residential real estate appraiser, 5652
licensure as a residential real estate appraiser, or 5653
registration as a real estate appraiser assistant and be 5654
accompanied by the prescribed examination and certification, 5655
registration, or licensure fees set forth in section 4763.09 of 5656

the Revised Code. The application also shall include a pledge, 5657
signed by the applicant, that the applicant will comply with the 5658
standards set forth in this chapter; and a statement that the 5659
applicant understands the types of misconduct for which 5660
disciplinary proceedings may be initiated against the applicant 5661
pursuant to this chapter. 5662

(b) Upon the filing of an application and payment of any 5663
examination and certification, registration, or licensure fees, 5664
the superintendent of real estate shall request the 5665
superintendent of the bureau of criminal identification and 5666
investigation, or a vendor approved by the bureau, to conduct a 5667
criminal records check based on the applicant's fingerprints in 5668
accordance with section 109.572 of the Revised Code. 5669
Notwithstanding division (L) of section 121.08 of the Revised 5670
Code, the superintendent of real estate shall request that 5671
criminal record information from the federal bureau of 5672
investigation be obtained as part of the criminal records check. 5673
Any fee required under division (C) (3) of section 109.572 of the 5674
Revised Code shall be paid by the applicant. 5675

(2) For purposes of providing funding for the real estate 5676
appraiser recovery fund established by section 4763.16 of the 5677
Revised Code, the real estate appraiser board shall levy an 5678
assessment against each person issued an initial certificate, 5679
registration, or license and against current licensees, 5680
registrants, and certificate holders, as required by board rule. 5681
The assessment is in addition to the application and examination 5682
fees for initial applicants required by division (A) (1) of this 5683
section and the renewal fees required for current certificate 5684
holders, registrants, and licensees. The superintendent of real 5685
estate shall deposit the assessment into the state treasury to 5686
the credit of the real estate appraiser recovery fund. The 5687

assessment for initial certificate holders, registrants, and 5688
licensees shall be paid prior to the issuance of a certificate, 5689
registration, or license, and for current certificate holders, 5690
registrants, and licensees, at the time of renewal. 5691

(B) An applicant for an initial general real estate 5692
appraiser certificate, residential real estate appraiser 5693
certificate, or residential real estate appraiser license shall 5694
possess experience in real estate appraisal as the board 5695
prescribes by rule. In addition to any other information 5696
required by the board, the applicant shall furnish, under oath, 5697
a detailed listing of the appraisal reports or file memoranda 5698
for each year for which experience is claimed and, upon request 5699
of the superintendent or the board, shall make available for 5700
examination a sample of the appraisal reports prepared by the 5701
applicant in the course of the applicant's practice. 5702

(C) An applicant for an initial certificate, registration, 5703
or license shall be at least eighteen years of age, honest, and 5704
truthful and shall present satisfactory evidence to the 5705
superintendent that the applicant has successfully completed any 5706
education requirements the board prescribes by rule. 5707

(D) An applicant for an initial general real estate 5708
appraiser or residential real estate appraiser certificate or 5709
residential real estate appraiser license shall take and 5710
successfully complete a written examination in order to qualify 5711
for the certificate or license. 5712

The board shall prescribe the examination requirements by 5713
rule. 5714

(E) (1) The board shall issue a residential real estate 5715
appraiser license, a residential real estate appraiser 5716

certificate, real estate appraiser assistant registration, or a 5717
general real estate appraiser certificate in accordance with 5718
Chapter 4796. of the Revised Code to an applicant if either of 5719
the following applies: 5720

(a) The applicant holds a certificate, license, or 5721
registration in another state. 5722

(b) The applicant has satisfactory work experience, a 5723
government certification, or a private certification as 5724
described in that chapter as a residential real estate 5725
appraiser, real estate appraiser assistant, or general real 5726
estate appraiser in a state that does not issue that 5727
certificate, license, or registration. 5728

(2) (a) The board shall recognize on a temporary basis a 5729
certification or license issued in another state and shall 5730
register on a temporary basis an appraiser who is certified or 5731
licensed in another state if all of the following apply: 5732

(i) The temporary registration is to perform an appraisal 5733
assignment that is part of a federally related transaction. 5734

(ii) The appraiser's business in this state is of a 5735
temporary nature. 5736

(iii) The appraiser registers with the board pursuant to 5737
this division. 5738

(b) An appraiser who is certified or licensed in another 5739
state shall register with the board for temporary practice 5740
before performing an appraisal assignment in this state in 5741
connection with a federally related transaction. 5742

(c) The board shall adopt rules relating to registration 5743
for the temporary recognition of certification and licensure of 5744

appraisers from another state. The registration for temporary 5745
recognition of certified or licensed appraisers from another 5746
state shall not authorize completion of more than one appraisal 5747
assignment in this state. The board shall not issue more than 5748
two registrations for temporary practice to any one applicant in 5749
any calendar year. The application for obtaining a registration 5750
under this division may include any of the following: 5751

(i) A pledge, signed by the applicant, that the applicant 5752
will comply with the standards set forth in this chapter; 5753

(ii) A statement that the applicant understands the types 5754
of misconduct for which disciplinary proceedings may be 5755
initiated against the applicant pursuant to this chapter; 5756

(iii) A consent to service of process. 5757

(d) A nonresident appraiser whose certification or license 5758
has been recognized by the board on a temporary basis and who is 5759
acting in accordance with this section and the board's rules is 5760
not required to obtain a license in accordance with Chapter 5761
4796. of the Revised Code. 5762

(F) The superintendent shall not issue a certificate, 5763
registration, or license to, or recognize on a temporary basis 5764
an appraiser from another state that is a corporation, 5765
partnership, or association. This prohibition shall not be 5766
construed to prevent a certificate holder or licensee from 5767
signing an appraisal report on behalf of a corporation, 5768
partnership, or association. 5769

(G) Every person licensed, registered, or certified under 5770
this chapter shall notify the superintendent, on a form provided 5771
by the superintendent, of a change in the address of the 5772
licensee's, registrant's, or certificate holder's principal 5773

place of business or residence within thirty days of the change. 5774
If a licensee's, registrant's, or certificate holder's license, 5775
registration, or certificate is revoked or not renewed, the 5776
licensee, registrant, or certificate holder immediately shall 5777
return the ~~annual and any renewal~~ certificate, registration, or 5778
license to the superintendent. 5779

(H) (1) The superintendent shall not issue a certificate, 5780
registration, or license to any person, or recognize on a 5781
temporary basis an appraiser from another state, who does not 5782
meet applicable minimum criteria for state certification, 5783
registration, or licensure prescribed by federal law or rule. 5784

(2) The superintendent shall not refuse to issue a general 5785
real estate appraiser certificate, residential real estate 5786
appraiser certificate, residential real estate appraiser 5787
license, or real estate appraiser assistant registration to any 5788
person because of a conviction of or plea of guilty to any 5789
criminal offense unless the refusal is in accordance with 5790
section 9.79 of the Revised Code. 5791

Sec. 4763.06. (A) A person licensed, registered, or 5792
certified under this chapter may obtain a renewal certificate, 5793
registration, or license by filing a renewal application with 5794
and paying the renewal fee set forth in section 4763.09 of the 5795
Revised Code and any amount assessed pursuant to division (A) (2) 5796
of section 4763.05 of the Revised Code to the superintendent of 5797
real estate. The renewal application shall include a statement, 5798
signed by the certificate holder, registrant, or licensee, that 5799
the certificate holder, registrant, or licensee has not, ~~during~~ 5800
~~the immediately preceding twelve-month period,~~ been convicted of 5801
or pleaded guilty to any criminal offense described in division 5802
(H) (2) of section 4763.05 of the Revised Code since the issuance 5803

or renewal of the individual's most recent certificate, 5804
registration, or license. The certificate holder, registrant, or 5805
licensee shall file the renewal application at least thirty 5806
days, but no earlier than one hundred twenty days, prior to 5807
expiration of the certificate holder's, registrant's, or 5808
licensee's current certificate, registration, or license. The 5809
superintendent shall establish a method by which a certificate 5810
holder, registrant, or licensee may electronically file the 5811
renewal application and pay the fee and the assessed amount 5812
required for renewal. 5813

(B) A certificate holder, registrant, or licensee who 5814
fails to renew a certificate, registration, or license prior to 5815
its expiration is ineligible to obtain a renewal certificate, 5816
registration, or license and shall comply with section 4763.05 5817
of the Revised Code in order to regain certification, 5818
registration, or licensure, except that a certificate holder, 5819
registrant, or licensee may renew the certificate, registration, 5820
or license without having to comply with section 4763.05 of the 5821
Revised Code by doing either of the following: 5822

(1) Filing a renewal application and submitting payment of 5823
all fees for renewal and payment of the late filing fee set 5824
forth in section 4763.09 of the Revised Code within three months 5825
after the expiration of the certificate holder's, registrant's, 5826
or licensee's certificate, registration, or license; 5827

(2) Obtaining a medical exception under division (C) of 5828
this section, filing a renewal application, and submitting 5829
payment of all fees for renewal and payment of the late filing 5830
fee set forth in section 4763.09 of the Revised Code. A 5831
certificate holder, registrant, or licensee who applies for late 5832
renewal of the certificate holder's, registrant's, or licensee's 5833

certificate, registration, or license may not engage in any 5834
activities permitted by the certification, registration, or 5835
license being renewed during the three-month period following 5836
the certificate's, registration's, or license's normal 5837
expiration date, or during the time period for which a medical 5838
exception applies, until all renewal fees and the late filing 5839
fee have been paid. 5840

(C) The superintendent may grant a medical exception upon 5841
application by a person certified, registered, or licensed under 5842
this chapter. To receive an exception, the certificate holder, 5843
registrant, or licensee shall submit a request to the 5844
superintendent with proof satisfactory that a medical exception 5845
is warranted. If the superintendent makes a determination that 5846
satisfactory proof has not been presented, within fifteen days 5847
of the date of the denial of the medical exception the 5848
certificate holder, registrant, or licensee may file with the 5849
division of real estate a request that the real estate appraiser 5850
board review the determination. The board may adopt reasonable 5851
rules in accordance with Chapter 119. of the Revised Code to 5852
implement this division. 5853

Sec. 4763.07. ~~(A) Every~~ (A) (1) Beginning on and after the 5854
effective date of this amendment, every state-certified general 5855
real estate appraiser, state-certified residential real estate 5856
appraiser ~~and,~~ state-licensed residential real estate 5857
appraiser, and state-registered real estate appraiser assistant 5858
shall submit proof of successfully completing a minimum of 5859
~~fourteen~~ twenty-eight classroom hours of continuing education 5860
instruction in courses or seminars approved by the real estate 5861
appraiser board. The certificate holder ~~and,~~ licensee, or 5862
registrant shall have satisfied the ~~fourteen-hour~~ twenty-eight- 5863
hour continuing education requirements within the ~~one-year~~ two- 5864

year period immediately following the issuance of the initial 5865
certificate ~~or, license, or registration~~ and shall satisfy 5866
those requirements ~~annually every two years~~ thereafter. 5867

~~In accordance with federal law, each state registered real 5868
estate appraiser assistant shall submit proof of successfully 5869
completing a minimum of fourteen classroom hours of continuing 5870
education instruction in courses or seminars approved by the 5871
real estate appraiser board. Each registrant shall satisfy the 5872
fourteen hour continuing education requirements annually. 5873~~

~~This division (2) Continuing education required under this 5874
section~~ does not apply to an appraiser with a certification or 5875
license from another state that is temporarily recognized in 5876
this state pursuant to division (E) (2) of section 4763.05 of the 5877
Revised Code. 5878

(3) A certificate holder, licensee, or registrant who 5879
fails to submit proof to the superintendent of meeting these 5880
requirements is ineligible to obtain a renewal certificate, 5881
license, or registration and shall comply with section 4763.05 5882
of the Revised Code in order to regain a certificate, license, 5883
or registration, except that the certificate holder, licensee, 5884
or registrant may submit proof to the superintendent of meeting 5885
these requirements within three months after the date of 5886
expiration of the certificate, license, or registration, or by 5887
obtaining a medical exception under division (E) of this 5888
section, without having to comply with section 4763.05 of the 5889
Revised Code. A certificate holder, licensee, or registrant may 5890
not engage in any activities permitted by the certificate, 5891
license, or registration during the three-month period following 5892
the certificate's, license's, or registration's normal 5893
expiration date or during the time period for which a medical 5894

exception applies. 5895

(4) A certificate holder, licensee, or registrant may 5896
satisfy all or a portion of the required hours of classroom 5897
instruction in the following manner: 5898

~~(1)~~ (a) Completion of an educational program of study 5899
determined by the board to be equivalent, for continuing 5900
education purposes, to courses or seminars approved by the 5901
board; 5902

~~(2)~~ (b) Participation, other than as a student, in 5903
educational processes or programs approved by the board that 5904
relate to real estate appraisal theory, practices, or 5905
techniques. 5906

(5) A certificate holder, licensee, or registrant shall 5907
present to the superintendent of real estate evidence of the 5908
manner in which the certificate holder, licensee, or registrant 5909
satisfied the requirements of division (A) of this section. 5910

(B) The board shall adopt rules for implementing a 5911
continuing education program for state-certified general real 5912
estate appraisers, state-certified residential real estate 5913
appraisers, state-licensed residential real estate appraisers, 5914
and state-registered real estate appraiser assistants for the 5915
purpose of assuring that certificate holders, licensees, and 5916
registrants have current knowledge of real estate appraisal 5917
theories, practices, and techniques that will provide a high 5918
degree of service and protection to members of the public. In 5919
addition to any other provisions the board considers 5920
appropriate, the rules adopted by the board shall prescribe the 5921
following: 5922

(1) Policies and procedures for obtaining board approval 5923

of courses of instruction and seminars; 5924

(2) Standards, policies, and procedures to be applied in 5925
evaluating the alternative methods of complying with continuing 5926
education requirements set forth in divisions ~~(A) (1) and (2)~~ (A) 5927
(4) (a) and (b) of this section; 5928

(3) Standards, monitoring methods, and systems for 5929
recording attendance to be employed by course sponsors as a 5930
prerequisite to approval of courses for continuing education 5931
credit. 5932

(C) No amendment or rescission of a rule the board adopts 5933
pursuant to division (B) of this section shall operate to 5934
deprive a certificate holder or licensee of credit toward 5935
renewal of certification or licensure for any course of 5936
instruction completed by the certificate holder or licensee 5937
prior to the effective date of the amendment or rescission that 5938
would have qualified for credit under the rule as it existed 5939
prior to amendment or rescission. 5940

(D) The superintendent of real estate shall not issue a 5941
renewal certificate, registration, or license to any person who 5942
does not meet applicable minimum criteria for state 5943
certification, registration, or licensure prescribed by federal 5944
law or rule. 5945

(E) The superintendent may grant a medical exception upon 5946
application by a person certified, registered, or licensed under 5947
this chapter. To receive an exception, the certificate holder, 5948
registrant, or licensee shall submit a request to the 5949
superintendent with proof satisfactory that a medical exception 5950
is warranted. If the superintendent makes a determination that 5951
satisfactory proof has not been presented, within fifteen days 5952

of the date of the denial of the medical exception, the 5953
certificate holder, registrant, or licensee may file with the 5954
division of real estate a request that the real estate appraiser 5955
board review the determination. The board may adopt reasonable 5956
rules in accordance with Chapter 119. of the Revised Code to 5957
implement this division. 5958

~~Sec. 4763.08. On and after December 22, 1992, each 5959
certificate, registration, and license issued under this 5960
chapter, other than a temporary certificate or license issued 5961
under division (E) (2) of section 4763.05 of the Revised Code, is 5962
valid for a period of one year from its date of issuance. The 5963~~

(A) Beginning on and after the effective date of this 5964
amendment, each general real estate appraiser certificate, 5965
residential real estate appraiser license, residential real 5966
estate appraiser certificate, and real estate appraiser 5967
assistant registration is valid for a period of two years from 5968
its date of issuance. 5969

(B) The superintendent of real estate shall provide 5970
renewal notices to certificate holders, registrants, and 5971
licensees no later than thirty days prior to the expiration of 5972
the certificate, registration, or license. The superintendent 5973
shall issue to each person initially certified, registered, or 5974
licensed under this chapter a certificate, registration, or 5975
license in the form and size the superintendent prescribes. The 5976
initial certificate, registration, and license shall indicate 5977
the name of the certificate holder, registrant, or licensee, 5978
bear the signatures of the members of the real estate appraiser 5979
board, be issued under the seal prescribed in section 121.20 of 5980
the Revised Code, and contain a certificate, registration, or 5981
license number assigned by the superintendent. The 5982

superintendent shall issue to each person who renews a 5983
certificate, registration, or license a renewal certificate, 5984
registration, or license in the size and form the superintendent 5985
prescribes. The renewal certificate, registration, or license 5986
shall contain the name of the certificate holder, registrant, or 5987
licensee and the expiration and number of the certificate, 5988
registration, or license. Each certificate holder and licensee 5989
shall place the certificate holder's or licensee's certificate 5990
or license number adjacent to the title "state-licensed 5991
residential real estate appraiser," "state-certified residential 5992
real estate appraiser," or "state-certified general real estate 5993
appraiser," when issuing an appraisal report or in a contract or 5994
other instrument used in conducting real estate appraisal 5995
activities as required by section 4763.12 of the Revised Code. 5996
If a state-registered real estate appraiser assistant 5997
participated in the appraisal or specialized service report, the 5998
certificate holder or licensee shall also place the registrant's 5999
name, registration number, and the title "state-registered real 6000
estate appraiser assistant" on the report. 6001

Sec. 4763.09. (A) The real estate appraiser board shall 6002
adopt rules, in accordance with Chapter 119. of the Revised 6003
Code, for the establishment of the following fees: 6004

(1) The examination fee required under division (A) of 6005
section 4763.05 of the Revised Code, up to a maximum of one 6006
hundred fifty dollars, which fee shall be nonrefundable; 6007

(2) The initial state-certified general real estate 6008
appraiser and ~~state-certified residential real estate appraiser-~~ 6009
~~certification and state-licensed residential real estate~~ 6010
appraiser license fees, and the ~~annual~~ renewal thereof, up to a 6011
maximum of ~~one hundred seventy five~~ three hundred fifty dollars 6012

each; 6013

(3) The initial state-certified residential real estate appraiser certification fee up to a maximum of three hundred dollars, and renewal thereof up to a maximum of three hundred fifty dollars; 6014
6015
6016
6017

(4) The initial real estate appraiser assistant registration fee, and ~~the annual~~ renewal thereof, up to a maximum of one hundred dollars; 6018
6019
6020

~~(4)~~(5) The late filing fee for renewal of a certification, registration, or license, which shall be one-half of the certification, registration, and licensure fees established pursuant to divisions (A) (2) ~~and~~, (3), and (4) of this section; 6021
6022
6023
6024
6025

~~(5)~~(6) The amount to be charged to cover the cost of the issuance of a temporary certificate or license under division (E) (2) of section 4763.05 of the Revised Code; 6026
6027
6028

~~(6)~~(7) Other reasonable fees as needed, including any annual pass-through charges imposed by the federal government. 6029
6030

(B) An applicant for certification or licensure under this chapter shall pay the examination fee directly to a testing service if so prescribed and in such amount as the superintendent of real estate prescribes. The balance, if any, of the examination fee shall accompany the application. 6031
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Sec. 4781.08. (A) The division of industrial compliance shall issue a manufactured housing installer license to any applicant who is at least eighteen years of age and meets all of the following requirements: 6036
6037
6038
6039

(1) Submits an application to the division on a form the 6040

- division prescribes ~~and pays the fee the division requires;~~ 6041
- (2) Completes all training requirements the division 6042
prescribes; 6043
- (3) Meets the experience requirements the division 6044
prescribes by rule; 6045
- (4) Has at least one year of experience installing 6046
manufactured housing under the supervision of a licensed 6047
manufactured home installer if applying for licensure after 6048
January 1, 2006; 6049
- (5) Has completed an installation training course the 6050
division approves, which may be offered by the Ohio manufactured 6051
homes association or other entity; 6052
- (6) Receives a passing score on the licensure examination 6053
the division administers; 6054
- (7) Provides information the division requires to 6055
demonstrate compliance with this chapter and the rules the 6056
division adopts; 6057
- (8) Provides the division with three references from 6058
persons who are retailers, manufacturers, or manufactured home 6059
park operators familiar with the person's installation work 6060
experience and competency, with at least two of the three 6061
references provided after January 1, 2006, being from persons 6062
who are licensed manufactured housing installers; 6063
- (9) Has liability insurance or a surety bond that is 6064
issued by an insurance or surety company authorized to transact 6065
business in Ohio, in the amount the division specifies, and 6066
containing the terms and conditions the division requires; 6067
- (10) Is in compliance with section 4123.35 of the Revised 6068

Code; 6069

(11) Pays the division a licensure fee of one hundred 6070
fifty dollars. 6071

(B) The division of industrial compliance shall not grant 6072
a license to any person who the division finds has engaged in 6073
actions during the previous two years that constitute a ground 6074
for denial, suspension, or revocation of a license or who has 6075
had a license revoked or disciplinary action imposed by the 6076
licensing or certification board of another state or 6077
jurisdiction during the previous two years in connection with 6078
the installation of manufactured housing. 6079

(C) Any person who is licensed, certified, or otherwise 6080
approved under the laws of another state to perform functions 6081
substantially similar to those of a manufactured housing 6082
installer may apply to the division for licensure on a form the 6083
division prescribes. The division shall issue a license in 6084
accordance with Chapter 4796. of the Revised Code to an 6085
applicant if either of the following applies: 6086

(1) The applicant holds a license in another state. 6087

(2) The applicant has satisfactory work experience, a 6088
government certification, or a private certification as 6089
described in that chapter as a manufactured housing installer in 6090
a state that does not issue that license. 6091

(D) Any license issued pursuant to this section shall bear 6092
the licensee's name and post-office address, the issue date, a 6093
serial number the division designates, and the signature of the 6094
person the division designates pursuant to rules. 6095

(E) A manufactured housing installer license expires two 6096
years after it is issued. The division of industrial compliance 6097

shall renew a license if the applicant does all of the 6098
following: 6099

(1) Meets the requirements of division (A) of this 6100
section; 6101

(2) Demonstrates compliance with the requirements of this 6102
chapter and the rules adopted pursuant to it; 6103

(3) Meets the division's continuing education 6104
requirements. 6105

(F) No manufactured housing installer license may be 6106
transferred to another person. 6107

Sec. 4781.17. (A) Each person applying for a manufactured 6108
housing dealer's license or manufactured housing broker's 6109
license shall complete and deliver to the department of 6110
commerce, division of real estate, before the first day of 6111
April, a separate application for license for each county in 6112
which the business of selling or brokering manufactured or 6113
mobile homes is to be conducted. The application shall be in the 6114
form prescribed by the division of real estate and accompanied 6115
by the fee established by the division of real estate. The 6116
applicant shall sign and swear to the application that shall 6117
include all of the following: 6118

(1) Name of applicant and location of principal place of 6119
business; 6120

(2) Name or style under which business is to be conducted 6121
and, if a corporation, the state of incorporation; 6122

(3) Name and address of each owner or partner and, if a 6123
corporation, the names of the officers and directors; 6124

(4) The county in which the business is to be conducted 6125

and the address of each place of business therein; 6126

(5) A statement of the previous history, record, and 6127
association of the applicant and of each owner, partner, 6128
officer, and director, that is sufficient to establish to the 6129
satisfaction of the division of real estate the reputation in 6130
business of the applicant; 6131

(6) A statement showing whether the applicant has 6132
previously applied for a manufactured housing dealer's license, 6133
manufactured housing broker's license, manufactured housing 6134
salesperson's license, or, prior to July 1, 2010, a motor 6135
vehicle dealer's license, or manufactured home broker's license, ~~—~~ 6136
~~or motor vehicle salesperson's license,~~ and the result of the 6137
application, and whether the applicant has ever been the holder 6138
of any such license that was revoked or suspended; 6139

(7) If the applicant is a corporation or partnership, a 6140
statement showing whether any partner, employee, officer, or 6141
director has been refused a manufactured housing dealer's 6142
license, manufactured housing broker's license, manufactured 6143
housing salesperson's license, or, prior to July 1, 2010, a 6144
motor vehicle dealer's license, or manufactured home broker's 6145
license, ~~or motor vehicle salesperson's license,~~ or has been the 6146
holder of any such license that was revoked or suspended; 6147

(8) Any other information required by the division of real 6148
estate. 6149

(B) Each person applying for a manufactured housing 6150
salesperson's license shall complete and deliver to the division 6151
of real estate before the first day of July an application for 6152
license. The application shall be in the form prescribed by the 6153
division of real estate and shall be accompanied by the fee 6154

established by the division. The applicant shall sign and swear 6155
to the application that shall include all of the following: 6156

(1) Name and post-office address of the applicant; 6157

(2) Name and post-office address of the manufactured 6158
housing dealer or manufactured housing broker for whom the 6159
applicant intends to act as salesperson; 6160

(3) A statement of the applicant's previous history, 6161
record, and association, that is sufficient to establish to the 6162
satisfaction of the division of real estate the applicant's 6163
reputation in business; 6164

(4) A statement as to whether the applicant intends to 6165
engage in any occupation or business other than that of a 6166
manufactured housing salesperson; 6167

(5) A statement as to whether the applicant has ever had 6168
any previous application for a manufactured housing salesperson 6169
license refused ~~or, prior to July 1, 2010, any application for a~~ 6170
~~motor vehicle salesperson license refused,~~ and whether the 6171
applicant has previously had a manufactured housing salesperson 6172
~~or motor vehicle salesperson license revoked or suspended;~~ 6173

(6) A statement as to whether the applicant was an 6174
employee of or salesperson for a manufactured housing dealer or 6175
manufactured housing broker whose license was suspended or 6176
revoked; 6177

(7) A statement of the manufactured housing dealer or 6178
manufactured housing broker named therein, designating the 6179
applicant as the dealer's or broker's salesperson; 6180

(8) Any other information required by the division of real 6181
estate. 6182

(C) Any application for a manufactured housing dealer or 6183
manufactured housing broker delivered to the division of real 6184
estate under this section also shall be accompanied by a 6185
photograph, as prescribed by the division, of each place of 6186
business operated, or to be operated, by the applicant. 6187

(D) The division of real estate shall deposit all license 6188
fees into the state treasury to the credit of the real estate 6189
operating fund created under section 4735.211 of the Revised 6190
Code. 6191

(E) Notwithstanding any provision of this chapter to the 6192
contrary, the division shall issue a manufactured housing 6193
dealer's license or manufactured housing broker's license in 6194
accordance with Chapter 4796. of the Revised Code to an 6195
applicant if either of the following applies: 6196

(1) The applicant holds a license in another state. 6197

(2) The applicant has satisfactory work experience, a 6198
government certification, or a private certification as 6199
described in that chapter as a manufactured housing dealer or 6200
manufactured housing broker in a state that does not issue that 6201
license. 6202

Sec. 5104.39. (A) The director of children and youth shall 6203
adopt rules in accordance with Chapter 119. of the Revised Code 6204
establishing a procedure for monitoring the expenditures for 6205
publicly funded child care to ensure that expenditures do not 6206
exceed the available federal and state funds for publicly funded 6207
child care. The department of children and youth, with the 6208
assistance of the office of budget and management ~~and the child-~~ 6209
~~care advisory council created pursuant to section 5104.08 of the~~ 6210
~~Revised Code,~~ shall monitor the anticipated future expenditures 6211

for publicly funded child care and shall compare those 6212
anticipated future expenditures to available federal and state 6213
funds for publicly funded child care. Whenever the department 6214
determines that the anticipated future expenditures for publicly 6215
funded child care will exceed the available federal and state 6216
funds, the department shall promptly notify the county 6217
departments of job and family services and, before the available 6218
state and federal funds are used, the director shall issue and 6219
implement an administrative order that shall specify both of the 6220
following: 6221

(1) Priorities for expending the remaining available 6222
federal and state funds for publicly funded child care; 6223

(2) Instructions and procedures to be used by the county 6224
departments regarding eligibility determinations. 6225

(B) The order may do any or all of the following: 6226

(1) Suspend enrollment of all new participants in any 6227
program of publicly funded child care; 6228

(2) Limit enrollment of new participants to those with 6229
incomes at or below a specified percentage of the federal 6230
poverty line; 6231

(3) Disenroll existing participants with income above a 6232
specified percentage of the federal poverty line; 6233

(4) Change the schedule of fees paid by eligible caretaker 6234
parents that has been established pursuant to section 5104.38 of 6235
the Revised Code; 6236

(5) Change the rate of payment for providers of publicly 6237
funded child care that has been established pursuant to section 6238
5104.30 of the Revised Code. 6239

(C) Each county department shall comply with the order no 6240
later than thirty days after it is issued. 6241

(D) If after issuing an order under this section to 6242
suspend or limit enrollment of new participants or disenroll 6243
existing participants the department determines that available 6244
state and federal funds for publicly funded child care exceed 6245
the anticipated future expenditures for publicly funded child 6246
care, the director may issue and implement another 6247
administrative order increasing income eligibility levels to a 6248
specified percentage of the federal poverty line. The order 6249
shall include instructions and procedures to be used by the 6250
county departments. Each county department shall comply with the 6251
order not later than thirty days after it is issued. 6252

(E) The department of children and youth shall do all of 6253
the following: 6254

(1) Conduct a quarterly evaluation of the program of 6255
publicly funded child care that is operated pursuant to sections 6256
5104.30 to 5104.43 of the Revised Code; 6257

(2) Prepare reports based upon the evaluations that 6258
specify for each county the number of participants and amount of 6259
expenditures; 6260

(3) Provide copies of the reports to both houses of the 6261
general assembly and, on request, to interested parties. 6262

Sec. 5104.50. The governor shall create the early 6263
childhood advisory council in accordance with 42 U.S.C. 9837b(b) 6264
(1) and shall appoint one of its members to serve as chairperson 6265
of the council. The council shall serve as the state advisory 6266
council on early childhood education and care, as described in 6267
42 U.S.C. 9837b(b) (1). In addition to the duties specified in 42 6268

U.S.C. 9837b(b) (1), the council shall promote family-centered 6269
programs and services that acknowledge and support the social, 6270
emotional, cognitive, intellectual, and physical development of 6271
children and the vital role of families in ensuring the well- 6272
being and success of children. 6273

The early childhood advisory council shall advise the 6274
director of children and youth on matters affecting the 6275
licensing of centers, type A homes, and type B homes and the 6276
certification of in-home aides. The council shall make an annual 6277
report to the director that addresses the availability, 6278
affordability, accessibility, and quality of child care and that 6279
summarizes the recommendations and plans of action that the 6280
council has proposed to the director during the preceding fiscal 6281
year. The director shall provide copies of the report to the 6282
governor, speaker and minority leader of the house of 6283
representatives, and the president and minority leader of the 6284
senate and, on request, shall make copies available to the 6285
public. 6286

Sec. 5120.10. (A) (1) The ~~Except as provided in this~~ 6287
division, the director of rehabilitation and correction, by 6288
rule, shall promulgate minimum standards for jails in Ohio, 6289
including minimum security jails dedicated under section 341.34 6290
or 753.21 of the Revised Code. Whenever the director files a 6291
rule or an amendment to a rule in final form with both the 6292
secretary of state and the director of the legislative service 6293
commission pursuant to section 111.15 of the Revised Code, the 6294
director of rehabilitation and correction promptly shall send a 6295
copy of the rule or amendment, if the rule or amendment pertains 6296
to minimum jail standards, by ordinary mail to the political 6297
subdivisions or affiliations of political subdivisions that 6298
operate jails to which the standards apply. The director shall 6299

not adopt any rule requiring support staff in a jail to obtain 6300
an occupational license as defined in section 4798.01 of the 6301
Revised Code. 6302

(2) The rules promulgated in accordance with division (A) 6303
(1) of this section shall serve as criteria for the 6304
investigative and supervisory powers and duties vested by 6305
division (D) of this section in the division of parole and 6306
community services of the department of rehabilitation and 6307
correction or in another division of the department to which 6308
those powers and duties are assigned. 6309

(B) The director may initiate an action in the court of 6310
common pleas of the county in which a facility that is subject 6311
to the rules promulgated under division (A) (1) of this section 6312
is situated to enjoin compliance with the minimum standards for 6313
jails or with the minimum standards and minimum renovation, 6314
modification, and construction criteria for jails. 6315

(C) Upon the request of an administrator of a jail 6316
facility, the chief executive of a municipal corporation, or a 6317
board of county commissioners, the director of rehabilitation 6318
and correction or the director's designee shall grant a variance 6319
from the minimum standards for jails in Ohio for a facility that 6320
is subject to one of those minimum standards when the director 6321
determines that strict compliance with the minimum standards 6322
would cause unusual, practical difficulties or financial 6323
hardship, that existing or alternative practices meet the intent 6324
of the minimum standards, and that granting a variance would not 6325
seriously affect the security of the facility, the supervision 6326
of the inmates, or the safe, healthful operation of the 6327
facility. If the director or the director's designee denies a 6328
variance, the applicant may appeal the denial pursuant to 6329

section 119.12 of the Revised Code. 6330

(D) The following powers and duties shall be exercised by 6331
the division of parole and community services unless assigned to 6332
another division by the director: 6333

(1) The investigation and supervision of county and 6334
municipal jails, workhouses, minimum security jails, and other 6335
correctional institutions and agencies; 6336

(2) The review and approval of plans submitted to the 6337
department of rehabilitation and correction pursuant to division 6338
(E) of this section; 6339

(3) The management and supervision of the adult parole 6340
authority created by section 5149.02 of the Revised Code; 6341

(4) The review and approval of proposals for community- 6342
based correctional facilities and programs and district 6343
community-based correctional facilities and programs that are 6344
submitted pursuant to division (B) of section 2301.51 of the 6345
Revised Code; 6346

(5) The distribution of funds made available to the 6347
division for purposes of assisting in the renovation, 6348
maintenance, and operation of community-based correctional 6349
facilities and programs and district community-based 6350
correctional facilities and programs in accordance with section 6351
5120.112 of the Revised Code; 6352

(6) The performance of the duty imposed upon the 6353
department of rehabilitation and correction in section 5149.31 6354
of the Revised Code to establish and administer a program of 6355
subsidies to eligible municipal corporations, counties, and 6356
groups of contiguous counties for the development, 6357
implementation, and operation of community-based corrections 6358

programs; 6359

(7) Licensing halfway houses and community residential 6360
centers for the care and treatment of adult offenders in 6361
accordance with section 2967.14 of the Revised Code; 6362

(8) Contracting with a public or private agency or a 6363
department or political subdivision of the state that operates a 6364
licensed halfway house or community residential center for the 6365
provision of housing, supervision, and other services to 6366
parolees, releasees, persons placed under a residential 6367
sanction, persons under transitional control, and other eligible 6368
offenders in accordance with section 2967.14 of the Revised 6369
Code. 6370

Other powers and duties may be assigned by the director of 6371
rehabilitation and correction to the division of parole and 6372
community services. This section does not apply to the 6373
department of youth services or its institutions or employees. 6374

(E) No plan for any new jail, workhouse, or lockup, and no 6375
plan for a substantial addition or alteration to an existing 6376
jail, workhouse, or lockup, shall be adopted unless the 6377
officials responsible for adopting the plan have submitted the 6378
plan to the department of rehabilitation and correction for 6379
approval, and the department has approved the plan as provided 6380
in division (D) (2) of this section. 6381

Section 2. That existing sections 101.62, 101.82, 101.83, 6382
103.27, 145.012, 146.02, 175.03, 175.04, 718.051, 926.12, 6383
926.19, 1731.03, 1731.05, 1731.09, 1739.05, 1751.18, 3335.27, 6384
3335.29, 3701.931, 3703.21, 3743.53, 3745.21, 3745.22, 3769.03, 6385
3772.13, 3783.01, 3783.02, 3923.51, 3923.57, 3924.01, 3924.02, 6386
3924.06, 3924.73, 4104.07, 4104.08, 4104.18, 4125.041, 4141.131, 6387

4141.25, 4141.292, 4517.02, 4517.04, 4517.10, 4517.14, 4517.15, 6388
4517.20, 4517.33, 4517.43, 4549.50, 4701.06, 4701.14, 4703.16, 6389
4707.02, 4713.01, 4713.69, 4715.03, 4715.032, 4715.033, 6390
4715.034, 4715.035, 4715.30, 4723.114, 4723.89, 4723.90, 6391
4735.01, 4735.07, 4735.09, 4735.23, 4738.05, 4749.03, 4763.05, 6392
4763.06, 4763.07, 4763.08, 4763.09, 4781.08, 4781.17, 5104.39, 6393
5104.50, and 5120.10 of the Revised Code are hereby repealed. 6394

Section 3. That sections 107.40, 122.98, 924.14, 924.212, 6395
926.30, 1751.15, 1751.16, 1751.17, 3337.16, 3701.507, 3701.89, 6396
3701.932, 3743.67, 3783.08, 3923.122, 3923.58, 3923.581, 6397
3923.582, 3923.59, 3924.07, 3924.08, 3924.09, 3924.10, 3924.11, 6398
3924.111, 3924.12, 3924.13, 3924.14, 4141.08, 4141.12, 4517.09, 6399
4749.021, 5104.08, and 5703.57 of the Revised Code are hereby 6400
repealed. 6401

Section 4. (A) For the purposes of this section, 6402
"occupational licensing board" has the same meaning as in 6403
section 4798.01 of the Revised Code. 6404

(B) Pursuant to division (E) of section 101.62 of the 6405
Revised Code, the following occupational licensing boards are 6406
hereby renewed and, subject to the revisions prescribed by this 6407
act, the statutes creating, empowering, governing, and 6408
regulating those boards are continued: 6409

(1) The Ohio Peace Officer Training Commission created 6410
under section 109.71 of the Revised Code; 6411

(2) The State Cosmetology and Barber Board created under 6412
section 4713.02 of the Revised Code; 6413

(3) The Accountancy Board created under section 4701.02 of 6414
the Revised Code; 6415

(4) The Department of Agriculture described in Chapter 6416

901. of the Revised Code;	6417
(5) The Architects Board created under section 4703.01 of the Revised Code;	6418 6419
(6) The Ohio Landscape Architects Board created under section 4703.31 of the Revised Code;	6420 6421
(7) The Ohio Casino Control Commission created under section 3772.02 of the Revised Code;	6422 6423
(8) The Department of Commerce Division of Financial Institutions created under section 121.08 of the Revised Code;	6424 6425
(9) The Department of Commerce Division of Real Estate and Professional Licensing created under section 121.08 of the Revised Code;	6426 6427 6428
(10) The Department of Commerce Division of Industrial Compliance created under section 121.08 of the Revised Code;	6429 6430
(11) The Department of Commerce Division of Unclaimed Funds created under section 121.08 of the Revised Code;	6431 6432
(12) The Department of Public Safety Bureau of Motor Vehicles created under section 4501.02 of the Revised Code;	6433 6434
(13) The Department of Public Safety described in Chapter 5502. of the Revised Code;	6435 6436
(14) The State Board of Registration for Professional Engineers and Surveyors created under section 4733.03 of the Revised Code;	6437 6438 6439
(15) The Department of Mental Health and Addiction Services described in Chapter 5119. of the Revised Code;	6440 6441
(16) The State Racing Commission created under section 3769.02 of the Revised Code;	6442 6443

(17) The Secretary of State described in Chapter 111. of 6444
the Revised Code; 6445

(18) The Motor Vehicle Repair Board created under section 6446
4775.03 of the Revised Code. 6447

(C) The occupational licensing boards listed in this 6448
section shall be triggered to expire under division (B) of 6449
section 101.62 of the Revised Code at the end of the thirty 6450
first day of December of the sixth year following enactment of 6451
this section. 6452

Section 5. A backflow technician certification issued 6453
before the effective date of this section pursuant to the rules 6454
adopted by the Superintendent of Industrial Compliance under 6455
section 3703.21 of the Revised Code expires on the date it would 6456
have expired under the rules in effect before the effective date 6457
of this section. 6458

Section 6. A license issued pursuant to Chapter 4749. of 6459
the Revised Code before the effective date of this section 6460
expires on the date it would have expired under the version of 6461
section 4749.03 of the Revised Code in effect before the 6462
effective date of this section. 6463

Section 7. A residential real estate appraiser 6464
certificate, general real estate appraiser certificate, 6465
residential real estate appraiser license, and real estate 6466
appraiser assistant registration issued pursuant to Chapter 6467
4763. of the Revised Code before the effective date of this 6468
section expires on the date it would have expired under the 6469
version of section 4763.08 of the Revised Code in effect before 6470
the effective date of this section. 6471

Section 8. Both of the following take effect January 1, 6472

2026:	6473
(A) The amendment by this act of section 4701.06 of the Revised Code;	6474 6475
(B) The repeal by this act of section 3701.89 of the Revised Code.	6476 6477
Section 9. The following agencies are retained under division (E) of section 101.83 of the Revised Code and expire at the end of December 31, of the year indicated in column 3 of the table below:	6478 6479 6480 6481
	6482

	1	2	3
A	Advisory Committee on Advance Practice Registered Nursing	R.C. 4723.493	2026
B	Aging, Ohio Advisory Council for the	R.C. 173.03	2026
C	Agricultural Commodity Marketing Programs, Operating Committee(s)	R.C. 924.07	2028
D	AMBER Alert Advisory Committee	R.C. 5502.521	2028
E	Amusement Ride Safety, Advisory Council on	R.C. 1711.51	2028
F	Apprenticeship Council	R.C. 4139.02	2026
G	Automated Title Processing Board	R.C. 4505.09(C) (1)	2028
H	Backflow Advisory Board	R.C. 3703.21	2028

I	Banking Commission	R.C. 1123.01	2028
J	Brain Injury Advisory Committee	R.C. 3335.61	2026
K	Broadcast Educational Media Commission	R.C. 3353.02	2026
L	Capitol Square Review and Advisory Board	R.C. 105.41	2026
M	Cemetery Dispute Resolution Commission, Ohio	R.C. 4767.05	2028
N	Child Abuse and Child Neglect Prevention Regional Councils (8)	R.C. 3109.172 (B)	2026
O	Child Support Guideline Advisory Council	R.C. 3119.023	2026
P	Children's Trust Fund Board	R.C. 3109.15	2026
Q	Chiropractic Loan Repayment Advisory Board	R.C. 3702.987	2026
R	Citizen's Advisory Council (for each institution under the control of the Department of Developmental Disabilities)	R.C. 5123.092	2026
S	Civil Rights Commission Advisory Agencies and Conciliation Councils, Ohio	R.C. 4112.04 (B) (4)	2028
T	Clean Ohio, Trail Advisory Board	R.C. 1519.06	2028

U	Coal Development Office, Technical Advisory Committee to Assist Director of the Ohio	R.C. 1551.35	2028
V	College Credit Plus Advisory Committee	R.C. 3365.15	2026
W	Commercial Dog Breeding Advisory Board	R.C. 956.17	2028
X	Commercial Insurance Joint Underwriting Association Board of Governors, Ohio	R.C. 3930.03	2026
Y	Commodity Advisory Commission	R.C. 926.32	2028
Z	Continuing Education Committee (concerned with continuing education of sheriffs)	R.C. 109.80(B)	2028
AA	County Law Library Resources Boards, Statewide Consortium of	R.C. 3375.481	2028
AB	County Sheriff's Standard Car-Marking and Uniform Commission	R.C. 311.25	2028
AC	Credential Review Board	R.C. 3319.65	2026
AD	Credit Union Council	R.C. 1733.329	2028
AE	Criminal Sentencing Commission, State	R.C. 181.21	2028
AF	Cystic Fibrosis Legislative Task Force, Ohio	R.C. 101.38	2026

AG	Dentist Loan Repayment Advisory Board	R.C. 3702.92	2026
AH	Department Advisory Boards	R.C. 121.13	2026
AI	Developmental Disabilities Council, Ohio	R.C. 5123.35	2026
AJ	Developmental Disabilities Technology First Task Force	R.C. 5123.026	2026
AK	Dietetics Advisory Council	R.C. 4759.051	2026
AL	Education Management Information System Advisory Council	R.C. 3301.0713	2026
AM	Educator Standards Board	R.C. 3319.60	2026
AN	Employment First Task Force	R.C. 5123.023	2026
AO	Ex-Offender Reentry Coalition	R.C. 5120.07	2028
AP	Expositions Commission, Ohio	R.C. 991.02	2026
AQ	Faith-Based and Community Initiatives, Advisory Board of Governor's Office of	R.C. 107.12	2026
AR	Family and Children First Cabinet Council, Ohio	R.C. 121.37	2026
AS	Farmland Preservation Advisory Board	R.C. 901.23	2028
AT	Forestry Advisory Council	R.C. 1503.40	2028
AU	Grain Marketing Program Operating	R.C. 924.22	2028

	Committee		
AV	Grape Industries Committee, Ohio	R.C. 924.51	2028
AW	Hispanic-Latino Affairs, Commission on	R.C. 121.31	2026
AX	Historic Site Preservation Advisory Board, Ohio	R.C. 149.301	2026
AY	History Connection, Ohio, Board of Trustees	R.C. 149.30	2026
AZ	Holocaust and Genocide Memorial and Education Commission	R.C. 197.03	2026
BA	Home Medical Equipment Services Advisory Council	R.C. 4752.24	2026
BB	Housing Trust Fund Advisory Committee	R.C. 174.06	2028
BC	Industrial Commission Nominating Council	R.C. 4121.04	2028
BD	Interagency Council of the New African Immigrants Commission	R.C. 4112.31	2028
BE	Interagency Workgroup on Autism	R.C. 5123.0419	2026
BF	Judicial Conference, Ohio	R.C. 105.91	2028
BG	Lake Erie Commission, Ohio	R.C. 1506.21	2028
BH	Legislative Programming Committee of the Ohio Government	R.C. 3353.07	2026

Telecommunications Service			
BI	Livestock Exhibitions, Advisory Committee on	R.C. 901.71	2028
BJ	Materials Management Advisory Council	R.C. 3734.49	2028
BK	Medical Liability Underwriting Association, Board of Governors of the	R.C. 3929.64	2026
BL	Medical Liability Underwriting Association, Stabilization Reserve Fund, Directors of the	R.C. 3929.631	2026
BM	Medically Handicapped Children's Medical Advisory Council	R.C. 3701.025	2026
BN	Milk Sanitation Board	R.C. 917.03	2028
BO	Mine Subsidence Insurance Governing Board	R.C. 3929.51	2028
BP	Minority Development Financing Advisory Board	R.C. 122.72	2028
BQ	Minority Health, Commission on	R.C. 3701.78	2026
BR	New African Immigrants Commission	R.C. 4112.32	2028
BS	Office of Enterprise Development Advisory Board	R.C. 5145.162	2028
BT	Ohioana Library Association, Martha	R.C. 3375.62	2026

	Kinney Cooper Memorial, Board of Trustees		
BU	Ohio Arts Council	R.C. 3379.02	2026
BV	Ohio Center for Autism and Low Incidence, Advisory Board to Assist and Advise in the Operation of the	R.C. 3323.33	2026
BW	Ohio Commission on Service and Volunteerism	R.C. 121.40	2026
BX	Ohio Dyslexia Committee	R.C. 3323.25	2026
BY	Ohio Environmental Education Fund Advisory Council	R.C. 3745.21	2028
BZ	Ohio Geographically Referenced Information Program Council	R.C. 125.901	2028
CA	Ohio Livestock Care Standards Board	R.C. 904.02	2028
CB	Ohio Public Library Information Network Board of Trustees	R.C. 3375.65	2026
CC	Ohio Tuition Trust Authority Investment Board	R.C. 3334.03	2026
CD	Ohio War Orphans and Severely Disabled Veterans' Children Scholarship Board	R.C. 5910.02	2026
CE	Oil and Gas Land Management Commission	R.C. 155.31	2028

CF	Oil and Gas Marketing Program, An Operating Committee of the	R.C. 1510.06	2028
CG	Oil and Gas, Technical Advisory Council on	R.C. 1509.38	2028
CH	Opportunities for Ohioans with Disabilities Council	R.C. 3304.12	2026
CI	Organized Crime Investigations Commission	R.C. 177.01	2028
CJ	Pharmacy and Therapeutics Committee of the Department of Medicaid	R.C. 5164.7510	2026
CK	Physician Assistant Policy Committee of the State Medical Board	R.C. 4730.05	2026
CL	Power Siting Board	R.C. 4906.02	2028
CM	Propane Council	R.C. 936.02	2028
CN	Prequalification Review Board	R.C. 5525.07	2028
CO	Public Utilities Commission Nominating Council	R.C. 4901.021	2028
CP	Radiation Advisory Council	R.C. 3748.20	2026
CQ	Radio Communications System Steering Committee, Multi-Agency	Section 15.02, H.B. 640 of the 123rd G.A.	2028
CR	Rare Disease Advisory Council	R.C. 103.60	2026

CS	Reclaim Advisory Committee	R.C. 5139.44	2028
CT	Reclamation Commission	R.C. 1513.05	2028
CU	Reclamation Forfeiture Fund Advisory Board	R.C. 1513.182	2028
CV	Redistricting, Reapportionment, and Demographic Research, Legislative Task Force on	R.C. 103.51	2026
CW	Respiratory Care Advisory Council	R.C. 4761.032	2026
CX	Small Business Advisory Council	R.C. 107.63	2028
CY	Small Business Stationary Source Technical and Environmental Compliance Assistance Council	R.C. 3704.19	2028
CZ	Small Government Capital Improvements Commission, Ohio	R.C. 164.02 (C)	2028
DA	Soil and Water Conservation Commission, Ohio	R.C. 940.02	2028
DB	STABLE Account Program Advisory Board	R.C. 113.56	2026
DC	Standardbred Development Commission, Ohio	R.C. 3769.085	2028
DD	State Audit Committee	R.C. 126.46	2026
DE	State Fire Council	R.C. 3737.81	2028
DF	STEM Committee of the Department of	R.C. 3326.02	2026

Education

DG	Student Tuition Recovery Authority	R.C. 3332.081	2026
DH	Tax Credit Authority	R.C. 122.17 (M)	2028
DI	Thoroughbred Racing Advisory Committee, Ohio	R.C. 3769.084	2028
DJ	TourismOhio Advisory Board	R.C. 122.071	2028
DK	Transportation Review Advisory Council	R.C. 5512.07	2028
DL	Underground Technical Committee	R.C. 3781.34	2028
DM	Uniform State Laws, State Council of	R.C. 105.21	2028
DN	Utility Radiological Safety Board	R.C. 4937.02	2028
DO	Vendors Representative Committee, Ohio	R.C. 3304.34	2026
DP	Veterans Advisory Committee	R.C. 5902.02 (J)	2028
DQ	Victims Assistance Advisory Council, State	R.C. 109.91	2028
DR	Voting Machine Examiners, Board of	R.C. 3506.05	2028
DS	Waterways Safety Council	R.C. 1547.73	2028
DT	Wild, Scenic, or Recreational River Area, Advisory Council for each	R.C. 1547.84	2028

DU	Wildlife Council	R.C. 1531.03	2028
DV	Workers' Compensation Board of Directors Nominating Committee	R.C. 4121.123	2026
DW	Workers' Compensation Board of Directors, Bureau of	R.C. 4121.12	2026

Section 10. It is the intent of the General Assembly, 6483
through the amendment and repeal in this act of statutes that 6484
create and empower the agency, to abolish the following agencies 6485
upon the effective date of this section: 6486

6487

1

2

A	Agriculture Commodity Marketing Programs, Coordinating Committee	R.C. 924.14
B	Alzheimer's Disease and Related Dementias Task Force	Sections 1, 2, 3, and 4 of S.B. 24 of the 133rd G.A.
C	Child Care Advisory Council	R.C. 5104.08
D	Director of Health's Advisory Group on Violent Deaths	R.C. 3701.932
E	Electrical Safety Inspector Advisory Committee	R.C. 3783.08
F	Engineering Experiment Station	R.C. 3335.27

	Advisory Committee	
G	Federally Subsidized Housing Study Committee	Section 757.70 of H.B. 110 of the 134th G.A.
H	Fireworks Rules, Committee to Assist the State Fire Marshal in Adopting	R.C. 3743.53
I	Governor's Residence Advisory Commission	R.C. 107.40
J	Health Reinsurance Program, Board of Directors of the Ohio	R.C. 3924.08
K	Hemp Marketing Program Operating Committee	R.C. 924.212
L	Infant Hearing Screening Subcommittee	R.C. 3701.507
M	Joint Legislative Study Committee Regarding Career Pathways and Post-secondary Workforce Training Programs in Ohio	Section 733.30 of H.B. 110 of the 134th G.A.
N	Joint Legislative Task Force to Examine Transportation of Community School and Nonpublic School Students	Section 7 of S.B. 310 of the 133rd G.A.
O	Land Use Advisory Committee to the President of Ohio University	R.C. 3337.16
P	Law Enforcement Training Funding Study Committee	Section 701.70 of

		H.B. 110 of the 134th G.A.
Q	Legislative Committee on Public Health Futures	Section 737.40 of H.B. 166 of the 133rd G.A.
R	Ohio Aerospace and Aviation Technology Committee	R.C. 122.98
S	Ohio Business Gateway Steering Committee	R.C. 5703.57
T	Ohio Children's Behavioral Health Prevention Network Stakeholder Group	Section 1 of H.B. 12 of the 133rd G.A.
U	Ohio Fire Code Rule Recommendation Committee	R.C. 3743.67
V	Ohio Physician and Allied Health Care Workforce Preparation Task Force	Section 381.610 of H.B. 166 of the 133rd G.A.
W	Performance Indicators for Children's Hospitals Study Committee	Section 333.67 of H.B. 166 of the 133rd G.A.

X	Private Investigation and Security Services Commission, Ohio	R.C. 4749.021
Y	Public Assistance Benefits Accountability Task Force	Section 307.300 of H.B. 110 of the 134th G.A.
Z	Select Committee on Sports Gaming and Problem Gambling	Section 6 of H.B. 29 of the 134th G.A.
AA	State Report Card Study Committee	Section 265.510 of H.B. 166 of the 133rd. G.A.
AB	Study Commission on the Future of Gaming in Ohio	Section 5 of H.B. 29 of the 134th G.A.
AC	Study Committee Regarding Students Retaking Grade 12	Section 733.51 of H.B. 166 of the 133rd G.A.
AD	Supervisory Investigative Panel of the State Dental Board	R.C. 4715.032

AE Task Force to Evaluate Current Section
Operational Structures and 381.630 of
Procedures at Wright State H.B. 110 of
University's Lake Campus the 134th
G.A.

AF Unemployment Compensation Advisory Council R.C. 4141.08

AG Unemployment Compensation Modernization R.C. 4141.12
Improvement Council

Section 11. The amendments to sections 5104.39 and 6488
5104.50, and the repeal of sections 3701.507 and 5104.08 of the 6489
Revised Code, as presented in this act, take effect on the later 6490
of January 1, 2025, or the effective date of this section. 6491
(January 1, 2025, is the effective date of an earlier amendment 6492
to these sections by H.B. 33 of the 135th General Assembly.) 6493

Section 12. That Sections 5 (as amended by H.B. 33 of the 6494
135th General Assembly) and 6 of H.B. 29 of the 134th General 6495
Assembly, Sections 307.300, 381.630, 701.70, 733.30, and 757.70 6496
of H.B. 110 of the 134th General Assembly, Section 1 of H.B. 12 6497
of the 133rd General Assembly, Sections 265.510, 333.67, 6498
381.610, 733.51, and 737.40 of H.B. 166 of the 133rd General 6499
Assembly, Sections 2, 3, and 4 of S.B. 24 of the 133rd General 6500
Assembly, and Section 7 of S.B. 310 of the 133rd General 6501
Assembly are hereby repealed. 6502

Section 13. That Section 1 of S.B. 24 of the 133rd General 6503
Assembly and Section 3 of S.B. 9 of the 130th General Assembly 6504
(as amended by H.B. 122 of the 134th General Assembly) are 6505
hereby repealed. 6506

Section 14. (A) The Ohio Medical Quality Foundation, 6507

described in section 3701.89 of the Revised Code, is retained 6508
under division (E) of section 101.83 of the Revised Code and 6509
expires as a statutory entity at the end of December 31, 2025. 6510

(B) It is the intent of the General Assembly, through the 6511
repeal by this act of section 3701.89 of the Revised Code, to 6512
abolish the Ohio Medical Quality Foundation as a statutory 6513
entity on January 1, 2026. 6514

(C) As soon as practicable after the effective date of 6515
this section but not later than April 1, 2025, the Foundation, 6516
through its corporate trustee, shall transfer all of its 6517
remaining unencumbered funds, to the extent possible under law 6518
and contract, to the Medical Quality Assurance Fund established 6519
under section 113.78 of the Revised Code. 6520

(D) As soon as practicable after the transfer described in 6521
division (C) of this section, the trustees of the Foundation 6522
shall prepare a written report identifying the following: 6523

(1) Any encumbered funds unable to be transferred to the 6524
Medical Quality Assurance Fund, including the amounts still to 6525
be distributed pursuant to contracts in effect at the time of 6526
the report's preparation; 6527

(2) The duration of any contracts in effect at the time of 6528
the report's preparation; 6529

(3) The dates on which any remaining funds will be 6530
considered unencumbered. 6531

The trustees shall submit the report to the Treasurer of 6532
State, Governor, Senate President, and Speaker of the House of 6533
Representatives. 6534

(E) Following the repeal of section 3701.89 of the Revised 6535

Code on January 1, 2026, the Treasurer of State shall assume the 6536
contractual duties of the Foundation, its trustees, and its 6537
corporate trustee, as identified under any contracts in effect 6538
on that date. If any payments owed by the Foundation remain in 6539
arrears on or after January 1, 2026, the Treasurer of State may 6540
make the payments on behalf of the Foundation. 6541

For the purposes specified in this division and any others 6542
that the Treasurer of State considers necessary in winding down 6543
the affairs of the Foundation, the Treasurer of State shall be 6544
given access to the Foundation's records. 6545

Section 15. Section 145.012 of the Revised Code is 6546
presented in this act as a composite of the section as amended 6547
by both H.B. 281 and H.B. 377 of the 134th General Assembly. The 6548
General Assembly, applying the principle stated in division (B) 6549
of section 1.52 of the Revised Code that amendments are to be 6550
harmonized if reasonably capable of simultaneous operation, 6551
finds that the composite is the resulting version of the section 6552
in effect prior to the effective date of the section as 6553
presented in this act. 6554