

**As Introduced**

**136th General Assembly  
Regular Session  
2025-2026**

**S. B. No. 431**

**Senator Lang**

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To enact section 3905.427 of the Revised Code to 1  
enact the Rental Home Marketplace Guarantees 2  
Act. 3

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

**Section 1.** That section 3905.427 of the Revised Code be 4  
enacted to read as follows: 5

**Sec. 3905.427.** (A) As used in this section: 6

(1) "Person" means an individual, partnership, 7  
corporation, incorporated or unincorporated association, joint 8  
stock company, reciprocal, syndicate, or any similar entity or 9  
combination of entities acting in concert. 10

(2) "Platform contract holder" means a rental home market 11  
place user who is the beneficiary or holder of a rental home 12  
marketplace guarantee. 13

(3) "Provider" includes both of the following: 14

(a) A rental home marketplace; 15

(b) An affiliate or representative of a rental home 16  
marketplace, who issues or offers, as well as administers, 17  
either directly or through a third party, a rental home 18  
marketplace guarantee. 19

(4) "Reimbursement insurance policy" means a policy of insurance issued to a provider and pursuant to which the insurer agrees, for the benefit of a platform contract holder, to discharge all of the obligations and liabilities of the provider under the terms of the rental home marketplace guarantee in the event of default or non-performance of the provider under the rental home marketplace guarantee. 20  
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(5) "Rental home marketplace" means a person that meets all of the following criteria: 27  
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(a) Provides an online application, software, web site, system, or other medium through which a property is advertised or is offered to the public as available in this state and that connects platform users to enable them to share property; 29  
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(b) Provides, directly or indirectly, or maintains an online platform by performing any of the following: 33  
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(i) Transmitting or otherwise communicating the offer or acceptance of a transaction between two platform users; 35  
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(ii) Owning or operating the electronic infrastructure or technology that brings two or more platform users together. 37  
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(c) If engaged in the offering of rental home marketplace guarantees, does so only in a manner that is ancillary to the conduct of its primary legitimate business or activity; 39  
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(d) Is not a local or state governmental entity. 42

(6) "Rental home marketplace guarantee" means a contract or agreement issued in connection with a rental home marketplace, whether or not for a separate consideration, to reimburse a platform user offering property for rent for any damages for which the renter is responsible under the rental 43  
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home marketplace's terms of service, with or without additional 48  
provision for incidental payment of indemnity. 49

(B) A rental home marketplace guarantee shall not be 50  
issued or offered in this state unless the provider of the 51  
guarantee has made the rental home marketplace guarantee terms 52  
available on the provider's web site and complied with the 53  
requirements of this section. 54

(C) To ensure the faithful performance of a provider's 55  
obligations under a rental home marketplace guarantee, each 56  
provider who is obligated to a platform contract holder shall 57  
insure all rental home marketplace guarantees under a 58  
reimbursement insurance policy issued by an insurer authorized 59  
to transact insurance in this state or eligible to do business 60  
in this state pursuant to section 3905.33 of the Revised Code. 61

(D) Rental home marketplace guarantees do not constitute a 62  
contract amounting to insurance of any character, and the 63  
contract's issuance is not the business of insurance pursuant 64  
section 3905.42 of the Revised Code. 65

(E) Providers are not insurance companies, as that term is 66  
defined in division (C) of section 5725.01 of the Revised Code, 67  
and rental home marketplace guarantees are not required to 68  
comply with any provision of the insurance laws of this state. 69

(F) Reimbursement insurance policies insuring rental home 70  
marketplace guarantees offered in this state shall clearly state 71  
that, upon default or non-performance of the provider under the 72  
rental home marketplace guarantee, the insurer that issued the 73  
policy shall pay on behalf of the provider any sums the provider 74  
is obligated to pay according to such rental home marketplace 75  
guarantee. 76

(G) (1) A reimbursement insurance policy shall be subject 77  
to the laws and regulations governing termination and non- 78  
renewal of insurance policies in this state. 79

(2) The termination of a reimbursement insurance policy 80  
shall not reduce the issuer's responsibility for rental home 81  
marketplace guarantees issued by providers prior to the 82  
effective date of the termination. 83

(H) (1) A provider is considered to be the agent of the 84  
insurer that issued the reimbursement insurance policy. 85

(2) The insurer retains the right to seek indemnification 86  
or subrogation from the provider if the insurer pays or is 87  
obligated to pay sums to the platform contract holder that the 88  
provider was obligated to pay under the rental home marketplace 89  
guarantee. 90

(3) Nothing in this section shall be construed as 91  
preventing or limiting the insurer's right in this regard. 92

(I) Rental home marketplace guarantees offered in this 93  
state shall include a statement in substantially the following 94  
form: "This rental home marketplace guarantee is not an 95  
insurance contract." 96

(J) Rental home marketplace guarantees shall contain a 97  
statement in substantially the following form: "Obligations of 98  
the provider under this guarantee are backed by a reimbursement 99  
insurance policy. If the provider is unable or fails to perform 100  
on its contractual obligation under a rental home marketplace 101  
guarantee within one hundred eighty (180) days after proof of 102  
loss has been filed, a platform user is entitled to make a claim 103  
directly against the insurance company subject to the terms of 104  
the policy." 105

(K) The sale or issuance of a rental home marketplace 106  
guarantee shall be deemed to be a consumer transaction for 107  
purposes of sections 1345.01 to 1345.13 of the Revised Code. The 108  
provider is the supplier and the contract holder is the consumer 109  
for purposes of those sections. 110

**Section 2.** Section 3950.427 of the Revised Code, as 111  
enacted by this act, shall be known and may be cited as the 112  
Rental Home Marketplace Guarantees Act. 113