

As Reported by the Senate Civil Justice Committee

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Sub. H. B. No. 463

Representative Dever

Cosponsors: Representatives Becker, Boccieri, Hambley, Perales, Sprague, Terhar, Leland, Anielski, Antonio, Arndt, Baker, Blessing, Brown, Buchy, Burkley, Celebrezze, Conditt, Craig, Dovilla, Duffey, Fedor, Ginter, Green, Grossman, Henne, Lepore-Hagan, Manning, McClain, McColley, O'Brien, M., O'Brien, S., Patterson, Reece, Reineke, Retherford, Ryan, Scherer, Schuring, Sheehy, Slaby, Slesnick, Smith, K., Strahorn, Sweeney, Young

Senators Coley, Bacon

A BILL

To amend sections 307.94, 307.95, 323.47, 705.92, 1
1303.01, 1303.05, 1303.14, 1303.18, 1303.35, 2
1303.401, 1303.56, 1303.57, 1303.59, 1303.67, 3
1303.69, 1304.01, 1304.17, 1304.18, 1304.22, 4
1304.27, 1304.32, 1304.35, 1349.21, 1739.05, 5
2308.02, 2308.03, 2327.02, 2329.071, 2329.152, 6
2329.17, 2329.211, 2329.311, 2329.52, 3109.172, 7
3501.11, 3501.38, 3501.39, 3735.67, 3735.671, 8
4112.02, 4112.05, 4112.08, 4112.09, 4112.14, and 9
5709.87, to enact new section 1303.70 and 10
sections 1751.84, 2308.031, 3901.88, 3923.84, 11
and 4112.024, and to repeal section 1303.70 of 12
the Revised Code relative to the Ohio Uniform 13
Commercial Code, real property foreclosure and 14
escrow transactions, certain partial property 15
tax exemptions, and local ballot initiatives; to 16
require the coverage of autism services; to 17
reimburse child abuse and child neglect regional 18

prevention council members for expenses and 19
prohibit conflicts of interest; and to amend the 20
statutory procedure for recalling certain 21
municipal officials to include a deadline for 22
filing a petition for recall. 23

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

Section 1. That sections 307.94, 307.95, 323.47, 705.92, 24
1303.01, 1303.05, 1303.14, 1303.18, 1303.35, 1303.401, 1303.56, 25
1303.57, 1303.59, 1303.67, 1303.69, 1304.01, 1304.17, 1304.18, 26
1304.22, 1304.27, 1304.32, 1304.35, 1349.21, 1739.05, 2308.02, 27
2308.03, 2327.02, 2329.071, 2329.152, 2329.17, 2329.211, 28
2329.311, 2329.52, 3109.172, 3501.11, 3501.38, 3501.39, 3735.67, 29
3735.671, 4112.02, 4112.05, 4112.08, 4112.09, 4112.14, and 30
5709.87 be amended and new section 1303.70 and sections 1751.84, 31
2308.031, 3923.84, 3901.88, and 4112.024 of the Revised Code be 32
enacted to read as follows: 33

Sec. 307.94. Electors of a county, equal in number to ten 34
per cent of the number who voted for governor in the county at 35
the most recent gubernatorial election, may file, not later than 36
one hundred ~~ten~~ fifteen days before the date of a general 37
election, a petition with the board of county commissioners 38
asking that the question of the adoption of a county charter in 39
the form attached to the petition be submitted to the electors 40
of the county. The petition shall be available for public 41
inspection at the offices of the county commissioners during 42
regular business hours until four p.m. of the one hundred 43
eleventh day before the election, at which time the board shall, 44
by resolution, certify the petition to the board of elections of 45

the county for submission to the electors of the county, unless 46
the signatures are insufficient or the petitions otherwise 47
invalid, at the next general election. 48

Such electors may, in the alternative not later than the 49
one hundred thirtieth day before the date of a general election, 50
file such a petition with the board of elections of the county. 51
In such case the board of elections shall immediately proceed to 52
determine whether the petition and the signatures on the 53
petition meet the requirements of law and to count the number of 54
valid signatures and to note opposite each invalid signature the 55
reason for the invalidity. The board of elections shall complete 56
its examination of the petition and the signatures and shall 57
submit a report to the board of county commissioners not later 58
than the one hundred twentieth day before the date of the 59
general election certifying whether the petition is valid or 60
invalid and, if invalid, the reasons for invalidity, whether 61
there are sufficient valid signatures, and the number of valid 62
and invalid signatures. The petition and a copy of the report to 63
the board of county commissioners shall be available for public 64
inspection at the board of elections. If the petition is 65
certified by the board of elections to be valid and to have 66
sufficient valid signatures, the board of county commissioners 67
shall forthwith and not later than four p.m. on the one hundred 68
eleventh day before the general election, by resolution, certify 69
the petition to the board of elections for submission to the 70
electors of the county at the next general election. If the 71
petition is certified by the board of elections to be invalid or 72
to have insufficient valid signatures, or both, the petitioners' 73
committee may protest such findings or solicit additional 74
signatures as provided in section 307.95 of the Revised Code, or 75
both, or request that the board of elections proceed to 76

establish the validity or invalidity of the petition and the 77
sufficiency or insufficiency of the signatures in an action 78
before the court of common pleas in the county. Such action must 79
be brought within three days after the request has been made, 80
and the case shall be heard forthwith by a judge or such court 81
whose decision shall be certified to the board of elections and 82
to the board of county commissioners in sufficient time to 83
permit the board of county commissioners to perform its duty to 84
certify the petition, if it is determined by the court to be 85
valid and contain sufficient valid signatures, to the board of 86
elections not later than four p.m. on the one hundred eleventh 87
day prior to the general election for submission to the electors 88
at such general election. 89

A county charter to be submitted to the voters by petition 90
shall be considered to be attached to the petition if it is 91
printed as a part of the petition. A county charter petition may 92
consist of any number of separate petition papers. Each part 93
shall have attached a copy of the charter to be submitted to the 94
electors, and each part shall otherwise meet all the 95
requirements of law for a county charter petition. Section 96
3501.38 of the Revised Code applies to county charter petitions. 97

The petitioners shall designate in the petition the names 98
and addresses of a committee of not fewer than three nor more 99
than five persons who will represent them in all matters 100
relating to the petition. Notice of all matters or proceedings 101
pertaining to such petitions may be served on the committee, or 102
any of them, either personally or by certified mail, or by 103
leaving it at the usual place of residence of each of them. 104

Sec. 307.95. (A) When a county charter petition has been 105
certified to the board of elections pursuant to section 307.94 106

of the Revised Code, the board shall immediately proceed to 107
determine whether the petition and the signatures on the 108
petition meet the requirements of law, including section 3501.38 109
of the Revised Code, and to count the number of valid 110
signatures. The board shall note opposite each invalid signature 111
the reason for the invalidity. The board shall complete its 112
examination of the petition and the signatures not later than 113
ten days after receipt of the petition certified by the board of 114
county commissioners and shall submit a report to the board of 115
county commissioners not less than one hundred days before the 116
election certifying whether the petition is valid or invalid 117
and, if invalid, the reasons for the invalidity, whether there 118
are sufficient valid signatures, and the number of valid and 119
invalid signatures. The petition and a copy of the report to the 120
board of county commissioners shall be available for public 121
inspection at the board of elections. If the petition is 122
determined by the board of elections to be valid but the number 123
of valid signatures is insufficient, the board of county 124
commissioners shall immediately notify the committee for the 125
petitioners, who may solicit and file additional signatures to 126
the petition pursuant to division (E) of this section or protest 127
the board of election's findings pursuant to division (B) of 128
this section, or both. 129

(B) Protests against the findings of the board of 130
~~election's findings~~ elections concerning the validity or 131
invalidity of a county charter petition or any signature on such 132
petition may be filed by any elector eligible to vote at the 133
next general election with the board of elections not later than 134
four p.m. of the ninety-seventh day before the election. Each 135
protest shall identify the part of, or omission from, the 136
petition or the signature or signatures to which the protest is 137

directed, and shall set forth specifically the reason for the 138
protest. A protest must be in writing, signed by the elector 139
making the protest, and shall include the protestor's address. 140
Each protest shall be filed in duplicate. 141

(C) The board of elections shall deliver or mail ~~be by~~ 142
certified mail one copy of each protest filed with it to the 143
secretary of state. The secretary of state, within ten days 144
after receipt of the protests, shall determine ~~the validity or~~ 145
~~invalidity of the petition and~~ the sufficiency or insufficiency 146
of the signatures and the validity or invalidity of the 147
petition, including whether the petition conforms to the 148
requirements set forth in Section 3 of Article X and Section 3 149
of Article XVIII of the Ohio Constitution, including the 150
exercise of only those powers that have vested in, and the 151
performance of all duties imposed upon counties and county 152
offices by law, and whether the petition satisfies the statutory 153
prerequisites to place the issue on the ballot. The petition 154
shall be invalid if any portion of the petition is not within 155
the initiative power. The secretary of state may determine 156
whether to permit matters not raised by protest to be considered 157
in determining such validity or invalidity or sufficiency or 158
insufficiency, and may conduct hearings, either in Columbus or 159
in the county where the county charter petition is filed. The 160
determination by the secretary of state is final. 161

(D) The secretary of state shall notify the board of 162
elections of the determination ~~of the validity or invalidity of~~ 163
~~the petition and sufficiency or insufficiency of the signatures~~ 164
made under division (C) of this section not later than four p.m. 165
of the eighty-first day before the election. If the petition is 166
determined to be valid and to contain sufficient valid 167
signatures, the charter shall be placed on the ballot at the 168

next general election. If the petition is determined to be 169
invalid, the secretary of state shall so notify the board of 170
county commissioners and the board of county commissioners shall 171
notify the committee. If the petition is determined by the 172
secretary of state to be valid but the number of valid 173
signatures is insufficient, the board of elections shall 174
immediately notify the committee for the petitioners and the 175
committee shall be allowed ten additional days after such 176
notification to solicit and file additional signatures to the 177
petition subject to division (E) of this section. 178

(E) All additional signatures solicited pursuant to 179
division (A) or (D) of this section shall be filed with the 180
board of elections not less than seventy days before the 181
election. The board of elections shall examine and determine the 182
validity or invalidity of the additional separate petition 183
papers and of the signatures thereon, and its determination is 184
final. No valid signature on an additional separate petition 185
paper that is the same as a valid signature on an original 186
separate petition paper shall be counted. The number of valid 187
signatures on the original separate petition papers and the 188
additional separate petition papers shall be added together to 189
determine whether there are sufficient valid signatures. If the 190
number of valid signatures is sufficient and the additional 191
separate petition papers otherwise valid, the charter shall be 192
placed on the ballot at the next general election. If not, the 193
board of elections shall notify the county commissioners, and 194
the commissioners shall notify the committee. 195

Sec. 323.47. (A) If land held by tenants in common is sold 196
upon proceedings in partition, or taken by the election of any 197
of the parties to such proceedings, or real estate is sold by 198
administrators, executors, guardians, or trustees, the court 199

shall order that the taxes, penalties, and assessments then due 200
and payable, and interest on those taxes, penalties, and 201
assessments, that are or will be a lien on such land or real 202
estate as of the date of the sale or election, be discharged out 203
of the proceeds of such sale or election, but only to the extent 204
of those proceeds. For purposes of determining such amount, the 205
county treasurer may estimate the amount of taxes, assessments, 206
interest, and penalties that will be payable as of the date of 207
the sale or election. If the county treasurer's estimate exceeds 208
the amount of taxes, assessments, interest, and penalties 209
actually payable as of that date, the plaintiff in the action 210
resulting in a sale or election, may request that the county 211
treasurer refund that excess to holders of the next lien 212
interests according to the confirmation of sale or election or, 213
if all liens are satisfied, that the treasurer remit that excess 214
to the court for distribution. If the amount of taxes, 215
assessments, interest, and penalties actually payable at the 216
time of the sale or election exceeds the county treasurer's 217
estimate, or the proceeds are insufficient to satisfy that 218
estimate, the officer who conducted the sale shall certify the 219
amount of the excess to the treasurer, who shall enter that 220
amount on the real and public utility property tax duplicate 221
opposite the property; the amount of the excess shall be payable 222
at the next succeeding date prescribed for payment of taxes in 223
section 323.12 of the Revised Code. 224

If the plaintiff in an action that results in a sale or 225
election in accordance with this division is the land's or real 226
estate's purchaser or electing party, the ~~officer who conducted~~ 227
~~the sale court shall not deduct~~ order a deduction for the taxes, 228
assessments, interest, and penalties, the lien for which 229
attaches before the date of sale or election but that are not 230

yet determined, assessed, and levied from the proceeds of the 231
sale or election, unless such deduction is approved by that 232
purchaser or electing party. The officer who conducted the sale 233
shall certify ~~any~~ that such amount was not paid from the 234
proceeds to the county treasurer, who shall enter that amount on 235
the real and public utility property tax duplicate opposite the 236
property; this amount shall be payable at the next succeeding 237
date prescribed for payment of taxes in section 323.12 of the 238
Revised Code. 239

Taxes, assessments, interest, and penalties that are not 240
paid on the date of that sale or election, including any amount 241
that becomes due and payable after the date of the sale or 242
election or that remains unpaid because proceeds of a sale or 243
election are insufficient to pay those amounts, continue to be a 244
lien on the property as provided under section 323.11 of the 245
Revised Code. 246

(B) (1) Except as provided in division (B) (2) or (3) of 247
this section, if real estate is sold at judicial sale, the court 248
shall order that the total of the following amounts shall be 249
discharged out of the proceeds of the sale but only to the 250
extent of such proceeds: 251

(a) Taxes, assessments, interest, and penalties, the lien 252
for which attaches before the date of sale but that are not yet 253
determined, assessed, and levied for the year that includes the 254
date of sale, apportioned pro rata to the part of that year that 255
precedes the date of sale; 256

(b) All other taxes, assessments, penalties, and interest 257
the lien for which attached for a prior tax year but that have 258
not been paid on or before the date of sale. 259

(2) The county treasurer may estimate the amount in 260
division (B) (1) (a) of this section before the confirmation of 261
sale or an amended entry confirming the sale is filed. If the 262
county treasurer's estimate exceeds the amount in division (B) 263
(1) (a) of this section, the ~~plaintiff-judgment creditor~~ may 264
request that the county treasurer refund that excess to holders 265
of the next lien interests according to the confirmation of sale 266
or, if all liens are satisfied, that the treasurer remit that 267
excess to the court for distribution. If the actual amount 268
exceeds the county treasurer's estimate, the officer who 269
conducted the sale shall certify the amount of the excess to the 270
treasurer, who shall enter that amount on the real and public 271
utility property tax duplicate opposite the property; the amount 272
of the excess shall be payable at the next succeeding date 273
prescribed for payment of taxes in section 323.12 of the Revised 274
Code. 275

If the ~~plaintiff-judgment creditor~~ in an action that 276
results in a sale in accordance with division (B) of this 277
section is the real estate's purchaser, the ~~officer who~~ 278
~~conducted the sale~~ court shall not ~~deduct~~ order a deduction for 279
the taxes, assessments, interest, and penalties, the lien for 280
which attaches before the date of sale but that are not yet 281
determined, assessed, and levied from the proceeds of the sale 282
~~or election~~, unless such deduction is approved by that 283
purchaser. The officer who conducted the sale shall certify ~~any~~ 284
that such amount was not paid from the proceeds to the county 285
treasurer, who shall enter that amount on the real and public 286
utility property tax duplicate opposite the property; this 287
amount shall be payable at the next succeeding date prescribed 288
for payment of taxes in section 323.12 of the Revised Code. 289

Taxes, assessments, interest, and penalties that are not 290

paid on the date of that sale, including any amount that becomes 291
due and payable after the date of the sale, continue to be a 292
lien on the property as provided under section 323.11 of the 293
Revised Code. 294

(3) The amounts described in division (B)(1) of this 295
section shall not be discharged out of the proceeds of a 296
judicial sale, but shall instead be deemed to be satisfied and 297
extinguished upon confirmation of sale, if both of the following 298
conditions apply: 299

(a) The real estate is sold pursuant to a foreclosure 300
proceeding other than a tax foreclosure proceeding initiated by 301
the county treasurer under section 323.25, sections 323.65 to 302
323.79, or Chapter 5721. of the Revised Code. 303

(b) A county land reutilization corporation organized 304
under Chapter 1724. of the Revised Code is both the purchaser of 305
the real estate and the judgment creditor or assignee of all 306
rights, title, and interest in the judgment arising from the 307
foreclosure proceeding. 308

Sec. 705.92. ~~Any~~ Notwithstanding Section 38 of Article II, 309
Ohio Constitution, or any other provisions in the Revised Code 310
to the contrary, any elective officer of a municipal corporation 311
may be removed from office by the qualified voters of such 312
municipal corporation. The procedure to effect such removal 313
shall be: 314

(A) A petition signed by qualified electors equal in 315
number to at least fifteen per cent of the total votes cast at 316
the most recent regular municipal election, and demanding the 317
election of a successor to the person sought to be removed, 318
shall be filed with the board of elections. ~~Such~~ A petition 319

shall contain the required number of valid signatures upon 320
submission to the board of elections. A petition is not valid 321
after ninety days from the date of the first signature. A 322
petition shall contain a general statement in not more than two 323
hundred words of the grounds upon which the removal of ~~such the~~ 324
person is sought. The form, sufficiency, and regularity of any 325
such petition shall be determined as provided in the general 326
election laws. 327

(B) If the petition is sufficient, and if the person whose 328
removal is sought does not resign within five days after the 329
sufficiency of the petition has been determined, ~~the legislative~~ 330
~~shall thereupon order and fix a day for holding an election to~~ 331
~~determine the question of the removal of the elective officer,~~ 332
~~and for the selection of a successor to each officer named in~~ 333
~~said petition. Such election shall be held not less than thirty~~ 334
~~nor more than forty days from the time~~ at the next primary or 335
general election occurring more than ninety days from the date 336
of the finding of the sufficiency of ~~such the~~ petition. The 337
election authorities shall publish notice and make all 338
arrangements for holding ~~such the~~ election, which shall be 339
conducted and the result thereof returned and declared in all 340
respects as are the results of regular municipal elections. 341

(C) The nomination of candidates to succeed each officer 342
sought to be removed shall be made, without the intervention of 343
a primary election, by filing with the election authorities, at 344
least twenty days ~~prior to~~ before the such special election, a 345
petition proposing a person for each such office, signed by 346
electors equal in number to ten per cent of the total votes cast 347
at the most recent regular municipal election for the head of 348
the ticket. 349

(D) The ballots at ~~such~~the recall election shall, with 350
respect to each person whose removal is sought, submit the 351
question: "Shall (name of person) be removed from the office of 352
(name of office) by recall?" 353

Immediately following each such question, there shall be 354
printed on the ballots, the two propositions in the order set 355
forth: 356

"For the recall of (name of person)."

"Against the recall of (name of person)."

Immediately to the left of the proposition shall be placed 359
a square in which the electors may vote for either of ~~such~~the 360
propositions. 361

Under each of ~~such~~the questions shall be placed the names 362
of candidates to fill the vacancy. The name of the officer whose 363
removal is sought shall not appear on the ballot as a candidate 364
to succeed the officer's self. 365

In any ~~such~~recall election, if a majority of the votes 366
cast on the question of removal are affirmative, the person 367
whose removal is sought shall be removed from office upon the 368
announcement of the official canvass of that election, and the 369
candidate receiving the plurality of the votes cast for 370
candidates for that office shall be declared elected. The 371
successor of any person so removed shall hold office during the 372
unexpired term of the successor's predecessor. The question of 373
the removal of any officer shall not be submitted to the 374
electors until such officer has served for at least one year of 375
the term during which ~~he~~the officer is sought to be recalled. 376
The method of removal provided in this section, is in addition 377
to ~~such~~other methods of removal as are provided by law. If, at 378

any such recall election, the incumbent whose removal is sought 379
is not recalled, the incumbent shall be repaid the incumbent's 380
actual and legitimate expenses for ~~such~~ the election from the 381
treasury of the municipal corporation, but such sum shall not 382
exceed fifty per cent of the sum that the incumbent is by law 383
permitted to expend as a candidate at any regular municipal 384
election. 385

Sec. 1303.01. (A) As used in this chapter, unless the 386
context otherwise requires: 387

(1) "Acceptor" means a drawee who has accepted a draft. 388

(2) "Consumer account" means an account established by an 389
individual primarily for personal, family, or household 390
purposes. 391

(3) "Consumer transaction" means a transaction in which an 392
individual incurs an obligation primarily for personal, family, 393
or household purposes. 394

(4) "Drawee" means a person ordered in a draft to make 395
payment. 396

~~(3)~~ ~~(5)~~ "Drawer" means a person who signs or is identified 397
in a draft as a person ordering payment. 398

~~(4)~~ ~~(6)~~ "Good faith" has the same meaning as in section 399
1301.201 of the Revised Code. 400

~~(5)~~ ~~(7)~~ "Issue" means the first delivery of an instrument 401
by the maker or drawer to a holder or nonholder for the purpose 402
of giving rights of the instrument to any person. 403

~~(6)~~ ~~(8)~~ "Issuer" means a maker or drawer of an issued or 404
unissued instrument. 405

~~(7)~~ (9) "Maker" means a person who signs or is identified 406
in a note as a person undertaking to pay. 407

~~(8)~~ (10) "Order" means a written instruction to pay money 408
signed by the person giving the instruction. The instruction may 409
be addressed to any person, including the person giving the 410
instruction, or to one or more persons jointly or in the 411
alternative but not in succession. "Order" does not mean an 412
authorization to pay unless the person authorized to pay also is 413
instructed to pay. 414

~~(9)~~ (11) "Ordinary care" in the case of a person engaged 415
in business means observance of the reasonable commercial 416
standards that are prevailing in the area in which the person is 417
located with respect to the business in which the person is 418
engaged. In the case of a bank that takes an instrument for 419
processing for collection or payment by automated means, 420
reasonable commercial standards do not require the bank to 421
examine the instrument if the failure to examine does not 422
violate the bank's prescribed procedures, and the bank's 423
procedures do not vary unreasonably from general banking usage 424
not disapproved by this chapter or Chapter 1304. of the Revised 425
Code. 426

~~(10)~~ (12) "Party" means a party to an instrument. 427

(13) "Principal obligor," with respect to an instrument, 428
means the accommodated party or any other party to the 429
instrument against whom a secondary obligor has recourse under 430
this chapter. 431

~~(11)~~ (14) "Promise" means a written undertaking to pay 432
money that is signed by the person undertaking to pay. "Promise" 433
does not include an acknowledgment of an obligation by the 434

obligor unless the obligor also undertakes to pay the 435
obligation. 436

~~(12)~~(15) "Prove," with respect to a fact, means to meet 437
the burden of establishing the fact. 438

~~(13)~~(16) "Remitter" means a person who purchases an 439
instrument from its issuer if the instrument is payable to an 440
identified person other than the purchaser. 441

(17) "Remotely-created consumer item" means an item drawn 442
on a consumer account, which is not created by the payor bank 443
and does not bear a handwritten signature purporting to be the 444
signature of the drawer. 445

(18) "Secondary obligor," with respect to an instrument, 446
means any of the following: 447

(a) An indorser or an accommodation party; 448

(b) A drawer having the obligation described in division 449
(D) of section 1303.54 of the Revised Code; 450

(c) Any other party to the instrument that has recourse 451
against another party to the instrument pursuant to division (B) 452
of section 1303.14 of the Revised Code. 453

(B) As used in this chapter: 454

(1) "Acceptance" has the same meaning as in section 455
1303.46 of the Revised Code. 456

(2) "Accommodation party" and "accommodated party" have 457
the same meanings as in section 1303.59 of the Revised Code. 458

(3) "Account" has the same meaning as in section 1304.01 459
of the Revised Code. 460

(4) "Alteration" has the same meaning as in section 461

1303.50 of the Revised Code.	462
(4) <u>(5)</u> "Anomalous indorsement," "blank indorsement," and "special indorsement" have the same meanings as in section 1303.25 of the Revised Code.	463 464 465
(5) <u>(6)</u> "Certificate of deposit," "cashier's check," "check," "draft," "instrument," "negotiable instrument," "note," "teller's check," and "traveler's check" have the same meanings as in section 1303.03 of the Revised Code.	466 467 468 469
(6) <u>(7)</u> "Certified check" has the same meaning as in section 1303.46 of the Revised Code.	470 471
(7) <u>(8)</u> "Consideration" and "value" have the same meanings as in section 1303.33 of the Revised Code.	472 473
(8) <u>(9)</u> "Holder in due course" has the same meaning as in section 1303.32 of the Revised Code.	474 475
(9) <u>(10)</u> "Incomplete instrument" has the same meaning as in section 1303.11 of the Revised Code.	476 477
(10) <u>(11)</u> "Indorsement" and "indorser" have the same meanings as in section 1303.24 of the Revised Code.	478 479
(11) <u>(12)</u> "Negotiation" has the same meaning as in section 1303.21 of the Revised Code.	480 481
(12) <u>(13)</u> "Payable at a definite time" and "payable on demand" have the same meanings as in section 1303.07 of the Revised Code.	482 483 484
(13) <u>(14)</u> "Payable to bearer" and "payable to order" have the same meanings as in section 1303.10 of the Revised Code.	485 486
(14) <u>(15)</u> "Payment" has the same meaning as in section 1303.67 of the Revised Code.	487 488

~~(15)~~-(16) "Person entitled to enforce" has the same 489
meaning as in section 1303.31 of the Revised Code. 490

~~(16)~~-(17) "Presentment" has the same meaning as in ~~in~~ 491
section ~~1303.59~~-1303.61 of the Revised Code. 492

~~(17)~~-(18) "Reacquisition" has the same meaning as in 493
section 1303.27 of the Revised Code. 494

~~(18)~~-(19) "Transfer of instrument" has the same meaning as 495
in section 1303.22 of the Revised Code. 496

(C) As used in this chapter, ~~"account," "bank," "banking~~ 497
~~day," "clearing house," "collecting bank," "customer,"~~ 498
~~"depository bank," "documentary draft," "intermediary bank,"~~ 499
~~"item," "midnight deadline," "payor bank," and "suspends~~ 500
~~payments" have the same meanings as in section 1304.01 of the~~ 501
~~Revised Code.~~ 502

(D) In addition, Chapter 1301. of the Revised Code 503
contains general definitions and general principles of 504
construction and interpretation applicable throughout this 505
chapter. 506

Sec. 1303.05. (A) Except as provided in this section, for 507
the purposes of division (A) of section 1303.03 of the Revised 508
Code, a promise or order is unconditional unless it states any 509
of the following: 510

(1) An express condition to payment; 511

(2) That the promise or order is subject to or governed by 512
another ~~writing~~ record; 513

(3) That rights or obligations with respect to the promise 514
or order are stated in another ~~writing~~ record. A reference to 515
another ~~writing~~ record does not of itself make the promise or 516

order conditional. 517

(B) A promise or order is not made conditional by a 518
reference to another ~~writing~~ record for a statement of rights 519
with respect to collateral, prepayment, or acceleration or 520
because payment is limited to resort to a particular fund or 521
source. 522

(C) If a promise or order requires, as a condition to 523
payment, a countersignature by a person whose specimen signature 524
appears on the promise or order, the condition does not make the 525
promise or order conditional for the purposes of division (A) of 526
section 1303.03 of the Revised Code. If the person whose 527
specimen signature appears on an instrument fails to countersign 528
the instrument, the failure to countersign is a defense to the 529
obligation of the issuer, but the failure does not prevent a 530
transferee of the instrument from becoming a holder of the 531
instrument. 532

(D) If a promise or order at the time it is issued or 533
first comes into possession of a holder contains a statement, 534
required by applicable statutory or administrative law, to the 535
effect that the rights of a holder or transferee are subject to 536
claims or defenses that the issuer could assert against the 537
original payee, the promise or order is not made conditional by 538
that statement for the purposes of division (A) of section 539
1303.03 of the Revised Code, but, if the promise or order is an 540
instrument, there cannot be a holder in due course of the 541
instrument. 542

Sec. 1303.14. (A) Except as otherwise provided in the 543
instrument, two or more persons who have the same liability on 544
an instrument as makers, drawers, acceptors, indorsers who 545
indorse as joint payees, or anomalous indorsers are jointly and 546

severally liable in the capacity in which they sign. 547

(B) Except as provided in division ~~(E)~~ (F) of section 548
1303.59 of the Revised Code or by agreement of the affected 549
parties, a party having joint and several liability who pays the 550
instrument is entitled to receive from any party having the same 551
joint and several liability contribution in accordance with 552
applicable law. 553

~~(C) The discharge of one party having joint and several 554
liability by a person entitled to enforce the instrument does 555
not affect the right under division (B) of this section of a 556
party having the same joint and several liability to receive 557
contribution from the party discharged. 558~~

Sec. 1303.18. In an action for breach of an obligation for 559
which a third person is answerable over pursuant to this chapter 560
or sections 1304.01 to 1304.40 of the Revised Code, the 561
defendant may give the third person ~~written~~ notice of the 562
litigation in a record, and the person notified may then give 563
similar notice to any other person who is answerable over. If 564
the notice states that the person notified may come in and 565
defend and that failure to do so will bind the person notified 566
in an action later brought by the person giving the notice as to 567
any determination of fact common to the two litigations, the 568
person notified is so bound unless after reasonable receipt of 569
the notice the person notified does come in and defend. 570

Sec. 1303.35. (A) Except as otherwise stated in ~~division~~ 571
~~(B)~~ of this section, the right to enforce the obligation of a 572
party to pay an instrument is subject to all of the following: 573

(1) A defense of the obligor based on any of the 574
following: 575

(a) Infancy of the obligor to the extent it is a defense to a simple contract;	576 577
(b) Duress, lack of legal capacity, or illegality of the transaction that, under other law, nullifies the obligation of the obligor;	578 579 580
(c) Fraud that induced the obligor to sign the instrument with neither knowledge nor reasonable opportunity to learn of its character or its essential terms;	581 582 583
(d) Discharge of the obligor in insolvency proceedings.	584
(2) A defense of the obligor set forth in a section of this chapter or a defense of the obligor that would be available if the person entitled to enforce the instrument were enforcing a right to payment under a simple contract;	585 586 587 588
(3) A claim in recoupment of the obligor against the original payee of the instrument if the claim arose from the transaction that gave rise to the instrument, but the claim of the obligor may be asserted against a transferee of the instrument only to reduce the amount owing on the instrument at the time the action is brought.	589 590 591 592 593 594
(B) The right of a holder in due course to enforce the obligation of a party to pay the instrument is subject to the defenses of the obligor stated in division (A)(1) of this section but is not subject to defenses of the obligor stated in division (A)(2) of this section or to claims in recoupment stated in division (A)(3) of this section against a person other than the holder.	595 596 597 598 599 600 601
(C) Except as stated in division (D) of this section, in an action to enforce the obligation of a party to pay the instrument, the obligor may not assert against the person	602 603 604

entitled to enforce the instrument a defense, a claim in 605
recoupment, or a claim of another person to the instrument under 606
division (C) of section 1303.36 of the Revised Code, but the 607
other person's claim to the instrument may be asserted by the 608
obligor if the other person is joined in the action and 609
personally asserts the claim against the person entitled to 610
enforce the instrument. An obligor is not required to pay the 611
instrument if the person seeking enforcement of the instrument 612
does not have rights of a holder in due course and the obligor 613
proves that the instrument is a lost or stolen instrument. 614

(D) In an action to enforce the obligation of an 615
accommodation party to pay an instrument, the accommodation 616
party may assert against the person entitled to enforce the 617
instrument any defense or claim in recoupment under division (A) 618
of this section that the accommodated party could assert against 619
the person entitled to enforce the instrument, except the 620
defenses of discharge in insolvency proceedings, infancy, and 621
lack of legal capacity. 622

(E) In a consumer transaction, if any law other than this 623
chapter requires that an instrument include a statement to the 624
effect that the rights of a holder or transferee are subject to 625
a claim or defense that the issuer could assert against the 626
original payee, and the instrument does not include such a 627
statement, all of the following apply: 628

(1) The instrument has the same effect as if the 629
instrument included such a statement. 630

(2) The issuer may assert against the holder or transferee 631
all claims and defenses that would have been available if the 632
instrument included such a statement. 633

(3) The extent to which claims may be asserted against the holder or transferee is determined as if the instrument included such a statement. 634
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636

(F) This section is subject to any law, other than this chapter, that establishes a different rule for consumer transactions. 637
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Sec. 1303.401. (A) As used in this section: 640

(1) "Check" means a cashier's check, teller's check, or certified check. 641
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(2) "Claimant" means a person who claims the right to receive the amount of a check that was lost, destroyed, or stolen. 643
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(3) "Declaration of loss" means a ~~written~~ statement, made in a record, under penalty of perjury, to the effect that all of the following are true: 646
647
648

(a) The declarant lost possession of a check; 649

(b) The declarant is the drawer or payee of the check, in the case of a check that is a certified check, or the remitter or payee of the check, in the case of a check that is a cashier's check or teller's check; 650
651
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(c) The declarant's loss of possession of the check was not the result of a transfer by the declarant or a lawful seizure; 654
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(d) The declarant reasonably cannot obtain possession of the check because the check was destroyed, its whereabouts cannot be determined, or it is in the wrongful possession of an unknown person or a person that cannot be found or is not amenable to service of process. 657
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(4) "Obligated bank" means the issuer of a check that is a cashier's check or teller's check or the acceptor of a check that is a certified check.

(B) (1) A claimant may assert a claim to the amount of a check by making a communication to the obligated bank that describes the check with reasonable certainty and that requests payment of the amount of the check, if all of the following apply:

(a) If the check is a certified check, the claimant is the drawer or payee of the check, or, if the check is a cashier's check or teller's check, the claimant is the remitter or payee of the check;

(b) The communication contains or is accompanied by a declaration of loss of the claimant with respect to the check;

(c) The obligated bank receives the communication at a time and in a manner that affords the bank a reasonable time to act upon it before the check is paid;

(d) The claimant provides reasonable identification if requested by the obligated bank.

(2) Delivery of a declaration of loss under division (B) (1) of this section is a warranty of the truth of the statements made in the declaration. If a claim is asserted in ~~compliance~~ compliance with division (B) (1) of this section, all of the following rules apply:

(a) The claim becomes enforceable at the later of the following times:

(i) The time the claim is so asserted;

(ii) If the check is a cashier's check or teller's check,

the ninetieth day following the date of the check, or, if the 690
check is a certified check, the ninetieth day following the date 691
of the acceptance. 692

(b) Until the claim becomes enforceable, it has no legal 693
effect, and the obligated bank may pay the check or, if the 694
check is a teller's check, may permit the drawee to pay the 695
check. Payment to a person entitled to enforce the check 696
discharges all liability of the obligated bank with respect to 697
the check. 698

(c) If the claim becomes enforceable before the check is 699
presented for payment, the obligated bank is not obligated to 700
pay the check. 701

(d) When the claim becomes enforceable, the obligated bank 702
becomes obligated to pay the amount of the check to the claimant 703
if payment of the check has not been made to a person entitled 704
to enforce the check. Subject to division (A)(1) of section 705
1304.28 of the Revised Code, payment to the claimant discharges 706
all liability of the obligated bank with respect to the check. 707

(C) If the obligated bank pays the amount of a check to a 708
claimant pursuant to division (B)(2)(d) of this section, and the 709
check is presented for payment by a person with rights of a 710
holder in due course, the claimant is obligated to do whichever 711
of the following is applicable: 712

(1) If the check is paid, refund the payment to the 713
obligated bank; 714

(2) If the check is dishonored, pay the amount of the 715
check to the person with rights of a holder in due course. 716

(D) If a claimant has the right to assert a claim under 717
division (B) of this section and if the claimant also is a 718

person entitled to enforce a cashier's check, teller's check, or 719
certified check that is lost, destroyed, or stolen, the claimant 720
may assert rights with respect to the check under either this 721
section or section 1303.38 of the Revised Code. 722

Sec. 1303.56. (A) A person who transfers an instrument for 723
consideration warrants all of the following to the transferee 724
and, if the transfer is by indorsement, to any subsequent 725
transferee: 726

(1) The warrantor is a person entitled to enforce the 727
instrument. 728

(2) All signatures on the instrument are ~~authentic~~ 729
authentic and authorized. 730

(3) The instrument has not been altered. 731

(4) The instrument is not subject to a defense or claim in 732
recoupment of any party which can be asserted against the 733
warrantor. 734

(5) The warrantor has no knowledge of any insolvency 735
proceeding commenced with respect to the maker or acceptor or, 736
in the case of an unaccepted draft, the drawer. 737

(6) With respect to a remotely created consumer item, the 738
person on whose account the item is drawn authorized the 739
issuance of the item in the amount for which the item is drawn. 740

(B) A person to whom the warranties set forth in division 741
(A) of this section are made and who took the instrument in good 742
faith may recover from the warrantor as damages for breach of 743
warranty an amount equal to the loss suffered as a result of the 744
breach, but not more than the amount of the instrument plus 745
expenses and loss of interest incurred as a result of the 746

breach. 747

(C) The warranties set forth in division (A) of this 748
section cannot be disclaimed with respect to checks. Unless 749
notice of a claim for breach of warranty is given to the 750
warrantor within thirty days after the claimant has reason to 751
know of the breach and the identity of the warrantor, the 752
liability of the warrantor under division (B) of this section is 753
discharged to the extent of any loss caused by the delay in 754
giving notice of the claim. 755

(D) A cause of action for breach of warranty under this 756
section accrues when the claimant has reason to know of the 757
breach. 758

Sec. 1303.57. (A) If an unaccepted draft is presented to 759
the drawee for payment or acceptance and the drawee pays or 760
accepts the draft, the person obtaining payment or acceptance, 761
at the time of presentment, and a previous transferor of the 762
draft, at the time of transfer, warrant to the drawee making 763
payment or accepting the draft in good faith all of the 764
following: 765

(1) That the warrantor is, or was, at the time the 766
warrantor transferred the draft, a person entitled to enforce 767
the draft or authorized to obtain payment or acceptance of the 768
draft on behalf of a person entitled to enforce the draft; 769

(2) That the draft has not been altered; 770

(3) That the warrantor has no knowledge that the signature 771
of the drawer of the draft is unauthorized; 772

(4) With respect to a remotely created consumer item, that 773
the person on whose account the item is drawn authorized the 774
issuance of the item in the amount for which the item is drawn. 775

(B) A drawee making payment may recover from any warrantor 776
damages for breach of warranty equal to the amount paid by the 777
drawee less the amount the drawee received or is entitled to 778
receive from the drawer because of the payment. In addition, the 779
drawee is entitled to compensation for expenses and loss of 780
interest resulting from the breach. The right of the drawee to 781
recover damages under this division is not affected by any 782
failure of the drawee to exercise ordinary care in making 783
payment. If the drawee accepts the draft, breach of warranty is 784
a defense to the obligation of the acceptor. If the acceptor 785
makes payment with respect to the draft, the acceptor is 786
entitled to recover from any warrantor for breach of warranty 787
the amounts stated in this division. 788

(C) If a drawee asserts a claim for breach of warranty 789
under division (A) of this section based upon an unauthorized 790
indorsement of the draft or an alteration of the draft, the 791
warrantor may defend against the claim by proving that the 792
indorsement is effective under section 1303.44 or 1303.47 of the 793
Revised Code or that the drawer is precluded under section 794
1303.49 or 1304.35 of the Revised Code from asserting against 795
the drawee the unauthorized indorsement or alteration. 796

(D) If a dishonored draft is presented for payment to the 797
drawer or an indorser or any other instrument is presented for 798
payment to a party obliged to pay the instrument and if payment 799
is received, both of the following rules apply: 800

(1) The person obtaining payment and a prior transferor of 801
the instrument warrant to the person making payment in good 802
faith that the warrantor is, or, at the time the warrantor 803
transferred the instrument, was, a person entitled to enforce 804
the instrument or authorized to obtain payment on behalf of a 805

person entitled to enforce the instrument. 806

(2) The person making payment may recover from any 807
warrantor for breach of warranty an amount equal to the amount 808
paid plus expenses and loss of interest resulting from the 809
breach. 810

(E) The warranties set forth in divisions (A) and (D) of 811
this section cannot be disclaimed with respect to checks. Unless 812
notice of a claim for breach of warranty is given to the 813
warrantor within thirty days after the claimant has reason to 814
know of the breach and of the identity of the warrantor, the 815
liability of the warrantor under division (B) or (D) of this 816
section is discharged to the extent of any loss caused by the 817
delay in giving notice of the claim. 818

(F) A cause of action for breach of warranty under this 819
section accrues when the claimant has reason to know of the 820
breach. 821

Sec. 1303.59. (A) If an instrument is issued for value 822
given for the benefit of a party to the instrument and another 823
party to the instrument signs the instrument for the purpose of 824
incurring liability on the instrument without being a direct 825
beneficiary of the value given for the instrument, the 826
instrument is signed by the accommodation party "for 827
accommodation." 828

(B) An accommodation party may sign the instrument as 829
maker, drawer, acceptor, or indorser and, subject to division 830
(D) of this section, is obliged to pay the instrument in the 831
capacity in which the accommodation party signs. The obligation 832
of an accommodation party may be enforced notwithstanding any 833
statute of frauds and whether or not the accommodation party 834

receives consideration for the accommodation. 835

(C) A person signing an instrument is presumed to be an 836
accommodation party, and there is notice that the instrument is 837
signed for accommodation if the signature is an anomalous 838
indorsement or is accompanied by words indicating that the 839
signer is acting as surety or guarantor with respect to the 840
obligation of another party to the instrument. Except as 841
provided in section 1303.70 of the Revised Code, the obligation 842
of an accommodation party to pay the instrument is not affected 843
by the fact that the person enforcing the obligation had notice 844
when the instrument was taken by that person that the 845
accommodation party signed the instrument for accommodation. 846

(D) If the signature of a party to an instrument is 847
accompanied by words indicating unambiguously that the party is 848
guaranteeing collection rather than payment of the obligation of 849
another party to the instrument, the signer is obliged to pay 850
the amount due on the instrument to a person entitled to enforce 851
the instrument only if one of the following applies: 852

(1) Execution of judgment against the other party has been 853
returned unsatisfied. 854

(2) The other party is insolvent or in an insolvency 855
proceeding. 856

(3) The other party cannot be served with process. 857

(4) It is otherwise apparent that payment cannot be 858
obtained from the other party. 859

(E) If the signature of a party to an instrument is 860
accompanied by words indicating that the party guarantees 861
payment or the signer signs the instrument as an accommodation 862
party in some other manner that does not unambiguously indicate 863

an intention to guarantee collection rather than payment, the 864
signer is obliged to pay the amount due on the instrument to a 865
person entitled to enforce the instrument in the same 866
circumstances as the accommodated party would be obliged, 867
without prior resort to the accommodated party by the person 868
entitled to enforce the instrument. 869

(F) An accommodation party who pays the instrument is 870
entitled to reimbursement from the accommodated party and is 871
entitled to enforce the instrument against the accommodated 872
party. In proper circumstances, an accommodation party may 873
obtain relief that requires the accommodated party to perform 874
its obligations on the instrument. An accommodated party who 875
pays the instrument has no right of recourse against, and is not 876
entitled to contribution from, an accommodation party. 877

~~(F)~~ (G) As used in this section chapter: 878

(1) "Accommodated party" means the party to an instrument 879
for the benefit of which the instrument is issued for value. 880

(2) "Accommodation party" means a party to an instrument 881
other than the accommodated party. 882

Sec. 1303.67. (A) Subject to division ~~(B)~~ (E) of this 883
section, an instrument is paid to the extent payment is made by 884
or on behalf of a party obliged to pay the instrument and to a 885
person entitled to enforce the instrument. ~~¶~~ 886

(B) (1) Subject to division (E) of this section, a note is 887
paid to the extent payment is made by or on behalf of a party 888
obliged to pay the note to a person that formerly was entitled 889
to enforce the note only if at the time of the payment the party 890
obliged to pay has not received adequate notification that the 891
note has been transferred and that payment is to be made to the 892

transferee. A notification is adequate only if all of the 893
following apply: 894

(a) It is signed by the transferor or the transferee. 895

(b) It reasonably identifies the transferred note. 896

(c) It provides an address at which payments subsequently 897
are to be made. 898

(2) Upon request, a transferee shall seasonably furnish 899
reasonable proof that the note has been transferred. Unless the 900
transferee complies with the request, a payment to the person 901
that formerly was entitled to enforce the note is effective for 902
purposes of division (C) of this section even if the party 903
obliged to pay the note has received a notification under 904
division (B)(1) of this section. 905

(C) Subject to division (E) of this section, to the extent 906
of ~~the~~ a payment under divisions (A) and (B) of this section, 907
the obligation of the party obliged to pay the instrument is 908
discharged even though payment is made with knowledge of a claim 909
to the instrument under section 1303.36 of the Revised Code by 910
another person. 911

(D) Subject to division (E) of this section, a transferee, 912
or any party that has acquired rights in the instrument directly 913
or indirectly from a transferee, including any such party that 914
has rights as a holder in due course, is deemed to have notice 915
of any payment that is made under division (B) of this section 916
after the date that the note is transferred to the transferee 917
but before the party obliged to pay the note received adequate 918
notification of the transfer. 919

~~(B)~~ (E) The obligation of a party to pay the instrument is 920
not discharged under division (A), (B), (C), or (D) of this 921

section under either of the following circumstances:	922
(1) A claim to the instrument under section 1303.36 of the Revised Code is enforceable against the party receiving payment and either of the following applies:	923
(a) Payment is made with knowledge by the payor that payment is prohibited by injunction or similar process of a court of competent jurisdiction.	924
(b) In the case of an instrument other than a cashier's check, teller's check, or certified check, the party making payment accepted, from the person having a claim to the instrument, indemnity against loss resulting from refusal to pay the person entitled to enforce the instrument.	925
(2) The person making payment knows that the instrument is a stolen instrument and pays a person it knows is in wrongful possession of the instrument.	926
(2) The person making payment knows that the instrument is a stolen instrument and pays a person it knows is in wrongful possession of the instrument.	927
(2) The person making payment knows that the instrument is a stolen instrument and pays a person it knows is in wrongful possession of the instrument.	928
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(2) The person making payment knows that the instrument is a stolen instrument and pays a person it knows is in wrongful possession of the instrument.	950

(2) By agreeing not to sue or otherwise renouncing rights 951
against the party by a signed ~~writing~~ record. 952

(B) Cancellation or striking out of an indorsement 953
pursuant to division (A) does not affect the status and rights 954
of a party derived from the indorsement. 955

(C) As used in this section, "signed," with respect to a 956
record that is not a writing, includes the attachment to or 957
logical association with the record of an electronic symbol, 958
sound, or process with the present intent to adopt or accept the 959
record. 960

Sec. 1303.70. (A) If a person entitled to enforce an 961
instrument releases the obligation of a principal obligor in 962
whole or in part, and another party to the instrument is a 963
secondary obligor with respect to the obligation of that 964
principal obligor, the following rules apply: 965

(1) Any obligations of the principal obligor to the 966
secondary obligor with respect to any previous payment by the 967
secondary obligor are not affected. Unless the terms of the 968
release preserve the secondary obligor's recourse, the principal 969
obligor is discharged, to the extent of the release, from any 970
other duties to the secondary obligor under this chapter. 971

(2) Unless the terms of the release provide that the 972
person entitled to enforce the instrument retains the right to 973
enforce the instrument against the secondary obligor, the 974
secondary obligor is discharged to the same extent as the 975
principal obligor from any unperformed portion of its obligation 976
on the instrument. If the instrument is a check and the 977
obligation of the secondary obligor is based on an indorsement 978
of the check, the secondary obligor is discharged without regard 979

to the language or circumstances of the discharge or other 980
release. 981

(3) If the secondary obligor is not discharged under 982
division (A) (2) of this section, the secondary obligor is 983
discharged to the extent of the value of the consideration for 984
the release, and to the extent that the release would otherwise 985
cause the secondary obligor a loss. 986

(B) If a person entitled to enforce an instrument grants a 987
principal obligor an extension of the time at which one or more 988
payments are due on the instrument and another party to the 989
instrument is a secondary obligor with respect to the obligation 990
of that principal obligor, the following rules apply: 991

(1) Any obligations of the principal obligor to the 992
secondary obligor with respect to any previous payment by the 993
secondary obligor are not affected. Unless the terms of the 994
extension preserve the secondary obligor's recourse, the 995
extension correspondingly extends the time for performance of 996
any other duties owed to the secondary obligor by the principal 997
obligor under this chapter. 998

(2) The secondary obligor is discharged to the extent that 999
the extension would otherwise cause the secondary obligor a 1000
loss. 1001

(3) To the extent that the secondary obligor is not 1002
discharged under division (B) (2) of this section, the secondary 1003
obligor may perform its obligations to a person entitled to 1004
enforce the instrument as if the time for payment had not been 1005
extended or, unless the terms of the extension provide that the 1006
person entitled to enforce the instrument retains the right to 1007
enforce the instrument against the secondary obligor as if the 1008

time for payment had not been extended, treat the time for 1009
performance of its obligations as having been extended 1010
correspondingly. 1011

(C) If a person entitled to enforce an instrument agrees, 1012
with or without consideration, to a modification of the 1013
obligation of a principal obligor other than a complete or 1014
partial release or an extension of the due date and another 1015
party to the instrument is a secondary obligor with respect to 1016
the obligation of that principal obligor, the following rules 1017
apply: 1018

(1) Any obligations of the principal obligor to the 1019
secondary obligor with respect to any previous payment by the 1020
secondary obligor are not affected. The modification 1021
correspondingly modifies any other duties owed to the secondary 1022
obligor by the principal obligor under this chapter. 1023

(2) The secondary obligor is discharged from any 1024
unperformed portion of its obligation to the extent that the 1025
modification would otherwise cause the secondary obligor a loss. 1026

(3) To the extent that the secondary obligor is not 1027
discharged under division (C)(2) of this section, the secondary 1028
obligor may satisfy its obligation on the instrument as if the 1029
modification had not occurred, or treat its obligation on the 1030
instrument as having been modified correspondingly. 1031

(D) If the obligation of a principal obligor is secured by 1032
an interest in collateral, another party to the instrument is a 1033
secondary obligor with respect to that obligation, and a person 1034
entitled to enforce the instrument impairs the value of the 1035
interest in collateral, the obligation of the secondary obligor 1036
is discharged to the extent of the impairment. The value of an 1037

interest in collateral is impaired to the extent the value of 1038
the interest is reduced to an amount less than the amount of the 1039
recourse of the secondary obligor, or the reduction in value of 1040
the interest causes an increase in the amount by which the 1041
amount of the recourse exceeds the value of the interest. For 1042
purposes of this division, impairing the value of an interest in 1043
collateral includes any of the following: 1044

(1) The failure to obtain or maintain perfection or 1045
recordation of the interest in collateral; 1046

(2) The release of collateral without substitution of 1047
collateral of equal value or equivalent reduction of the 1048
underlying obligation; 1049

(3) The failure to perform a duty to preserve the value of 1050
collateral owed, under Chapter 1309. of the Revised Code or 1051
other law, to a debtor or other person secondarily liable; 1052

(4) The failure to comply with applicable law in disposing 1053
of or otherwise enforcing the interest in collateral. 1054

(E) A secondary obligor is not discharged under division 1055
(A) (3), (B), (C), or (D) of this section unless the person 1056
entitled to enforce the instrument knows that the person is a 1057
secondary obligor or has notice under division (C) of section 1058
1303.59 of the Revised Code that the instrument was signed for 1059
accommodation. 1060

(F) A secondary obligor is not discharged under this 1061
section if the secondary obligor consents to the event or 1062
conduct that is the basis of the discharge, or the instrument or 1063
a separate agreement of the party provides for a waiver of 1064
discharge under this section specifically or by general language 1065
indicating that parties waive defenses based on suretyship or 1066

impairment of collateral. Unless the circumstances indicate 1067
otherwise, consent by the principal obligor to an act that would 1068
lead to a discharge under this section constitutes consent to 1069
that act by the secondary obligor if the secondary obligor 1070
controls the principal obligor or deals with the person entitled 1071
to enforce the instrument on behalf of the principal obligor. 1072

(G) A release or extension preserves a secondary obligor's 1073
recourse if the terms of the release or extension provide both 1074
of the following: 1075

(1) The person entitled to enforce the instrument retains 1076
the right to enforce the instrument against the secondary 1077
obligor. 1078

(2) The recourse of the secondary obligor continues as if 1079
the release or extension had not been granted. 1080

(H) Except as otherwise provided in division (I) of this 1081
section, a secondary obligor asserting a discharge under this 1082
section has the burden of persuasion both with respect to the 1083
occurrence of the acts alleged to harm the secondary obligor and 1084
loss or prejudice caused by those acts. 1085

(I) If the secondary obligor demonstrates prejudice caused 1086
by an impairment of its recourse, and the circumstances of the 1087
case indicate that the amount of loss is not reasonably 1088
susceptible of calculation or requires proof of facts that are 1089
not ascertainable, it is presumed that the act impairing 1090
recourse caused a loss or impairment equal to the liability of 1091
the secondary obligor on the instrument. In that event, the 1092
burden of persuasion as to any lesser amount of the loss is on 1093
the person entitled to enforce the instrument. 1094

Sec. 1304.01. (A) As used in sections 1304.01 to 1304.40 1095

of the Revised Code, unless the context requires otherwise:	1096
(1) "Account" means any deposit or credit account with a	1097
bank, including a demand, time, savings, passbook, share draft,	1098
or similar account, other than an account evidenced by a	1099
certificate of deposit.	1100
(2) "Afternoon" means the period of day between noon and	1101
midnight.	1102
(3) "Banking day" means the part of a day on which a bank	1103
is open to the public for carrying on substantially all of its	1104
banking functions.	1105
(4) "Clearing house" means an association of banks or	1106
other payors regularly clearing items.	1107
(5) "Customer" means a person having an account with a	1108
bank or for whom a bank has agreed to collect items, including a	1109
bank that maintains an account at another bank.	1110
(6) "Documentary draft" means a draft to be presented for	1111
acceptance or payment if specified documents, certified	1112
securities or instructions for uncertificated securities as	1113
defined in section 1308.01 of the Revised Code, or other	1114
certificates, statements, or similar documents are to be	1115
received by the drawee or other payor before acceptance or	1116
payment of the draft.	1117
(7) "Draft" means a draft as defined in section 1303.03 of	1118
the Revised Code or an item, other than an instrument, that is	1119
an order.	1120
(8) "Drawee" means a person ordered in a draft to make	1121
payment.	1122
(9) "Item" means an instrument or a promise or order to	1123

pay money handled by a bank for collection or payment. "Item" 1124
does not include a payment order governed by sections 1304.51 to 1125
1304.85 of the Revised Code, a credit slip, or a debit card 1126
slip. 1127

(10) "Midnight deadline," with respect to a bank, is 1128
midnight on its next banking day following the banking day on 1129
which it receives the relevant item or notice or from which the 1130
time for taking action commences to run, whichever is later. 1131

(11) "Settle" means to pay in cash, by clearing house 1132
settlement, in a charge or credit or by remittance, or otherwise 1133
as agreed. A settlement may be either provisional or final. 1134

(12) "Suspends payments" with respect to a bank means that 1135
it has been closed by order of the supervisory authorities, that 1136
a public officer has been appointed to take it over, or that it 1137
ceases or refuses to make payments in the ordinary course of 1138
business. 1139

(B) As used in sections 1304.01 to 1304.40 of the Revised 1140
Code: 1141

(1) "Bank" means a person engaged in the business of 1142
banking, including a savings bank, a savings and loan 1143
association, a credit union, or a trust company. 1144

(2) "Depository bank" means the first bank to take an item 1145
even though it is also the payor bank, unless the item is 1146
presented for immediate payment over the counter. 1147

(3) "Payor bank" means a bank that is a drawee of a draft. 1148

(4) "Intermediary bank" means a bank to which an item is 1149
transferred in course of collection except the depository or 1150
payor bank. 1151

(5) "Collecting bank" means a bank handling an item for collection except the payor bank.	1152 1153
(6) "Presenting bank" means a bank presenting an item except a payor bank.	1154 1155
(C) As used in sections 1304.01 to 1304.40 of the Revised Code:	1156 1157
(1) "Acceptance" and "certified check" have the same meanings as in section 1303.46 of the Revised Code.	1158 1159
(2) "Alteration" has the same meaning as in section 1303.50 of the Revised Code.	1160 1161
(3) "Cashier's check," "certificate of deposit," "check," "instrument," and "teller's check" have the same meanings as in section 1303.03 of the Revised Code.	1162 1163 1164
(4) "Control" has the same meaning as in section 1307.106 of the Revised Code.	1165 1166
(5) "Good faith" has the same meaning as in section 1301.201 of the Revised Code.	1167 1168
(6) "Order," "ordinary care," "promise," and "prove" have the same meanings as in section 1303.01 of the Revised Code.	1169 1170
(7) "Holder in due course" has the same meaning as in section 1303.32 of the Revised Code.	1171 1172
(8) "Notice of dishonor" has the same meaning as in section 1303.63 of the Revised Code.	1173 1174
(9) "Person entitled to enforce" has the same meaning as in section 1303.31 of the Revised Code.	1175 1176
(10) "Presentment" has the same meaning as in section 1303.61 of the Revised Code.	1177 1178

(11) "Remotely created consumer item" has the same meaning as in section 1303.01 of the Revised Code. 1179
1180

(12) "Unauthorized signature" has the same meaning as in section 1303.43 of the Revised Code. 1181
1182

(D) In addition, Chapter 1301. of the Revised Code 1183
contains general definitions and principles of construction and 1184
interpretation applicable throughout sections 1304.01 to 1304.40 1185
of the Revised Code. 1186

Sec. 1304.17. (A) A customer or collecting bank that 1187
transfers an item and receives a settlement or other 1188
consideration warrants all of the following to the transferee 1189
and to any subsequent collecting bank: 1190

(1) The warrantor is a person entitled to enforce the 1191
item. 1192

(2) All signatures on the item are authentic and 1193
authorized. 1194

(3) The item has not been altered. 1195

(4) The item is not subject to a defense or claim in 1196
recoupment of any party that can be asserted against the 1197
warrantor. 1198

(5) The warrantor has no knowledge of any insolvency 1199
proceeding commenced with respect to the maker, acceptor, or, in 1200
the case of an unaccepted draft, the drawer. 1201

(6) With respect to a remotely created consumer item, the 1202
person on whose account the item is drawn authorized the 1203
issuance of the item in the amount for which the item is drawn. 1204

(B) If an item is dishonored, a customer or collecting 1205

bank transferring the item and receiving settlement or other 1206
consideration is obliged to pay the amount due on the item 1207
according to the terms of the item at the time it was 1208
transferred or, if the transfer was of an incomplete item, 1209
according to its terms when completed pursuant to sections 1210
1303.11 and 1303.50 of the Revised Code. The obligation of a 1211
transferor is owed to the transferee and to any subsequent 1212
collecting bank that takes the item in good faith. A transferor 1213
cannot disclaim its obligation under this division by an 1214
indorsement stating that it is made "without recourse" or 1215
otherwise disclaiming liability. 1216

(C) A person to whom the warranties under division (A) of 1217
this section are made and who took the item in good faith may 1218
recover from the warrantor as damages for breach of warranty an 1219
amount equal to the loss suffered as a result of the breach, but 1220
not more than the amount of the item plus expenses and loss of 1221
interest incurred as a result of the breach. 1222

(D) The warranties set forth in division (A) of this 1223
section cannot be disclaimed with respect to checks. Unless 1224
notice of a claim for breach of warranty is given to the 1225
warrantor within thirty days after the claimant has reason to 1226
know of the breach and the identity of the warrantor, the 1227
warrantor is discharged to the extent of any loss caused by the 1228
delay in giving notice of the claim. 1229

(E) A cause of action for breach of warranty under this 1230
section accrues when the claimant has reason to know of the 1231
breach. 1232

Sec. 1304.18. (A) If an unaccepted draft is presented to 1233
the drawee for payment or acceptance and the drawee pays or 1234
accepts the draft, the person obtaining payment or acceptance, 1235

at the time of presentment, and a previous transferor of the 1236
draft, at the time of transfer, warrant all of the following to 1237
the drawee that pays or accepts the draft in good faith: 1238

(1) The warrantor is, or was, at the time the warrantor 1239
transferred the draft, a person entitled to enforce the draft or 1240
authorized to obtain payment or acceptance of the draft on 1241
behalf of a person entitled to enforce the draft. 1242

(2) The draft has not been altered. 1243

(3) The warrantor has no knowledge that the signature of 1244
the purported drawer of the draft is unauthorized. 1245

(4) With respect to a remotely created consumer item, the 1246
person on whose account the item is drawn authorized the 1247
issuance of the item in the amount for which the item is drawn. 1248

(B) A drawee making payment may recover from a warrantor 1249
damages for breach of warranty equal to the amount paid by the 1250
drawee less the amount the drawee received or is entitled to 1251
receive from the drawer because of the payment. In addition, the 1252
drawee is entitled to compensation for expenses and loss of 1253
interest resulting from the breach. The right of the drawee to 1254
recover damages under this division is not affected by any 1255
failure of the drawee to exercise ordinary care in making 1256
payment. If the drawee accepts the draft, breach of warranty is 1257
a defense to the obligation of the acceptor, and, if the 1258
acceptor makes payment with respect to the draft, the acceptor 1259
is entitled to recover from a warrantor for breach of warranty 1260
the amounts stated in this division. 1261

(C) If a drawee asserts a claim for breach of warranty 1262
under division (A) of this section based on an unauthorized 1263
indorsement of the draft or an alteration of the draft, the 1264

warrantor may defend by proving that the indorsement is 1265
effective under section 1303.44 or 1303.47 of the Revised Code 1266
or the drawer is precluded under section 1303.49 or 1304.35 of 1267
the Revised Code from asserting against the drawee the 1268
unauthorized indorsement or alteration. 1269

(D) If a dishonored draft is presented for payment to the 1270
drawer or an indorser or any other item is presented for payment 1271
to a party obliged to pay the item and if the item is paid, the 1272
person obtaining payment and a prior transferor of the item 1273
warrant to the person making payment in good faith that the 1274
warrantor is, or was, at the time the warrantor transferred the 1275
item, a person entitled to enforce the item or authorized to 1276
obtain payment on behalf of a person entitled to enforce the 1277
item. The person making payment may recover from any warrantor 1278
for breach of warranty an amount equal to the amount paid plus 1279
expenses and loss of interest resulting from the breach. 1280

(E) The warranties stated in divisions (A) and (D) of this 1281
section cannot be disclaimed with respect to checks. Unless 1282
notice of a claim for breach of warranty is given to the 1283
warrantor within thirty days after the claimant has reason to 1284
know of the breach and the identity of the warrantor, the 1285
warrantor is discharged to the extent of any loss caused by the 1286
delay in giving notice of the claim. 1287

(F) A cause of action for breach of warranty under this 1288
section accrues when the claimant has reason to know of the 1289
breach. 1290

Sec. 1304.22. (A) Unless otherwise instructed, a 1291
collecting bank may present an item not payable by, through, or 1292
at a bank by sending to the party to accept or pay a ~~written~~ 1293
record providing notice that the bank holds the item for 1294

acceptance or payment. The notice must be sent in time to be 1295
received on or before the day when presentment is due and the 1296
bank must meet any requirement of the party to accept or pay 1297
under section 1303.61 of the Revised Code by the close of the 1298
bank's next banking day after it knows of the requirement. 1299

(B) If presentment is made by notice and payment, 1300
acceptance, or request for compliance with a requirement under 1301
section 1303.61 of the Revised Code is received by the close of 1302
business on the day after maturity or in the case of demand 1303
items by the close of business on the third banking day after 1304
notice was sent, the presenting bank may treat the item as 1305
dishonored and charge any drawer or indorser by sending ~~him the~~ 1306
drawer or indorser notice of the facts. 1307

Sec. 1304.27. (A) If a payor bank settles for a demand 1308
item other than a documentary draft presented otherwise than for 1309
immediate payment over the counter before midnight of the 1310
banking day of receipt, the payor bank may revoke the settlement 1311
and recover the settlement if before it has made final payment 1312
and before its midnight deadline it does ~~either any~~ of the 1313
following: 1314

(1) It returns the item. 1315

(2) It returns an image of the item, if the party to which 1316
the return is made has entered into an agreement to accept an 1317
image as a return of the item and the image is returned in 1318
accordance with that agreement. 1319

(3) It sends ~~written a record providing~~ notice of dishonor 1320
or nonpayment if the item is unavailable for return. 1321

(B) If a demand item is received by a payor bank for 1322
credit on its books, it may return the item or send notice of 1323

dishonor and may revoke any credit given or recover the amount 1324
of any credit withdrawn by its customer, if it acts within the 1325
time limit and in the manner specified in division (A) of this 1326
section. 1327

(C) Unless previous notice of dishonor has been sent, an 1328
item is dishonored at the time when for purposes of dishonor it 1329
is returned or notice sent in accordance with this section. 1330

(D) An item is ~~return~~returned at either of the following 1331
times: 1332

(1) As to an item presented through a clearing house, when 1333
it is delivered to the presenting or last collecting bank or to 1334
the clearing house or is sent or delivered in accordance with 1335
its rules; 1336

(2) In all other cases, when it is sent or delivered to 1337
the bank's customer or transferor or pursuant to ~~his~~the 1338
customer's or transferor's instructions. 1339

Sec. 1304.32. (A) A customer, or any person authorized to 1340
draw on the account if there is more than one person, may stop 1341
payment of any item drawn on the customer's account or close the 1342
account by an order to the bank describing the item or account 1343
with reasonable certainty received at a time and in a manner 1344
that affords the bank a reasonable opportunity to act on it 1345
before any action by the bank with respect to the item described 1346
in section 1304.29 of the Revised Code. If the signature of more 1347
than one person is required to draw on an account, any of these 1348
persons may stop payment or close the account. 1349

(B) A stop payment order is effective for six months, but 1350
it lapses after fourteen calendar days if the original order was 1351
oral and was not confirmed in ~~writing~~a record within that 1352

period. A stop payment order may be renewed for additional six- 1353
month periods by a ~~writing~~ record given to the bank within a 1354
period during which the stop payment order is effective. 1355

(C) The burden of establishing the fact and amount of loss 1356
resulting from the payment of an item contrary to a stop payment 1357
order or order to close an account is on the customer. The loss 1358
from payment of an item contrary to a stop payment order may 1359
include damages for dishonor of subsequent items under section 1360
1304.31 of the Revised Code. 1361

Sec. 1304.35. (A) A bank that sends or makes available to 1362
a customer a statement of account showing payment of items for 1363
the account shall either return or make available to the 1364
customer the items paid or provide information in the statement 1365
of account sufficient to allow the customer reasonably to 1366
identify the items paid. The statement of account provides 1367
sufficient information if the item is described by item number, 1368
amount, and date of payment. 1369

(B) If the items are not returned to the customer, the 1370
person retaining the items shall either retain the items or, if 1371
the items are destroyed, maintain the capacity to furnish 1372
legible copies of the items until the expiration of seven years 1373
after receipt of the items. A customer may request an item from 1374
the bank that paid the item, and that bank must provide in a 1375
reasonable time either the item or, if the item has been 1376
destroyed or is not otherwise obtainable, a legible copy of the 1377
item. 1378

(C) If a bank sends or makes available a statement of 1379
account or items pursuant to division (A) of this section, the 1380
customer must exercise reasonable promptness in examining the 1381
statement or the items to determine whether any payment was not 1382

authorized because of an alteration of an item or because a 1383
purported signature by or on behalf of the customer was not 1384
authorized. If, based on the statement or items provided, the 1385
customer should reasonably have discovered the unauthorized 1386
payment, the customer must promptly notify the bank of the 1387
relevant facts. 1388

(D) If the bank proves that the customer failed with 1389
respect to an item to comply with the duties imposed on the 1390
customer by division (C) of this section, the customer is 1391
precluded from asserting either of the following against the 1392
bank: 1393

(1) The customer's unauthorized signature or any 1394
alteration on the item if the bank also proves that it suffered 1395
a loss by reason of that failure; 1396

(2) The customer's unauthorized signature or alteration by 1397
the same wrongdoer on any other item paid in good faith by the 1398
bank if the payment was made before the bank received notice 1399
from the customer of the unauthorized signature or alteration 1400
and after the customer had been afforded a reasonable period of 1401
time, not exceeding thirty days, in which to examine the item or 1402
statement of account and notify the bank. 1403

(E) If division (D) of this section applies and the 1404
customer proves that the bank failed to exercise ordinary care 1405
in paying the item and that the bank's failure substantially 1406
contributed to the loss, the loss is allocated between the 1407
customer who is precluded and the bank asserting the preclusion 1408
according to the extent to which the failure of the customer to 1409
comply with division (C) of this section and the failure of the 1410
bank to exercise ordinary care contributed to the loss. If the 1411
customer proves that the bank did not pay the item in good 1412

faith, the preclusion under division (D) of this section does 1413
not apply. 1414

(F) Without regard to care or lack of care of either the 1415
customer or the bank, a customer who does not within one year 1416
after the statement or items are made available to the customer 1417
discover and report ~~his~~ the customer's unauthorized signature on 1418
or any alteration on the item is precluded from asserting 1419
against the bank the unauthorized signature or alteration ~~if~~. 1420
If there is a preclusion under this division, the payor bank may 1421
not recover for breach of warranty under section 1304.28 of the 1422
Revised Code with respect to the unauthorized signature or 1423
alteration to which the preclusion applies. 1424

Sec. 1349.21. No escrow or closing agent knowingly shall 1425
make, in an escrow transaction, a disbursement from an escrow 1426
account on behalf of another person, unless the following 1427
conditions are met: 1428

(A) The ~~cash, funds, money orders, checks, or negotiable~~ 1429
~~instruments~~ necessary for the disbursement ~~have~~: 1430

(1) Have been transferred electronically to or deposited 1431
into the escrow account of the escrow or closing agent and are 1432
immediately available for withdrawal and disbursement, ~~or~~; 1433

(2) Are in an aggregate amount not exceeding one thousand 1434
dollars, have been physically received by the agent prior to 1435
disbursement and are intended for deposit no later than the next 1436
banking day after the date of disbursement; or 1437

(3) Are funds drawn on a special or trust bank account as 1438
described in division (A) (26) of section 4735.18 of the Revised 1439
Code. 1440

(B) The transfers or deposits described in division (A) of 1441

this section consist of any of the following:	1442
(1) <u>Business checks drawn on special or trust bank</u>	1443
<u>accounts described in division (A) (26) of section 4735.18 of the</u>	1444
<u>Revised Code;</u>	1445
(2) Cash or electronically transferred funds;	1446
(2) Certified, personal checks, business checks other	1447
than those described in division (B) (1) of this section,	1448
certified checks, cashier's checks, official checks, or money	1449
orders that are in an aggregate amount not exceeding one	1450
thousand dollars and are drawn on an existing account at a	1451
federally insured bank, savings and loan association, credit	1452
union, or savings bank;	1453
(3) A <u>Electronically transferred funds via the automated</u>	1454
<u>clearing house system initiated by, or a check issued by, the</u>	1455
United States or this state, or by an agency, instrumentality,	1456
or political subdivision of the United States or this state; <u>or</u>	1457
(4) A check drawn on the escrow account of a title	1458
insurance company or title insurance agent, provided the escrow	1459
or closing agent has reasonable and prudent cause to believe	1460
that sufficient funds are available for withdrawal in the	1461
account upon which the check is drawn at the time of	1462
disbursement;	1463
(5) A personal check in an amount not exceeding one	1464
thousand dollars <u>Electronically transferred funds via the real-</u>	1465
<u>time gross settlement system provided by the federal reserve</u>	1466
<u>banks.</u>	1467
Sec. 1739.05. (A) A multiple employer welfare arrangement	1468
that is created pursuant to sections 1739.01 to 1739.22 of the	1469
Revised Code and that operates a group self-insurance program	1470

may be established only if any of the following applies: 1471

(1) The arrangement has and maintains a minimum enrollment 1472
of three hundred employees of two or more employers. 1473

(2) The arrangement has and maintains a minimum enrollment 1474
of three hundred self-employed individuals. 1475

(3) The arrangement has and maintains a minimum enrollment 1476
of three hundred employees or self-employed individuals in any 1477
combination of divisions (A) (1) and (2) of this section. 1478

(B) A multiple employer welfare arrangement that is 1479
created pursuant to sections 1739.01 to 1739.22 of the Revised 1480
Code and that operates a group self-insurance program shall 1481
comply with all laws applicable to self-funded programs in this 1482
state, including sections 3901.04, 3901.041, 3901.19 to 3901.26, 1483
3901.38, 3901.381 to 3901.3814, 3901.40, 3901.45, 3901.46, 1484
3901.491, 3902.01 to 3902.14, 3923.041, 3923.24, 3923.282, 1485
3923.30, 3923.301, 3923.38, 3923.581, 3923.602, 3923.63, 1486
3923.80, 3923.84, 3923.85, 3924.031, 3924.032, and 3924.27 of 1487
the Revised Code. 1488

(C) A multiple employer welfare arrangement created 1489
pursuant to sections 1739.01 to 1739.22 of the Revised Code 1490
shall solicit enrollments only through agents or solicitors 1491
licensed pursuant to Chapter 3905. of the Revised Code to sell 1492
or solicit sickness and accident insurance. 1493

(D) A multiple employer welfare arrangement created 1494
pursuant to sections 1739.01 to 1739.22 of the Revised Code 1495
shall provide benefits only to individuals who are members, 1496
employees of members, or the dependents of members or employees, 1497
or are eligible for continuation of coverage under section 1498
1751.53 or 3923.38 of the Revised Code or under Title X of the 1499

"Consolidated Omnibus Budget Reconciliation Act of 1985," 100 1500
Stat. 227, 29 U.S.C.A. 1161, as amended. 1501

(E) A multiple employer welfare arrangement created 1502
pursuant to sections 1739.01 to 1739.22 of the Revised Code is 1503
subject to, and shall comply with, sections 3903.81 to 3903.93 1504
of the Revised Code in the same manner as other life or health 1505
insurers, as defined in section 3903.81 of the Revised Code. 1506

Sec. 1751.84. (A) Notwithstanding section 3901.71 of the 1507
Revised Code, each individual and group health insuring 1508
corporation policy, contract, or agreement providing basic 1509
health care services that is delivered, issued for delivery, or 1510
renewed in this state shall provide coverage for the screening, 1511
diagnosis, and treatment of autism spectrum disorder. A health 1512
insuring corporation shall not terminate an individual's 1513
coverage, or refuse to deliver, execute, issue, amend, adjust, 1514
or renew coverage to an individual solely because the individual 1515
is diagnosed with or has received treatment for an autism 1516
spectrum disorder. Nothing in this section shall be applied to 1517
nongrandfathered plans in the individual and small group markets 1518
or to medicare supplement, accident-only, specified disease, 1519
hospital indemnity, disability income, long-term care, or other 1520
limited benefit hospital insurance policies. Except as otherwise 1521
provided in division (B) of this section, coverage under this 1522
section shall not be subject to dollar limits, deductibles, or 1523
coinsurance provisions that are less favorable to an enrollee 1524
than the dollar limits, deductibles, or coinsurance provisions 1525
that apply to substantially all medical and surgical benefits 1526
under the policy, contract, or agreement. 1527

(B) Benefits provided under this section shall cover, at 1528
minimum, all of the following: 1529

(1) For speech and language therapy or occupational 1530
therapy for an enrollee under the age of fourteen that is 1531
performed by a licensed therapist, twenty visits per year for 1532
each service; 1533

(2) For clinical therapeutic intervention for an enrollee 1534
under the age of fourteen that is provided by or under the 1535
supervision of a professional who is licensed, certified, or 1536
registered by an appropriate agency of this state to perform 1537
such services in accordance with a health treatment plan, twenty 1538
hours per week; 1539

(3) For mental or behavioral health outpatient services 1540
for an enrollee under the age of fourteen that are performed by 1541
a licensed psychologist, psychiatrist, or physician providing 1542
consultation, assessment, development, or oversight of treatment 1543
plans, thirty visits per year. 1544

(C) (1) Except as provided in division (C) (2) of this 1545
section, this section shall not be construed as limiting 1546
benefits that are otherwise available to an individual under a 1547
policy, contract, or agreement. 1548

(2) A policy, contract, or agreement shall stipulate that 1549
coverage provided under this section be contingent upon both of 1550
the following: 1551

(a) The covered individual receiving prior authorization 1552
for the services in question; 1553

(b) The services in question being prescribed or ordered 1554
by either a developmental pediatrician or a psychologist trained 1555
in autism. 1556

(D) (1) Except for inpatient services, if an enrollee is 1557
receiving treatment for an autism spectrum disorder, a health 1558

insuring corporation may review the treatment plan annually, 1559
unless the health insuring corporation and the enrollee's 1560
treating physician or psychologist agree that a more frequent 1561
review is necessary. 1562

(2) Any such agreement as described in division (D)(1) of 1563
this section shall apply only to a particular enrollee being 1564
treated for an autism spectrum disorder and shall not apply to 1565
all individuals being treated for autism spectrum disorder by a 1566
physician or psychologist. 1567

(3) The health insuring corporation shall cover the cost 1568
of obtaining any review or treatment plan. 1569

(E) This section shall not be construed as affecting any 1570
obligation to provide services to an enrollee under an 1571
individualized family service plan, an individualized education 1572
program, or an individualized service plan. 1573

(F) As used in this section: 1574

(1) "Applied behavior analysis" means the design, 1575
implementation, and evaluation of environmental modifications, 1576
using behavioral stimuli and consequences, to produce socially 1577
significant improvement in human behavior, including the use of 1578
direct observation, measurement, and functional analysis of the 1579
relationship between environment and behavior. 1580

(2) "Autism spectrum disorder" means any of the pervasive 1581
developmental disorders or autism spectrum disorder as defined 1582
by the most recent edition of the diagnostic and statistical 1583
manual of mental disorders published by the American psychiatric 1584
association available at the time an individual is first 1585
evaluated for suspected developmental delay. 1586

(3) "Clinical therapeutic intervention" means therapies 1587

supported by empirical evidence, which include, but are not 1588
limited to, applied behavioral analysis, that satisfy both of 1589
the following: 1590

(a) Are necessary to develop, maintain, or restore, to the 1591
maximum extent practicable, the function of an individual; 1592

(b) Are provided by or under the supervision of any of the 1593
following: 1594

(i) A certified Ohio behavior analyst as defined in 1595
section 4783.01 of the Revised Code; 1596

(ii) An individual licensed under Chapter 4732. of the 1597
Revised Code to practice psychology; 1598

(iii) An individual licensed under Chapter 4757. of the 1599
Revised Code to practice professional counseling, social work, 1600
or marriage and family therapy. 1601

(4) "Diagnosis of autism spectrum disorder" means 1602
medically necessary assessment, evaluations, or tests to 1603
diagnose whether an individual has an autism spectrum disorder. 1604

(5) "Pharmacy care" means medications prescribed by a 1605
licensed physician and any health-related services considered 1606
medically necessary to determine the need or effectiveness of 1607
the medications. 1608

(6) "Psychiatric care" means direct or consultative 1609
services provided by a psychiatrist licensed in the state in 1610
which the psychiatrist practices. 1611

(7) "Psychological care" means direct or consultative 1612
services provided by a psychologist licensed in the state in 1613
which the psychologist practices. 1614

(8) "Therapeutic care" means services provided by a speech therapist, occupational therapist, or physical therapist licensed or certified in the state in which the person practices. 1615
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(9) "Treatment for autism spectrum disorder" means evidence-based care and related equipment prescribed or ordered for an individual diagnosed with an autism spectrum disorder by a licensed physician who is a developmental pediatrician or a licensed psychologist trained in autism who determines the care to be medically necessary, including any of the following: 1619
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(a) Clinical therapeutic intervention; 1625

(b) Pharmacy care; 1626

(c) Psychiatric care; 1627

(d) Psychological care; 1628

(e) Therapeutic care. 1629

(G) If any provision of this section or the application thereof to any person or circumstances is for any reason held to be invalid, the remainder of the section and the application of such remainder to other persons or circumstances shall not be affected thereby. 1630
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Sec. 2308.02. (A) A mortgagee who files a foreclosure action on a residential property may file a motion with the court to proceed in an expedited manner under this section on the basis that the property is vacant and abandoned. In order to proceed in an expedited manner, upon the filing of such motion, the mortgagee must be a person entitled to enforce the instrument secured by the mortgage under division (A) (1) or (2) of section 1303.31 of the Revised Code or a person with the 1635
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right to enforce the obligation secured by the mortgage pursuant 1643
to law outside of Chapter 1303. of the Revised Code. 1644

(B) If a motion to proceed in an expedited manner is filed 1645
before the last answer period has expired, the court shall 1646
decide the motion not later than twenty-one days, or within the 1647
time consistent with the local rules, after the last answer 1648
period has expired. If a motion to proceed in an expedited 1649
manner is filed after the last answer period has expired, the 1650
court shall decide the motion not later than twenty-one days, or 1651
within the time consistent with local rules, after the motion is 1652
filed. 1653

(C) In deciding the motion to proceed in an expedited 1654
manner, the court shall hold an oral hearing and deem the 1655
property to be vacant and abandoned if all of the following 1656
apply: 1657

(1) The court finds by a preponderance of the evidence 1658
that the residential mortgage loan is in monetary default. 1659

(2) The court finds by a preponderance of the evidence 1660
that the mortgagee is a person entitled to enforce the 1661
instrument secured by the mortgage under division (A) (1) or (2) 1662
of section 1303.31 of the Revised Code or a person with the 1663
right to enforce the obligation secured by the mortgage pursuant 1664
to law outside of Chapter 1303. of the Revised Code. 1665

(3) The court finds by clear and convincing evidence that 1666
at least three of the following factors are true: 1667

(a) Gas, electric, sewer, or water utility services to the 1668
property have been disconnected. 1669

(b) Windows or entrances to the property are boarded up or 1670
closed off, or multiple window panes are broken and unrepaired. 1671

- (c) Doors on the property are smashed through, broken off, 1672
unhinged, or continuously unlocked. 1673
- (d) Junk, litter, trash, debris, or hazardous, noxious, or 1674
unhealthy substances or materials have accumulated on the 1675
property. 1676
- (e) Furnishings, window treatments, or personal items are 1677
absent from the structure on the land. 1678
- (f) The property is the object of vandalism, loitering, or 1679
criminal conduct, or there has been physical destruction or 1680
deterioration of the property. 1681
- (g) A mortgagor has made a written statement expressing 1682
the intention of all mortgagors to abandon the property. 1683
- (h) Neither an owner nor a tenant appears to be residing 1684
in the property at the time of an inspection of the property by 1685
the appropriate official of a county, municipal corporation, or 1686
township in which the property is located or by the mortgagee. 1687
- (i) The appropriate official of a county, municipal 1688
corporation, or township in which the property is located 1689
provides a written statement or statements indicating that the 1690
structure on the land is vacant and abandoned. 1691
- (j) The property is sealed because, immediately prior to 1692
being sealed, it was considered by the appropriate official of a 1693
county, municipal corporation, or township in which the property 1694
is located to be open, vacant, or vandalized. 1695
- (k) Other reasonable indicia of abandonment exist. 1696
- (4) No mortgagor or other defendant has filed an answer or 1697
objection setting forth a defense or objection that, if proven, 1698
would preclude the entry of a final judgment and decree of 1699

foreclosure. 1700

(5) No mortgagor or other defendant has filed a written 1701
statement with the court indicating that the property is not 1702
vacant and abandoned. 1703

(6) (a) If a government official has not verified the real 1704
property is vacant and abandoned pursuant to division (C) (3) (h), 1705
(i), or (j) of this section, but the court makes a preliminary 1706
finding that the residential real property is vacant and 1707
abandoned pursuant to division (C) of this section, then within 1708
seven days of the preliminary finding, the court shall order the 1709
appropriate official of a county, municipal corporation, or 1710
township in which the property is located to verify the property 1711
is vacant and abandoned. 1712

(b) Any court costs assessed in connection with the 1713
inspection conducted pursuant to division (C) (6) (a) of this 1714
section shall not be more than fifty dollars. 1715

(D) If the court decides after an oral hearing that the 1716
property is vacant and abandoned and that the mortgagee who 1717
filed the motion to proceed in an expedited manner is entitled 1718
to judgment, the court shall enter a final judgment and decree 1719
of foreclosure and order the property to be sold in accordance 1720
with division (E) of this section. If the court does not decide 1721
that the property is vacant and abandoned, the seventy-five-day 1722
deadline established in division (E) of this section shall not 1723
apply to the sale of the property. 1724

(E) If the court decides that the property is vacant and 1725
abandoned and enters a final judgment and decree of foreclosure 1726
under division (D) of this section, the property shall be 1727
offered for sale not later than seventy-five days after the 1728

issuance of the order of sale. The sale of the property shall be 1729
conducted in accordance with the requirements in Chapter 2329. 1730
of the Revised Code, including possible postponement of the sale 1731
pursuant to division (C) of section 2329.152 of the Revised 1732
Code. 1733

(F) Nothing in this section shall supersede or limit other 1734
procedures adopted by the court to resolve the residential 1735
mortgage loan foreclosure action, including foreclosure 1736
mediation. 1737

Sec. 2308.03. (A) ~~Except as otherwise provided in division~~ 1738
~~(B) of this section, if~~ If a residential property is found to be 1739
vacant and abandoned under section 2308.02 of the Revised Code, 1740
a mortgagee on the residential property may enter that property 1741
to secure and protect it from damage. 1742

(B) A mortgagee that has not filed a residential mortgage 1743
loan foreclosure action on a property for which the mortgagee 1744
holds a mortgage may enter and secure that property only if the 1745
mortgage contract or other documents provide for such an entry. 1746

(C) The equitable and statutory rights to redemption of a 1747
mortgage on a property found to be vacant and abandoned pursuant 1748
to section 2308.02 of the Revised Code expire upon the 1749
confirmation of sale of the property. 1750

Sec. 2308.031. (A) No person shall use plywood to secure 1751
real property that is deemed vacant and abandoned under section 1752
2308.02 of the Revised Code. 1753

(B) Division (A) of this section shall not apply to any 1754
person that uses plywood to secure real property that is deemed 1755
vacant and abandoned under section 2308.02 of the Revised Code 1756
prior to the effective date of this section. 1757

Sec. 2327.02. (A) Executions are of three kinds:	1758
(1) Against the property of the judgment debtor, including orders of sale or orders to transfer property pursuant to sections 323.28, 323.65 to 323.78, and 5721.19 of the Revised Code;	1759 1760 1761 1762
(2) Against the person of the judgment debtor;	1763
(3) For the delivery of the possession of real property, including real property sold under orders of sale or transferred under orders to transfer property pursuant to sections 323.28, 323.65 to 323.78, and 5721.19 of the Revised Code.	1764 1765 1766 1767
(B) The writ shall contain a specific description of the property, and a command to the sheriff or private selling officer to deliver it to the person entitled to the property. It also may require the sheriff to make the damages recovered for withholding the possession and costs, or costs alone, out of the property of the person who so withholds it.	1768 1769 1770 1771 1772 1773
(C) In the case of foreclosures of real property, including foreclosures for taxes, mortgages, judgment liens, and other valid liens, the description of the property, the order of sale, order to transfer, and any deed or deed forms may be prepared, adopted, and otherwise approved in advance by the court having jurisdiction or the county board of revision with jurisdiction pursuant to section 323.66 of the Revised Code, directly commanding the sheriff or the private selling officer to sell, convey, or deliver possession of the property as commanded in that order. In those cases, the clerk shall journalize the order and deliver that writ or order to the sheriff or private selling officer for execution. If the property is sold under an order of sale or transferred under an	1774 1775 1776 1777 1778 1779 1780 1781 1782 1783 1784 1785 1786

order to transfer, the officer who conducted the sale or made 1787
the transfer of the property shall collect ~~the recording fee and~~ 1788
~~any associated costs to cover the recording from the purchaser~~ 1789
~~or transferee at the time of the sale or transfer~~ the deposit 1790
pursuant to section 2329.211 of the Revised Code and, following 1791
confirmation of the sale or transfer and the payment of the 1792
balance due on the purchase price of the property, shall execute 1793
and record the deed conveying title to the property to the 1794
purchaser or transferee. For purposes of recording that deed, by 1795
placement of a bid or making a statement of interest by any 1796
party ultimately awarded the property, the purchaser or 1797
transferee thereby appoints the officer who makes the sale or is 1798
charged with executing and delivering the deed as agent for that 1799
purchaser or transferee for the sole purpose of accepting 1800
delivery of the deed. 1801

Sec. 2329.071. (A) If a decree of foreclosure has been 1802
entered with respect to residential real property but the 1803
property has not been sold or a sale of the property is not 1804
underway, then, beginning twelve months after the entry of the 1805
decree of foreclosure, either of the following may occur: 1806

(1) The local political subdivision may request, by motion 1807
or resolution, or by other means, that the county prosecuting 1808
attorney file a motion with the court for the sale of the 1809
property. 1810

(2) Upon receiving such a request, or upon the prosecuting 1811
attorney's own motion, the prosecuting attorney of the county in 1812
which the action was filed may file a motion with the court for 1813
authorization to sell the property in the same manner as if the 1814
prosecuting attorney were the attorney for the party in whose 1815
favor the decree of foreclosure and order of sale was entered. 1816

(B) (1) The prosecuting attorney, pursuant to division (A) 1817
of this section, shall serve a copy of the motion on all parties 1818
who entered an appearance in the foreclosure action in 1819
accordance with the Rules of Civil Procedure. 1820

(2) The court shall decide the motion described in 1821
division (A) of this section not sooner than thirty days after 1822
the date of the filing of the motion. Unless the court finds 1823
good cause as to why the property should not be sold, the court 1824
shall grant the motion and order the prosecuting attorney to 1825
issue a praecipe for order of sale and sell the property at the 1826
next available public auction with ~~no set~~ the minimum bid set 1827
pursuant to division (B) (3) of this section and in accordance 1828
with the terms of the order of sale and applicable provisions of 1829
the Revised Code. 1830

(3) The minimum bid for the sale under division (B) (2) of 1831
this section shall be equal to the total amount of the unpaid 1832
taxes and court costs. If that amount is greater than the 1833
appraised value of the property, the court shall determine the 1834
minimum bid, which shall not exceed the appraised value of the 1835
property. If the property is sold for less than the unpaid taxes 1836
and court costs, then the court shall order the county auditor 1837
to discharge all unpaid taxes and court costs. 1838

(C) The judgment creditor in the foreclosure action has 1839
the right to redeem the property within fourteen days after the 1840
sale by paying the purchase price. The judgment creditor shall 1841
pay the purchase price to the clerk of the court in which the 1842
judgment was rendered or the order of sale was made. Upon timely 1843
payment, the court shall proceed as described in section 2329.31 1844
of the Revised Code, with the judgment creditor considered the 1845
successful purchaser at sale. 1846

Sec. 2329.152. (A) In every action demanding the judicial 1847
or execution sale of real estate, the county sheriff shall sell 1848
the real estate at a public auction, unless the judgment 1849
creditor files a motion with the court for an order authorizing 1850
a specified private selling officer to sell the real estate at a 1851
public auction. If the court authorizes a private selling 1852
officer to sell the real estate, the judgment creditor may seek 1853
to have the property sold by the private selling officer 1854
authorized by the court or by the county sheriff. If the 1855
judgment creditor elects to have the property sold by the 1856
private selling officer authorized by the court, the judgment 1857
creditor shall file with the clerk of the court a praecipe 1858
requesting the issuance of an order of appraisal to the sheriff 1859
and an order of sale to the private selling officer authorized 1860
by the court. Upon the filing of that praecipe, the clerk of the 1861
court shall immediately issue both of the following: 1862

(1) An order of appraisal to the sheriff, who shall obtain 1863
an appraisal of the real estate in conformity with sections 1864
2329.17 and 2329.18 of the Revised Code; 1865

(2) An order of sale to the private selling officer, who, 1866
after the return or determination of the appraisal, shall 1867
advertise and sell the real estate in conformity with applicable 1868
provisions of sections 2329.01 to 2329.61 of the Revised Code. 1869

(B) (1) As used in this division: 1870

(a) "Business day" means a calendar day that is not a 1871
Saturday or Sunday or a legal holiday as defined in section 1.14 1872
of the Revised Code. 1873

(b) "Remote bid" means a bid submitted in writing via 1874
facsimile, electronic mail, or overnight delivery or courier. 1875

(2) If the sale of the real estate is conducted at a 1876
physical location and not online, then each judgment creditor 1877
and lienholder who was a party to the action may submit a remote 1878
bid to the sheriff or the private selling officer. Each sheriff 1879
and private selling officer shall establish and maintain a 1880
facsimile number or an electronic mail address for use by 1881
judgment creditors and lienholders in submitting remote bids. 1882
Each remote bid shall be of a fixed maximum amount and shall be 1883
delivered to the sheriff or private selling officer on or before 1884
four-thirty p.m. on the business day immediately preceding the 1885
date of the sale. 1886

(3) Before the sale, the sheriff or the private selling 1887
officer shall confirm receipt of the remote bid by sending 1888
notice of such receipt via facsimile or electronic mail to the 1889
judgment creditor or lienholder who submitted the remote bid. 1890
During the sale, the sheriff or the private selling officer 1891
shall place the remote bid on behalf of the judgment creditor or 1892
lienholder who submitted the remote bid. After the sale, the 1893
sheriff or the private selling officer shall provide notice of 1894
the results of the sale not later than the close of business on 1895
the day of the sale to all judgment creditors and lienholders 1896
who submitted remote bids. Such notice shall be sent via 1897
facsimile or electronic mail to the judgment creditor or 1898
lienholder or by posting the results of the sale on a public web 1899
site. 1900

(4) If a sheriff or private selling officer fails to place 1901
a remote bid on behalf of a judgment creditor or lienholder to 1902
the prejudice of the judgment creditor or lienholder, then, upon 1903
the filing of a motion to vacate the sale within ten business 1904
days after the sale date, the sale shall be vacated. 1905

(C) (1) A judgment creditor that obtains a court order 1906
authorizing a specified private selling officer to sell the real 1907
estate at a public auction pursuant to division (A) of this 1908
section may instruct the private selling officer to postpone the 1909
sale of the real estate one or more times, provided, however 1910
that all rescheduled sale dates shall be within one hundred 1911
eighty days of the initial sale date. Upon receiving this 1912
instruction, the private selling officer shall postpone the sale 1913
of the real estate by announcing that the sale is postponed. If 1914
the sale is at a physical location, this announcement shall be 1915
made at the sale and shall include the date, time, and place of 1916
the rescheduled sale of the real estate. If the sale is online, 1917
this announcement shall be made on the auction web site and 1918
shall include the date of the rescheduled sale of real estate. 1919
Each such announcement shall be deemed to meet the notice 1920
requirement in section 2329.26 of the Revised Code. 1921

(2) If the judgment creditor does not wish to postpone the 1922
sale of the real estate, the judgment creditor may instruct the 1923
private selling officer to cancel the sale of the real estate. 1924
Upon receiving this instruction, the private selling officer 1925
shall cancel the sale of the real estate by announcing that the 1926
sale is canceled. If the sale is at a physical location, this 1927
announcement shall be made at the sale. If the sale is online, 1928
this announcement shall be made on the auction web site and 1929
shall remain posted there until at least the end of the seven- 1930
day bidding period described in division (E) (1) (a) of section 1931
2329.152 of the Revised Code. 1932

(3) If the sale of the real estate is postponed or 1933
canceled as described in divisions (C) (1) and (2) of this 1934
section, all bids made on the real estate prior to the 1935
postponement or cancellation of the sale shall be void. 1936

(D) (1) If the judgment creditor obtains a court order to have the real estate sold by a private selling officer, then:

(a) The cost of the appraisal required by section 2329.17 of the Revised Code shall be taxed as costs in the case.

(b) The cost of the advertisement required by section 2329.26 of the Revised Code shall be taxed as costs in the case.

(c) The fee charged by the private selling officer and all costs incurred by the private selling officer other than the costs described in divisions (D) (1) (a) and (b) of this section shall be taxed as costs in the case up to an amount equal to one and one-half per cent of the sale price of the real estate. To the extent the fees and costs described in division (D) (1) (c) of this section exceed one and one-half per cent of the sale price of the real estate, they shall not be included in the amount necessary to redeem real estate under section 2329.33 of the Revised Code or in the calculation of any deficiency judgment under section 2329.08 of the Revised Code but rather shall be paid by the buyer of the property, the judgment creditor, or from the judgment creditor's portion of the proceeds of the sale.

(2) The private selling officer shall file with the court that issued the order of sale an itemized report of all appraisal, publication, marketing, and other expenses of a sale conducted under this section and all fees charged by the private selling officer for marketing the real estate or conducting the sale of the real estate, including the fee charged by the title agent or title insurance company for administrative services, if applicable, and title, escrow, and closing services.

(E) (1) The private selling officer who conducts a sale

under this section may do any of the following:	1966
(a) Market the real estate and conduct the public auction	1967
of the real estate online or at any physical location in the	1968
county in which the real estate is situated. If the auction	1969
occurs online, the auction shall be open for bidding for a	1970
minimum of seven days.	1971
(b) Hire a title insurance agent licensed under Chapter	1972
3953. of the Revised Code or title insurance company authorized	1973
to do business under that chapter to assist the private selling	1974
officer in performing administrative services;	1975
(c) Execute to the purchaser, or to the purchaser's legal	1976
representatives, a deed of conveyance of the real estate sold;	1977
(d) Record on behalf of the purchaser the deed conveying	1978
title to the real estate sold, notwithstanding that the deed may	1979
not actually have been delivered to the purchaser prior to its	1980
recording.	1981
(2) By placing a bid at a sale conducted pursuant to this	1982
section, a purchaser appoints the private selling officer who	1983
conducts the sale as agent of the purchaser for the sole purpose	1984
of accepting delivery of the deed.	1985
(3) The private selling officer who conducts the sale	1986
shall hire a title insurance agent licensed under Chapter 3953.	1987
of the Revised Code or title insurance company authorized to do	1988
business under that chapter to perform title, escrow, and	1989
closing services related to the sale of the real estate.	1990
(F) The fee charged by the title agent or title insurance	1991
company for services provided under divisions (E) (1) (b) and (3)	1992
of this section shall be taxed as costs in the case provided	1993
they are reasonable. Fees less than or equal to five hundred	1994

dollars are presumed to be reasonable. Fees exceeding five 1995
hundred dollars shall be paid only if authorized by a court 1996
order. 1997

Sec. 2329.17. (A) When execution is levied upon lands and 1998
tenements, the sheriff shall call an inquest of three 1999
disinterested freeholders, who are residents of, and real 2000
property owners in, the county where the lands taken in 2001
execution are situated, who shall appraise the property so 2002
levied upon, upon actual view. 2003

(B) If the property to be appraised is residential 2004
property, the freeholders selected by the sheriff shall return 2005
to the sheriff an estimate of the value of the property in money 2006
within twenty-one calendar days of the issuance of the order of 2007
appraisal by the clerk of the court. If the court has ordered or 2008
the clerk of the court has issued an order for a private selling 2009
officer to advertise and sell the appraised property, the 2010
freeholders selected by the sheriff shall also deliver a copy of 2011
their appraisal to the private selling officer contemporaneously 2012
with their delivery of their appraisal to the sheriff. 2013

(C) If the freeholders selected by the sheriff under 2014
division (B) of this section do not deliver their appraisal 2015
within twenty-one calendar days of the issuance of the order of 2016
appraisal by the clerk of the court as required by division (B) 2017
of this section, then all of the following shall occur: 2018

(1) The cost of the appraisal by the freeholders shall not 2019
be payable to the freeholders or taxed as costs in the case. 2020

(2) The appraised value of the property shall be the ~~fair-~~ 2021
~~market-most recent appraised~~ value of the property as shown on 2022
the records of the county auditor, unless, for good cause shown, 2023

the court authorizes a separate appraisal of the property. 2024

(3) The advertisement and sale of the property shall 2025
proceed immediately in accordance with the order of 2026
advertisement and sale issued by the clerk of the court. 2027

If a separate appraisal of the property is obtained, the 2028
cost of the appraisal shall be included as an expense of the 2029
sale pursuant to division (D) of section 2329.152 of the Revised 2030
Code. 2031

(D) If the property to be appraised is commercial 2032
property, the freeholders selected by the sheriff shall return 2033
to the sheriff an estimate of the value of the property in money 2034
in accordance with the timing or other requirements, if any, 2035
that may be established for the sale. 2036

(E) The municipal corporation or township in which the 2037
real property is situated may inspect prior to the judicial sale 2038
any structures located on lands subject to a writ of execution. 2039

Sec. 2329.211. (A) (1) In every action demanding the 2040
judicial or execution sale of residential property, if the 2041
judgment creditor is the purchaser at the sale, the purchaser 2042
shall not be required to make a sale deposit. All other 2043
purchasers shall make a sale deposit as follows: 2044

~~(1)~~ (a) If the appraised value of the residential property 2045
is less than or equal to ten thousand dollars, the deposit shall 2046
be two thousand dollars. 2047

~~(2)~~ (b) If the appraised value of the residential property 2048
is greater than ten thousand dollars but less than or equal to 2049
two hundred thousand dollars, the deposit shall be five thousand 2050
dollars. 2051

~~(3)~~ (c) If the appraised value of the residential property 2052
is greater than two hundred thousand dollars, the deposit shall 2053
be ten thousand dollars. 2054

(2) The timing of the deposit and other payment 2055
requirements shall be established by the court or the person 2056
conducting the sale and included in the advertisement of the 2057
sale. If the purchaser fails to meet the timing or other 2058
requirements of the deposit, the sale shall be invalid. 2059

(B) In every action demanding the judicial or execution 2060
sale of commercial property, the purchaser at the sale shall 2061
make a deposit pursuant to the requirements, if any, established 2062
for the sale. 2063

Sec. 2329.311. (A) In sales of residential properties 2064
taken in execution or order of sale that are sold at an auction 2065
with ~~no set~~ the minimum bid pursuant to division (B) of section 2066
2329.52 of the Revised Code, the judgment creditor and the first 2067
lienholder each have the right to redeem the property within 2068
fourteen days after the sale by paying the purchase price. The 2069
redeeming party shall pay the purchase price to the clerk of the 2070
court in which the judgment was rendered or the order of sale 2071
was made. Upon timely payment, the court shall proceed as 2072
described in section 2329.31 of the Revised Code, with the 2073
redeeming party considered the successful purchaser at sale. 2074

(B) If the judgment creditor and the first lienholder each 2075
seek to redeem the property, pursuant to division (A) of this 2076
section, the court shall resolve the conflict in favor of the 2077
first lienholder. 2078

Sec. 2329.52. (A) Except as otherwise provided in division 2079
(B) of this section, when premises are ordered to be sold, if 2080

said premises, or a part thereof, remain unsold for want of 2081
bidders after having been once appraised, advertised, and 2082
offered for sale, the court from which the order of sale issued 2083
may, on motion of the plaintiff or defendant and from time to 2084
time until said premises are disposed of, order a new 2085
appraisement and sale or direct the amount for which said 2086
premises, or a part thereof, may be sold. 2087

The court may order that the premises be sold as follows: 2088
One third cash in hand, one third in nine months from the day of 2089
sale, and the remaining one third in eighteen months from the 2090
day of sale, the deferred payments to draw interest at six per 2091
cent and be secured by a mortgage on the premises. 2092

(B) When a residential property is ordered to be sold 2093
pursuant to a residential mortgage loan foreclosure action, and 2094
the sale will be held at a physical location and not online, and 2095
if the property remains unsold after the first auction, then a 2096
second auction shall be held and the property shall be sold to 2097
the highest bidder without regard to the minimum bid requirement 2098
in section 2329.20 of the Revised Code, but subject to section 2099
2329.21 of the Revised Code relating to costs, allowances, and 2100
real estate taxes. This second auction shall be held not earlier 2101
than seven days and not later than thirty days after the first 2102
auction. A residential property that remains unsold after two 2103
auctions may be subsequently offered for sale without regard to 2104
the minimum bid requirement in section 2329.20 of the Revised 2105
Code, but subject to section 2329.21 of the Revised Code 2106
relating to costs, allowances, and real estate taxes, or 2107
disposed of in any other manner pursuant to this chapter or any 2108
other provision of the Revised Code. 2109

Sec. 3109.172. (A) As used in this section, "county 2110

prevention specialist" includes the following:	2111
(1) Representatives <u>Members</u> of agencies responsible for	2112
the administration of children's services in the counties within	2113
a child abuse and child neglect prevention region established in	2114
section 3109.171 of the Revised Code;	2115
(2) Providers of alcohol or drug addiction services or	2116
representatives <u>members</u> of boards of alcohol, drug addiction,	2117
and mental health services that serve counties within a region;	2118
(3) Providers of mental health services or representatives	2119
<u>members</u> of boards of alcohol, drug addiction, and mental health	2120
services that serve counties within a region;	2121
(4) Representatives <u>Members</u> of county boards of	2122
developmental disabilities that serve counties within a region;	2123
(5) Representatives <u>Members</u> of the educational community	2124
appointed by the superintendent of the school district with the	2125
largest enrollment in the counties within a region;	2126
(6) Juvenile justice officials serving counties within a	2127
region;	2128
(7) Pediatricians, health department nurses, and other	2129
representatives <u>members</u> of the medical community in the counties	2130
within a region;	2131
(8) Counselors and social workers serving counties within	2132
a region;	2133
(9) Head start agencies serving counties within a region;	2134
(10) Child care providers serving counties within a	2135
region;	2136
(11) Other persons with demonstrated knowledge in programs	2137

for children serving counties within a region. 2138

(B) Each child abuse and child neglect prevention region 2139
shall have a child abuse and child neglect regional prevention 2140
council as appointed under divisions (C), (D), and (E) of this 2141
section. Each council shall operate in accordance with rules 2142
adopted by the department of job and family services pursuant to 2143
Chapter 119. of the Revised Code. 2144

(C) (1) Each board of county commissioners within a region 2145
may appoint up to two county prevention specialists to the 2146
council representing the county, in accordance with rules 2147
adopted by the department of job and family services under 2148
Chapter 119. of the Revised Code. 2149

(2) The children's trust fund board may appoint additional 2150
county prevention specialists to each region's council at the 2151
board's discretion. 2152

(3) A representative of the council's regional prevention 2153
coordinator shall serve as a nonvoting member of the council. 2154

(D) Each council member appointed under division (C) (1) of 2155
this section shall be appointed for a two-year term. Each 2156
council member appointed under division (C) (2) or (3) of this 2157
section shall be appointed for a three-year term. A member may 2158
be reappointed, but for two consecutive terms only. 2159

(E) A member may be removed from the council by the 2160
member's appointing authority for misconduct, incompetence, or 2161
neglect of duty. 2162

(F) ~~Council members~~ Each appointed member of a council 2163
shall not receive ~~serve without~~ compensation but shall be 2164
reimbursed for their service to all actual and necessary 2165
expenses incurred in the council performance of official duties. 2166

(G) The representative of the regional prevention coordinator shall serve as chairperson of the council.	2167 2168
(H) Each council shall meet at least quarterly.	2169
(I) Council members shall do all of the following:	2170
(1) Attend meetings of the council on which they serve;	2171
(2) Assist the regional prevention coordinator in conducting a needs assessment to ascertain the child abuse and child neglect prevention programming and services that are needed in their region;	2172 2173 2174 2175
(3) Collaborate on assembling the council's regional prevention plan based on children's trust fund board guidelines pursuant to section 3109.174 of the Revised Code;	2176 2177 2178
(4) Assist the council's regional prevention coordinator with all of the following:	2179 2180
(a) Implementing the regional prevention plan, including monitoring fulfillment of child abuse and child neglect prevention deliverables and achievement of prevention outcomes;	2181 2182 2183
(b) Coordinating county data collection;	2184
(c) Ensuring timely and accurate reporting to the children's trust fund board.	2185 2186
(5) Any additional duties specified in accordance with rules adopted by the department pursuant to Chapter 119. of the Revised Code.	2187 2188 2189
(J) <u>No council member shall participate in matters of the council pertaining to their own interests, including applications for funding by a council member or any entity, public or private, of which a council member serves as either a</u>	2190 2191 2192 2193

board member or employee. 2194

(K) Each council shall file with the children's trust fund board, not later than the due dates specified by the board, a progress report and an annual report regarding the council's child abuse and child neglect prevention programs and activities undertaken in accordance with the council's regional prevention plan. The reports shall contain all information required by the board. 2195
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Sec. 3501.11. Each board of elections shall exercise by a majority vote all powers granted to the board by Title XXXV of the Revised Code, shall perform all the duties imposed by law, and shall do all of the following: 2202
2203
2204
2205

(A) Establish, define, provide, rearrange, and combine election precincts; 2206
2207

(B) Fix and provide the places for registration and for holding primaries and elections; 2208
2209

(C) Provide for the purchase, preservation, and maintenance of booths, ballot boxes, books, maps, flags, blanks, cards of instructions, and other forms, papers, and equipment used in registration, nominations, and elections; 2210
2211
2212
2213

(D) Appoint and remove its director, deputy director, and employees and all registrars, precinct election officials, and other officers of elections, fill vacancies, and designate the ward or district and precinct in which each shall serve; 2214
2215
2216
2217

(E) Make and issue rules and instructions, not inconsistent with law or the rules, directives, or advisories issued by the secretary of state, as it considers necessary for the guidance of election officers and voters; 2218
2219
2220
2221

(F) Advertise and contract for the printing of all ballots	2222
and other supplies used in registrations and elections;	2223
(G) Provide for the issuance of all notices,	2224
advertisements, and publications concerning elections, except as	2225
otherwise provided in division (G) of section 3501.17 and	2226
divisions (F) and (G) of section 3505.062 of the Revised Code;	2227
(H) Provide for the delivery of ballots, pollbooks, and	2228
other required papers and material to the polling places;	2229
(I) Cause the polling places to be suitably provided with	2230
voting machines, marking devices, automatic tabulating	2231
equipment, stalls, and other required supplies. In fulfilling	2232
this duty, each board of a county that uses voting machines,	2233
marking devices, or automatic tabulating equipment shall conduct	2234
a full vote of the board during a public session of the board on	2235
the allocation and distribution of voting machines, marking	2236
devices, and automatic tabulating equipment for each precinct in	2237
the county.	2238
(J) Investigate irregularities, nonperformance of duties,	2239
or violations of Title XXXV of the Revised Code by election	2240
officers and other persons; administer oaths, issue subpoenas,	2241
summon witnesses, and compel the production of books, papers,	2242
records, and other evidence in connection with any such	2243
investigation; and report the facts to the prosecuting attorney	2244
or the secretary of state;	2245
(K) <u>(1)</u> Review, examine, and certify the sufficiency and	2246
validity of petitions and nomination papers, and, after	2247
certification, return to the secretary of state all petitions	2248
and nomination papers that the secretary of state forwarded to	2249
the board;	2250

<u>(2) Examine each initiative petition, or a petition filed</u>	2251
<u>under section 307.94 or 307.95 of the Revised Code, received by</u>	2252
<u>the board to determine whether the petition falls within the</u>	2253
<u>scope of authority to enact via initiative and whether the</u>	2254
<u>petition satisfies the statutory prerequisites to place the</u>	2255
<u>issue on the ballot, as described in division (M) of section</u>	2256
<u>3501.38 of the Revised Code. The petition shall be invalid if</u>	2257
<u>any portion of the petition is not within the initiative power.</u>	2258
(L) Receive the returns of elections, canvass the returns,	2259
make abstracts of them, and transmit those abstracts to the	2260
proper authorities;	2261
(M) Issue certificates of election on forms to be	2262
prescribed by the secretary of state;	2263
(N) Make an annual report to the secretary of state, on	2264
the form prescribed by the secretary of state, containing a	2265
statement of the number of voters registered, elections held,	2266
votes cast, appropriations received, expenditures made, and	2267
other data required by the secretary of state;	2268
(O) Prepare and submit to the proper appropriating officer	2269
a budget estimating the cost of elections for the ensuing fiscal	2270
year;	2271
(P) Perform other duties as prescribed by law or the	2272
rules, directives, or advisories of the secretary of state;	2273
(Q) Investigate and determine the residence qualifications	2274
of electors;	2275
(R) Administer oaths in matters pertaining to the	2276
administration of the election laws;	2277
(S) Prepare and submit to the secretary of state, whenever	2278

the secretary of state requires, a report containing the names 2279
and residence addresses of all incumbent county, municipal, 2280
township, and board of education officials serving in their 2281
respective counties; 2282

(T) Establish and maintain a voter registration database 2283
of all qualified electors in the county who offer to register; 2284

(U) Maintain voter registration records, make reports 2285
concerning voter registration as required by the secretary of 2286
state, and remove ineligible electors from voter registration 2287
lists in accordance with law and directives of the secretary of 2288
state; 2289

(V) Give approval to ballot language for any local 2290
question or issue and transmit the language to the secretary of 2291
state for the secretary of state's final approval; 2292

(W) Prepare and cause the following notice to be displayed 2293
in a prominent location in every polling place: 2294

"NOTICE 2295

Ohio law prohibits any person from voting or attempting to 2296
vote more than once at the same election. 2297

Violators are guilty of a felony of the fourth degree and 2298
shall be imprisoned and additionally may be fined in accordance 2299
with law." 2300

(X) In all cases of a tie vote or a disagreement in the 2301
board, if no decision can be arrived at, the director or 2302
chairperson shall submit the matter in controversy, not later 2303
than fourteen days after the tie vote or the disagreement, to 2304
the secretary of state, who shall summarily decide the question, 2305
and the secretary of state's decision shall be final. 2306

(Y) Assist each designated agency, deputy registrar of motor vehicles, public high school and vocational school, public library, and office of a county treasurer in the implementation of a program for registering voters at all voter registration locations as prescribed by the secretary of state. Under this program, each board of elections shall direct to the appropriate board of elections any voter registration applications for persons residing outside the county where the board is located within five days after receiving the applications.

(Z) On any day on which an elector may vote in person at the office of the board or at another site designated by the board, consider the board or other designated site a polling place for that day. All requirements or prohibitions of law that apply to a polling place shall apply to the office of the board or other designated site on that day.

(AA) Perform any duties with respect to voter registration and voting by uniformed services and overseas voters that are delegated to the board by law or by the rules, directives, or advisories of the secretary of state.

Sec. 3501.38. All declarations of candidacy, nominating petitions, or other petitions presented to or filed with the secretary of state or a board of elections or with any other public office for the purpose of becoming a candidate for any nomination or office or for the holding of an election on any issue shall, in addition to meeting the other specific requirements prescribed in the sections of the Revised Code relating to them, be governed by the following rules:

(A) Only electors qualified to vote on the candidacy or issue which is the subject of the petition shall sign a petition. Each signer shall be a registered elector pursuant to

section 3503.01 of the Revised Code. The facts of qualification 2337
shall be determined as of the date when the petition is filed. 2338

(B) Signatures shall be affixed in ink. Each signer may 2339
also print the signer's name, so as to clearly identify the 2340
signer's signature. 2341

(C) Each signer shall place on the petition after the 2342
signer's name the date of signing and the location of the 2343
signer's voting residence, including the street and number if in 2344
a municipal corporation or the rural route number, post office 2345
address, or township if outside a municipal corporation. The 2346
voting address given on the petition shall be the address 2347
appearing in the registration records at the board of elections. 2348

(D) Except as otherwise provided in section 3501.382 of 2349
the Revised Code, no person shall write any name other than the 2350
person's own on any petition. Except as otherwise provided in 2351
section 3501.382 of the Revised Code, no person may authorize 2352
another to sign for the person. If a petition contains the 2353
signature of an elector two or more times, only the first 2354
signature shall be counted. 2355

(E) (1) On each petition paper, the circulator shall 2356
indicate the number of signatures contained on it, and shall 2357
sign a statement made under penalty of election falsification 2358
that the circulator witnessed the affixing of every signature, 2359
that all signers were to the best of the circulator's knowledge 2360
and belief qualified to sign, and that every signature is to the 2361
best of the circulator's knowledge and belief the signature of 2362
the person whose signature it purports to be or of an attorney 2363
in fact acting pursuant to section 3501.382 of the Revised Code. 2364
On the circulator's statement for a declaration of candidacy or 2365
nominating petition for a person seeking to become a statewide 2366

candidate or for a statewide initiative or a statewide 2367
referendum petition, the circulator shall identify the 2368
circulator's name, the address of the circulator's permanent 2369
residence, and the name and address of the person employing the 2370
circulator to circulate the petition, if any. 2371

(2) As used in division (E) of this section, "statewide 2372
candidate" means the joint candidates for the offices of 2373
governor and lieutenant governor or a candidate for the office 2374
of secretary of state, auditor of state, treasurer of state, or 2375
attorney general. 2376

(F) Except as otherwise provided in section 3501.382 of 2377
the Revised Code, if a circulator knowingly permits an 2378
unqualified person to sign a petition paper or permits a person 2379
to write a name other than the person's own on a petition paper, 2380
that petition paper is invalid; otherwise, the signature of a 2381
person not qualified to sign shall be rejected but shall not 2382
invalidate the other valid signatures on the paper. 2383

(G) The circulator of a petition may, before filing it in 2384
a public office, strike from it any signature the circulator 2385
does not wish to present as a part of the petition. 2386

(H) Any signer of a petition or an attorney in fact acting 2387
pursuant to section 3501.382 of the Revised Code on behalf of a 2388
signer may remove the signer's signature from that petition at 2389
any time before the petition is filed in a public office by 2390
striking the signer's name from the petition; no signature may 2391
be removed after the petition is filed in any public office. 2392

(I) (1) No alterations, corrections, or additions may be 2393
made to a petition after it is filed in a public office. 2394

(2) (a) No declaration of candidacy, nominating petition, 2395

or other petition for the purpose of becoming a candidate may be 2396
withdrawn after it is filed in a public office. Nothing in this 2397
division prohibits a person from withdrawing as a candidate as 2398
otherwise provided by law. 2399

(b) No petition presented to or filed with the secretary 2400
of state, a board of elections, or any other public office for 2401
the purpose of the holding of an election on any question or 2402
issue may be resubmitted after it is withdrawn from a public 2403
office or rejected as containing insufficient signatures. 2404
Nothing in this division prevents a question or issue petition 2405
from being withdrawn by the filing of a written notice of the 2406
withdrawal by a majority of the members of the petitioning 2407
committee with the same public office with which the petition 2408
was filed prior to the sixtieth day before the election at which 2409
the question or issue is scheduled to appear on the ballot. 2410

(J) All declarations of candidacy, nominating petitions, 2411
or other petitions under this section shall be accompanied by 2412
the following statement in boldface capital letters: WHOEVER 2413
COMMITTS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE 2414
FIFTH DEGREE. 2415

(K) All separate petition papers shall be filed at the 2416
same time, as one instrument. 2417

(L) If a board of elections distributes for use a petition 2418
form for a declaration of candidacy, nominating petition, or any 2419
type of question or issue petition that does not satisfy the 2420
requirements of law as of the date of that distribution, the 2421
board shall not invalidate the petition on the basis that the 2422
petition form does not satisfy the requirements of law, if the 2423
petition otherwise is valid. Division (L) of this section 2424
applies only if the candidate received the petition from the 2425

board within ninety days of when the petition is required to be filed. 2426
2427

(M) (1) Upon receiving an initiative petition, or a 2428
petition filed under section 307.94 or 307.95 of the Revised 2429
Code, concerning a ballot issue that is to be submitted to the 2430
electors of a county or municipal political subdivision, the 2431
board of elections shall examine the petition to determine: 2432

(a) Whether the petition falls within the scope of a 2433
municipal political subdivision's authority to enact via 2434
initiative, including, if applicable, the limitations placed by 2435
Sections 3 and 7 of Article XVIII of the Ohio Constitution on 2436
the authority of municipal corporations to adopt local police, 2437
sanitary, and other similar regulations as are not in conflict 2438
with general laws, and whether the petition satisfies the 2439
statutory prerequisites to place the issue on the ballot. The 2440
petition shall be invalid if any portion of the petition is not 2441
within the initiative power; or 2442

(b) Whether the petition falls within the scope of a 2443
county's authority to enact via initiative, including whether 2444
the petition conforms to the requirements set forth in Section 3 2445
of Article X of the Ohio Constitution, including the exercise of 2446
only those powers that have vested in, and the performance of 2447
all duties imposed upon counties and county officers by law, and 2448
whether the petition satisfies the statutory prerequisites to 2449
place the issue on the ballot. The finding of the board shall be 2450
subject to challenge by a protest filed pursuant to division (B) 2451
of section 307.95 of the Revised Code. 2452

(2) After making a determination under division (M) (1) (a) 2453
or (b) of this section, the board of elections shall promptly 2454
transmit a copy of the petition and a notice of the board's 2455

determination to the office of the secretary of state. Notice of 2456
the board's determination shall be given to the petitioners and 2457
the political subdivision. 2458

(3) If multiple substantially similar initiative petitions 2459
are submitted to multiple boards of elections and the 2460
determinations of the boards under division (M) (1) (a) or (b) of 2461
this section concerning those petitions differ, the secretary of 2462
state shall make a single determination under division (M) (1) (a) 2463
or (b) of this section that shall apply to each such initiative 2464
petition. 2465

Sec. 3501.39. (A) The secretary of state or a board of 2466
elections shall accept any petition described in section 3501.38 2467
of the Revised Code unless one of the following occurs: 2468

(1) A written protest against the petition or candidacy, 2469
naming specific objections, is filed, a hearing is held, and a 2470
determination is made by the election officials with whom the 2471
protest is filed that the petition is invalid, in accordance 2472
with any section of the Revised Code providing a protest 2473
procedure. 2474

(2) A written protest against the petition or candidacy, 2475
naming specific objections, is filed, a hearing is held, and a 2476
determination is made by the election officials with whom the 2477
protest is filed that the petition violates any requirement 2478
established by law. 2479

(3) In the case of an initiative petition received by the 2480
board of elections, the petition falls outside the scope of 2481
authority to enact via initiative or does not satisfy the 2482
statutory prerequisites to place the issue on the ballot, as 2483
described in division (M) of section 3501.38 of the Revised 2484

Code. The petition shall be invalid if any portion of the 2485
petition is not within the initiative power. 2486

(4) The candidate's candidacy or the petition violates the 2487
requirements of this chapter, Chapter 3513. of the Revised Code, 2488
or any other requirements established by law. 2489

(B) Except as otherwise provided in division (C) of this 2490
section or section 3513.052 of the Revised Code, a board of 2491
elections shall not invalidate any declaration of candidacy or 2492
nominating petition under division (A) ~~(3)~~ (4) of this section 2493
after the sixtieth day prior to the election at which the 2494
candidate seeks nomination to office, if the candidate filed a 2495
declaration of candidacy, or election to office, if the 2496
candidate filed a nominating petition. 2497

(C) (1) If a petition is filed for the nomination or 2498
election of a candidate in a charter municipal corporation with 2499
a filing deadline that occurs after the ninetieth day before the 2500
day of the election, a board of elections may invalidate the 2501
petition within fifteen days after the date of that filing 2502
deadline. 2503

(2) If a petition for the nomination or election of a 2504
candidate is invalidated under division (C) (1) of this section, 2505
that person's name shall not appear on the ballots for any 2506
office for which the person's petition has been invalidated. If 2507
the ballots have already been prepared, the board of elections 2508
shall remove the name of that person from the ballots to the 2509
extent practicable in the time remaining before the election. If 2510
the name is not removed from the ballots before the day of the 2511
election, the votes for that person are void and shall not be 2512
counted. 2513

Sec. 3735.67. (A) The owner of real property located in a 2514
community reinvestment area and eligible for exemption from 2515
taxation under a resolution adopted pursuant to section 3735.66 2516
of the Revised Code may file an application for an exemption 2517
from real property taxation of a percentage of the assessed 2518
valuation of a new structure, or of the increased assessed 2519
valuation of an existing structure after remodeling began, if 2520
the new structure or remodeling is completed after the effective 2521
date of the resolution adopted pursuant to section 3735.66 of 2522
the Revised Code. The application shall be filed with the 2523
housing officer designated ~~pursuant to section 3735.66 of the~~ 2524
~~Revised Code~~ for the community reinvestment area in which the 2525
property is located. If any part of the new structure or 2526
~~remodeling~~ remodeled structure that would be exempted is of real 2527
property to be used for commercial or industrial purposes, the 2528
legislative authority and the owner of the property shall enter 2529
into a written agreement pursuant to section 3735.671 of the 2530
Revised Code prior to commencement of construction or 2531
remodeling; if such an agreement is subject to approval by the 2532
board of education of the school district within the territory 2533
of which the property is or will be located, the agreement shall 2534
not be formally approved by the legislative authority until the 2535
board of education approves the agreement in the manner 2536
prescribed by that section. 2537

(B) The housing officer shall verify the construction of 2538
the new structure or the cost of the remodeling of the existing 2539
structure and the facts asserted in the application. The housing 2540
officer shall determine whether the construction or ~~the cost of~~ 2541
~~the remodeling~~ meets the requirements for an exemption under 2542
this section. In cases involving a structure of historical or 2543
architectural significance, the housing officer shall not 2544

determine whether the remodeling meets the requirements for a 2545
tax exemption unless the appropriateness of the remodeling has 2546
been certified, in writing, by the society, association, agency, 2547
or legislative authority that has designated the structure or by 2548
any organization or person authorized, in writing, by such 2549
society, association, agency, or legislative authority to 2550
certify the appropriateness of the remodeling. 2551

(C) If the construction or remodeling meets the 2552
requirements for exemption, the housing officer shall forward 2553
the application to the county auditor with a certification as to 2554
the division of this section under which the exemption is 2555
granted, and the period and percentage of the exemption as 2556
determined by the legislative authority pursuant to that 2557
division. If the construction or remodeling is of commercial or 2558
industrial property and the legislative authority is not 2559
required to certify a copy of a resolution under section 2560
3735.671 of the Revised Code, the housing officer shall comply 2561
with the notice requirements prescribed under section 5709.83 of 2562
the Revised Code, unless the board has adopted a resolution 2563
under that section waiving its right to receive such a notice. 2564

(D) Except as provided in division (F) of this section, 2565
the tax exemption shall first apply in the year the construction 2566
or remodeling would first be taxable but for this section. In 2567
the case of remodeling that qualifies for exemption, a 2568
percentage, not to exceed one hundred per cent, of the ~~amount by~~ 2569
~~which the increased assessed valuation of an existing structure~~ 2570
~~after remodeling increased the assessed value of the structure~~ 2571
~~began~~ shall be exempted from real property taxation. In the case 2572
of construction of a structure that qualifies for exemption, a 2573
percentage, not to exceed one hundred per cent, of the assessed 2574
value of the structure shall be exempted from real property 2575

taxation. In either case, the percentage shall be the percentage 2576
set forth in the agreement if the structure or remodeling is to 2577
be used for commercial or industrial purposes, or the percentage 2578
set forth in the resolution describing the community 2579
reinvestment area if the structure or remodeling is to be used 2580
for residential purposes. 2581

The construction of new structures and the remodeling of 2582
existing structures are hereby declared to be a public purpose 2583
for which exemptions from real property taxation may be granted 2584
for the following periods: 2585

~~(1) For every dwelling containing not more than two family-~~ 2586
~~units located within the same community reinvestment area and-~~ 2587
~~upon which the cost of remodeling is at least two thousand five-~~ 2588
~~hundred dollars, a period to be determined by the legislative-~~ 2589
~~authority adopting the resolution describing the community-~~ 2590
~~reinvestment area where the dwelling is located, but not-~~ 2591
~~exceeding ten years unless extended pursuant to division (D)(3)-~~ 2592
~~of this section;~~ 2593

~~(2) For every dwelling containing more than two units and~~ 2594
~~commercial or industrial properties, located within the same~~ 2595
~~community reinvestment area, upon which the cost of remodeling~~ 2596
~~is at least two thousand five hundred dollars in the case of a~~ 2597
~~dwelling containing not more than two family units or at least~~ 2598
~~five thousand dollars in the case of all other property, a~~ 2599
~~period to be determined by the legislative authority adopting~~ 2600
~~the resolution, but not exceeding twelve-fifteen years unless-~~ 2601
~~extended pursuant to division (D)(3) of this section;~~ 2602

~~(3) .~~ The period of exemption for a dwelling described in 2603
division (D)(1) ~~or (2)~~ of this section may be extended by a 2604
legislative authority for up to an additional ten years if the 2605

dwelling is a structure of historical or architectural 2606
significance, is a certified historic structure that has been 2607
subject to federal tax treatment under 26 U.S.C. 47 and 170(h), 2608
and units within the structure have been leased to individual 2609
tenants for five consecutive years; 2610

~~(4)~~(2) Except as provided in division (F) of this 2611
section, for construction of every dwelling, and commercial or 2612
industrial structure located within the same community 2613
reinvestment area, a period to be determined by the legislative 2614
authority adopting the resolution, but not exceeding fifteen 2615
years. 2616

(E) Any person, board, or officer authorized by section 2617
5715.19 of the Revised Code to file complaints with the county 2618
board of revision may file a complaint with the housing officer 2619
challenging the continued exemption of any property granted an 2620
exemption under this section. A complaint against exemption 2621
shall be filed prior to the thirty-first day of December of the 2622
tax year for which taxation of the property is requested. The 2623
housing officer shall determine whether the property continues 2624
to meet the requirements for exemption and shall certify the 2625
housing officer's findings to the complainant. If the housing 2626
officer determines that the property does not meet the 2627
requirements for exemption, the housing officer shall notify the 2628
county auditor, who shall correct the tax list and duplicate 2629
accordingly. 2630

(F) The owner of a dwelling constructed in a community 2631
reinvestment area may file an application for an exemption after 2632
the year the construction first became subject to taxation. The 2633
application shall be processed in accordance with the procedures 2634
prescribed under this section and shall be granted if the 2635

construction that is the subject of the application otherwise 2636
meets the requirements for an exemption under this section. If 2637
approved, the exemption sought in the application first applies 2638
in the year the application is filed. An exemption approved 2639
pursuant to this division continues only for those years 2640
remaining in the period described in division (D) ~~(4)~~ (2) of this 2641
section. No exemption may be claimed for any year in that period 2642
that precedes the year in which the application is filed. 2643

Sec. 3735.671. (A) If construction or remodeling of 2644
commercial or industrial property is to be exempted from 2645
taxation pursuant to section 3735.67 of the Revised Code, the 2646
legislative authority and the owner of the property, prior to 2647
the commencement of construction or remodeling, shall enter into 2648
a written agreement, binding on both parties for a period of 2649
time that does not end prior to the end of the period of the 2650
exemption, that includes all of the information and statements 2651
prescribed by this section. Agreements may include terms not 2652
prescribed by this section, but such terms shall in no way 2653
derogate from the information and statements prescribed by this 2654
section. 2655

(1) Except as otherwise provided in division (A) (2) or (3) 2656
of this section, an agreement entered into under this section 2657
shall not be approved by the legislative authority unless the 2658
board of education of the city, local, or exempted village 2659
school district within the territory of which the property is or 2660
will be located approves the agreement. For the purpose of 2661
obtaining such approval, the legislative authority shall certify 2662
a copy of the agreement to the board of education not later than 2663
forty-five days prior to approving the agreement, excluding 2664
Saturday, Sunday, and a legal holiday as defined in section 1.14 2665
of the Revised Code. The board of education, by resolution 2666

adopted by a majority of the board, shall approve or disapprove 2667
the agreement and certify a copy of the resolution to the 2668
legislative authority not later than fourteen days prior to the 2669
date stipulated by the legislative authority as the date upon 2670
which approval of the agreement is to be formally considered by 2671
the legislative authority. The board of education may include in 2672
the resolution conditions under which the board would approve 2673
the agreement. The legislative authority may approve an 2674
agreement at any time after the board of education certifies its 2675
resolution approving the agreement to the legislative authority, 2676
or, if the board approves the agreement conditionally, at any 2677
time after the conditions are agreed to by the board and the 2678
legislative authority. 2679

(2) Approval of an agreement by the board of education is 2680
not required under division (A)(1) of this section if, for each 2681
tax year the real property is exempted from taxation, the sum of 2682
the following quantities, as estimated at or prior to the time 2683
the agreement is formally approved by the legislative authority, 2684
equals or exceeds fifty per cent of the amount of taxes, as 2685
estimated at or prior to that time, that would have been charged 2686
and payable that year upon the real property had that property 2687
not been exempted from taxation: 2688

(a) The amount of taxes charged and payable on any portion 2689
of the assessed valuation of the new structure or of the 2690
increased assessed valuation of an existing structure after 2691
remodeling began that will not be exempted from taxation under 2692
the agreement; 2693

(b) The amount of taxes charged and payable on tangible 2694
personal property located on the premises of the new structure 2695
or of the structure to be remodeled under the agreement, whether 2696

payable by the owner of the structure or by a related member, as 2697
defined in section 5733.042 of the Revised Code without regard 2698
to division (B) of that section. 2699

(c) The amount of any cash payment by the owner of the new 2700
structure or structure to be remodeled to the school district, 2701
the dollar value, as mutually agreed to by the owner and the 2702
board of education, of any property or services provided by the 2703
owner of the property to the school district, whether by gift, 2704
loan, or otherwise, and any payment by the legislative authority 2705
to the school district pursuant to section 5709.82 of the 2706
Revised Code. 2707

The estimates of quantities used for purposes of division 2708
(A) (2) of this section shall be estimated by the legislative 2709
authority. The legislative authority shall certify to the board 2710
of education that the estimates have been made in good faith. 2711
Departures of the actual quantities from the estimates 2712
subsequent to approval of the agreement by the board of 2713
education do not invalidate the agreement. 2714

(3) If a board of education has adopted a resolution 2715
waiving its right to approve agreements and the resolution 2716
remains in effect, approval of an agreement by the board is not 2717
required under this division. If a board of education has 2718
adopted a resolution allowing a legislative authority to deliver 2719
the notice required under this division fewer than forty-five 2720
business days prior to the legislative authority's execution of 2721
the agreement, the legislative authority shall deliver the 2722
notice to the board not later than the number of days prior to 2723
such execution as prescribed by the board in its resolution. If 2724
a board of education adopts a resolution waiving its right to 2725
approve agreements or shortening the notification period, the 2726

board shall certify a copy of the resolution to the legislative 2727
authority. If the board of education rescinds such a resolution, 2728
it shall certify notice of the rescission to the legislative 2729
authority. 2730

(B) Each agreement shall include the following 2731
information: 2732

(1) The names of all parties to the agreement; 2733

(2) A description of the remodeling or construction, 2734
whether or not to be exempted from taxation, including existing 2735
or new structure size and cost thereof; the value of machinery, 2736
equipment, furniture, and fixtures, including an itemization of 2737
the value of machinery, equipment, furniture, and fixtures used 2738
at another location in this state prior to the agreement and 2739
relocated or to be relocated from that location to the property, 2740
and the value of machinery, equipment, furniture, and fixtures 2741
at the facility prior to the execution of the agreement; the 2742
value of inventory at the property, including an itemization of 2743
the value of inventory held at another location in this state 2744
prior to the agreement and relocated or to be relocated from 2745
that location to the property, and the value of inventory held 2746
at the property prior to the execution of the agreement; 2747

(3) The scheduled starting and completion dates of 2748
remodeling or construction of real property or of investments 2749
made in machinery, equipment, furniture, fixtures, and 2750
inventory; 2751

(4) Estimates of the number of employee positions to be 2752
created each year of the agreement and of the number of employee 2753
positions retained by the owner due to the remodeling or 2754
construction, itemized as to the number of full-time, part-time, 2755

permanent, and temporary positions;	2756
(5) Estimates of the dollar amount of payroll attributable to the positions set forth in division (B)(4) of this section, similarly itemized;	2757 2758 2759
(6) The number of employee positions, if any, at the property and at any other location in this state at the time the agreement is executed, itemized as to the number of full-time, part-time, permanent, and temporary positions.	2760 2761 2762 2763
(C) Each agreement shall set forth the following information and incorporate the following statements:	2764 2765
(1) A description of real property to be exempted from taxation under the agreement, the percentage of the assessed valuation of the real property exempted from taxation, and the period for which the exemption is granted, accompanied by the statement: "The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after (insert date) nor extend beyond (insert date)."	2766 2767 2768 2769 2770 2771 2772 2773 2774
(2) "..... (insert name of owner) shall pay such real property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. If (insert name of owner) fails to pay such taxes or file such returns and reports, exemptions from taxation granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter."	2775 2776 2777 2778 2779 2780 2781 2782 2783
(3) "..... (insert name of owner) hereby certifies	2784

that at the time this agreement is executed, (insert 2785
name of owner) does not owe any delinquent real or tangible 2786
personal property taxes to any taxing authority of the State of 2787
Ohio, and does not owe delinquent taxes for which 2788
(insert name of owner) is liable under Chapter 5733., 5735., 2789
5739., 5741., 5743., 5747., or 5753. of the Ohio Revised Code, 2790
or, if such delinquent taxes are owed, (insert name 2791
of owner) currently is paying the delinquent taxes pursuant to 2792
an undertaking enforceable by the State of Ohio or an agent or 2793
instrumentality thereof, has filed a petition in bankruptcy 2794
under 11 U.S.C.A. 101, et seq., or such a petition has been 2795
filed against (insert name of owner). For the 2796
purposes of this certification, delinquent taxes are taxes that 2797
remain unpaid on the latest day prescribed for payment without 2798
penalty under the chapter of the Revised Code governing payment 2799
of those taxes." 2800

(4) "..... (insert name of municipal corporation or 2801
county) shall perform such acts as are reasonably necessary or 2802
appropriate to effect, claim, reserve, and maintain exemptions 2803
from taxation granted under this agreement including, without 2804
limitation, joining in the execution of all documentation and 2805
providing any necessary certificates required in connection with 2806
such exemptions." 2807

(5) "If for any reason (insert name of 2808
municipal corporation or county) revokes the designation of the 2809
area, entitlements granted under this agreement shall continue 2810
for the number of years specified under this agreement, 2811
unless (insert name of owner) materially fails to 2812
fulfill its obligations under this agreement 2813
and (insert name of municipal corporation or 2814
county) terminates or modifies the exemptions from taxation 2815

pursuant to this agreement." 2816

(6) "If (insert name of owner) materially fails 2817
to fulfill its obligations under this agreement, or 2818
if (insert name of municipal corporation or county) 2819
determines that the certification as to delinquent taxes 2820
required by this agreement is fraudulent, (insert 2821
name of municipal corporation or county) may terminate or modify 2822
the exemptions from taxation granted under this agreement." 2823

(7) "..... (insert name of owner) shall provide to 2824
the proper tax incentive review council any information 2825
reasonably required by the council to evaluate the applicant's 2826
compliance with the agreement, including returns filed pursuant 2827
to section 5711.02 of the Ohio Revised Code if requested by the 2828
council." 2829

(8) "This agreement is not transferable or assignable 2830
without the express, written approval of (insert name 2831
of municipal corporation or county)." 2832

(9) "Exemptions from taxation granted under this agreement 2833
shall be revoked if it is determined that (insert 2834
name of owner), any successor to that person, or any related 2835
member (as those terms are defined in division (E) of section 2836
3735.671 of the Ohio Revised Code) has violated the prohibition 2837
against entering into this agreement under division (E) of 2838
section 3735.671 or section 5709.62 or 5709.63 of the Ohio 2839
Revised Code prior to the time prescribed by that division or 2840
either of those sections." 2841

(10) "..... (insert name of owner) and 2842
(insert name of municipal corporation or county) acknowledge 2843
that this agreement must be approved by formal action of the 2844

legislative authority of (insert name of municipal 2845
corporation or county) as a condition for the agreement to take 2846
effect. This agreement takes effect upon such approval." 2847

The statement described in division (C)(6) of this section 2848
may include the following statement, appended at the end of the 2849
statement: ", and may require the repayment of the amount of 2850
taxes that would have been payable had the property not been 2851
exempted from taxation under this agreement." If the agreement 2852
includes a statement requiring repayment of exempted taxes, it 2853
also may authorize the legislative authority to secure repayment 2854
of such taxes by a lien on the exempted property in the amount 2855
required to be repaid. Such a lien shall attach, and may be 2856
perfected, collected, and enforced, in the same manner as a 2857
mortgage lien on real property, and shall otherwise have the 2858
same force and effect as a mortgage lien on real property. 2859

(D) Except as otherwise provided in this division, an 2860
agreement entered into under this section shall require that the 2861
owner pay an annual fee equal to the greater of one per cent of 2862
the amount of taxes exempted under the agreement or five hundred 2863
dollars; provided, however, that if the value of the incentives 2864
exceeds two hundred fifty thousand dollars, the fee shall not 2865
exceed two thousand five hundred dollars. The fee shall be 2866
payable to the legislative authority once per year for each year 2867
the agreement is effective on the days and in the form specified 2868
in the agreement. Fees paid shall be deposited in a special fund 2869
created for such purpose by the legislative authority and shall 2870
be used by the legislative authority exclusively for the purpose 2871
of complying with section 3735.672 of the Revised Code and by 2872
the tax incentive review council created under section 5709.85 2873
of the Revised Code exclusively for the purposes of performing 2874
the duties prescribed under that section. The legislative 2875

authority may waive or reduce the amount of the fee, but such 2876
waiver or reduction does not affect the obligations of the 2877
legislative authority or the tax incentive review council to 2878
comply with section 3735.672 or 5709.85 of the Revised Code. 2879

(E) If any person that is party to an agreement granting 2880
an exemption from taxation discontinues operations at the 2881
structure to which that exemption applies prior to the 2882
expiration of the term of the agreement, that person, any 2883
successor to that person, and any related member shall not enter 2884
into an agreement under this section or section 5709.62, 2885
5709.63, or 5709.632 of the Revised Code, and no legislative 2886
authority shall enter into such an agreement with such a person, 2887
successor, or related member, prior to the expiration of five 2888
years after the discontinuation of operations. As used in this 2889
division, "successor" means a person to which the assets or 2890
equity of another person has been transferred, which transfer 2891
resulted in the full or partial nonrecognition of gain or loss, 2892
or resulted in a carryover basis, both as determined by rule 2893
adopted by the tax commissioner. "Related member" has the same 2894
meaning as defined in section 5733.042 of the Revised Code 2895
without regard to division (B) of that section. 2896

The director of development services shall review all 2897
agreements submitted to the director under division (F) of this 2898
section for the purpose of enforcing this division. If the 2899
director determines there has been a violation of this division, 2900
the director shall notify the legislative authority of such 2901
violation, and the legislative authority immediately shall 2902
revoke the exemption granted under the agreement. 2903

(F) When an agreement is entered into under this section, 2904
the legislative authority authorizing the agreement shall 2905

forward a copy of the agreement to the director of development 2906
services within fifteen days after the agreement is entered 2907
into. 2908

Sec. 3901.88. The superintendent of insurance shall 2909
conduct an actuarial study on the costs of all health care 2910
mandates under state law that apply to individual and group 2911
health insurance plans that are not subject to the "Employee 2912
Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 2913
This study shall be delivered electronically to the governor, 2914
the senate president, and the speaker of the house not later 2915
than two years after the effective date of this section. 2916

Sec. 3923.84. (A) Notwithstanding section 3901.71 of the 2917
Revised Code, each individual and group sickness and accident 2918
insurance policy that is delivered, issued for delivery, or 2919
renewed in this state shall provide coverage for the screening, 2920
diagnosis, and treatment of autism spectrum disorder. A sickness 2921
and accident insurer shall not terminate an individual's 2922
coverage, or refuse to deliver, execute, issue, amend, adjust, 2923
or renew coverage to an individual solely because the individual 2924
is diagnosed with or has received treatment for an autism 2925
spectrum disorder. Nothing in this section shall be applied to 2926
nongrandfathered plans in the individual and small group markets 2927
or to medicare supplement, accident-only, specified disease, 2928
hospital indemnity, disability income, long-term care, or other 2929
limited benefit hospital insurance policies. Except as otherwise 2930
provided in division (B) of this section, coverage under this 2931
section shall not be subject to dollar limits, deductibles, or 2932
coinsurance provisions that are less favorable to an insured 2933
than the dollar limits, deductibles, or coinsurance provisions 2934
that apply to substantially all medical and surgical benefits 2935
under the policy. 2936

<u>(B) Benefits provided under this section shall cover, at</u>	2937
<u>minimum, all of the following:</u>	2938
<u>(1) For speech and language therapy or occupational</u>	2939
<u>therapy for an insured under the age of fourteen that is</u>	2940
<u>performed by a licensed therapist, twenty visits per year for</u>	2941
<u>each service;</u>	2942
<u>(2) For clinical therapeutic intervention for an insured</u>	2943
<u>under the age of fourteen that is provided by or under the</u>	2944
<u>supervision of a professional who is licensed, certified, or</u>	2945
<u>registered by an appropriate agency of this state to perform</u>	2946
<u>such services in accordance with a health treatment plan, twenty</u>	2947
<u>hours per week;</u>	2948
<u>(3) For mental or behavioral health outpatient services</u>	2949
<u>for an insured under the age of fourteen that are performed by a</u>	2950
<u>licensed psychologist, psychiatrist, or physician providing</u>	2951
<u>consultation, assessment, development, or oversight of treatment</u>	2952
<u>plans, thirty visits per year.</u>	2953
<u>(C) (1) Except as provided in division (C) (2) of this</u>	2954
<u>section, this section shall not be construed as limiting</u>	2955
<u>benefits that are otherwise available to an insured under a</u>	2956
<u>policy.</u>	2957
<u>(2) A policy of sickness and accident insurance shall</u>	2958
<u>stipulate that coverage provided under this section be</u>	2959
<u>contingent upon both of the following:</u>	2960
<u>(a) The covered individual receiving prior authorization</u>	2961
<u>for the services in question;</u>	2962
<u>(b) The services in question being prescribed or ordered</u>	2963
<u>by either a developmental pediatrician or a psychologist trained</u>	2964
<u>in autism.</u>	2965

(D) (1) Except for inpatient services, if an insured is 2966
receiving treatment for an autism spectrum disorder, a sickness 2967
and accident insurer may review the treatment plan annually, 2968
unless the insurer and the insured's treating physician or 2969
psychologist agree that a more frequent review is necessary. 2970

(2) Any such agreement as described in division (D) (1) of 2971
this section shall apply only to a particular insured being 2972
treated for an autism spectrum disorder and shall not apply to 2973
all individuals being treated for autism spectrum disorder by a 2974
physician or psychologist. 2975

(3) The insurer shall cover the cost of obtaining any 2976
review or treatment plan. 2977

(E) This section shall not be construed as affecting any 2978
obligation to provide services to an insured under an 2979
individualized family service plan, an individualized education 2980
program, or an individualized service plan. 2981

(F) As used in this section: 2982

(1) "Applied behavior analysis" means the design, 2983
implementation, and evaluation of environmental modifications, 2984
using behavioral stimuli and consequences, to produce socially 2985
significant improvement in human behavior, including the use of 2986
direct observation, measurement, and functional analysis of the 2987
relationship between environment and behavior. 2988

(2) "Autism spectrum disorder" means any of the pervasive 2989
developmental disorders or autism spectrum disorder as defined 2990
by the most recent edition of the diagnostic and statistical 2991
manual of mental disorders published by the American psychiatric 2992
association available at the time an individual is first 2993
evaluated for suspected developmental delay. 2994

(3) "Clinical therapeutic intervention" means therapies supported by empirical evidence, which include, but are not limited to, applied behavioral analysis, that satisfy both of the following: 2995
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2998

(a) Are necessary to develop, maintain, or restore, to the maximum extent practicable, the function of an individual; 2999
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(b) Are provided by or under the supervision of any of the following: 3001
3002

(i) A certified Ohio behavior analyst as defined in section 4783.01 of the Revised Code; 3003
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(ii) An individual licensed under Chapter 4732. of the Revised Code to practice psychology; 3005
3006

(iii) An individual licensed under Chapter 4757. of the Revised Code to practice professional counseling, social work, or marriage and family therapy. 3007
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(4) "Diagnosis of autism spectrum disorder" means medically necessary assessment, evaluations, or tests to diagnose whether an individual has an autism spectrum disorder. 3010
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(5) "Pharmacy care" means medications prescribed by a licensed physician and any health-related services considered medically necessary to determine the need or effectiveness of the medications. 3013
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(6) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices. 3017
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(7) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices. 3020
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(8) "Therapeutic care" means services provided by a speech therapist, occupational therapist, or physical therapist licensed or certified in the state in which the person practices. 3023
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(9) "Treatment for autism spectrum disorder" means evidence-based care and related equipment prescribed or ordered for an individual diagnosed with an autism spectrum disorder by a licensed physician who is a developmental pediatrician or a licensed psychologist trained in autism who determines the care to be medically necessary, including any of the following: 3027
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(a) Clinical therapeutic intervention; 3033

(b) Pharmacy care; 3034

(c) Psychiatric care; 3035

(d) Psychological care; 3036

(e) Therapeutic care. 3037

(G) If any provision of this section or the application thereof to any person or circumstances is for any reason held to be invalid, the remainder of the section and the application of such remainder to other persons or circumstances shall not be affected thereby. 3038
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Sec. 4112.02. It shall be an unlawful discriminatory practice: 3043
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(A) For any employer, because of the race, color, religion, sex, military status, national origin, disability, age, or ancestry of any person, to discharge without just cause, to refuse to hire, or otherwise to discriminate against that person with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly 3045
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related to employment.	3051
(B) For an employment agency or personnel placement	3052
service, because of race, color, religion, sex, military status,	3053
national origin, disability, age, or ancestry, to do any of the	3054
following:	3055
(1) Refuse or fail to accept, register, classify properly,	3056
or refer for employment, or otherwise discriminate against any	3057
person;	3058
(2) Comply with a request from an employer for referral of	3059
applicants for employment if the request directly or indirectly	3060
indicates that the employer fails to comply with the provisions	3061
of sections 4112.01 to 4112.07 of the Revised Code.	3062
(C) For any labor organization to do any of the following:	3063
(1) Limit or classify its membership on the basis of race,	3064
color, religion, sex, military status, national origin,	3065
disability, age, or ancestry;	3066
(2) Discriminate against, limit the employment	3067
opportunities of, or otherwise adversely affect the employment	3068
status, wages, hours, or employment conditions of any person as	3069
an employee because of race, color, religion, sex, military	3070
status, national origin, disability, age, or ancestry.	3071
(D) For any employer, labor organization, or joint labor-	3072
management committee controlling apprentice training programs to	3073
discriminate against any person because of race, color,	3074
religion, sex, military status, national origin, disability, or	3075
ancestry in admission to, or employment in, any program	3076
established to provide apprentice training.	3077
(E) Except where based on a bona fide occupational	3078

qualification certified in advance by the commission, for any 3079
employer, employment agency, personnel placement service, or 3080
labor organization, prior to employment or admission to 3081
membership, to do any of the following: 3082

(1) Elicit or attempt to elicit any information concerning 3083
the race, color, religion, sex, military status, national 3084
origin, disability, age, or ancestry of an applicant for 3085
employment or membership; 3086

(2) Make or keep a record of the race, color, religion, 3087
sex, military status, national origin, disability, age, or 3088
ancestry of any applicant for employment or membership; 3089

(3) Use any form of application for employment, or 3090
personnel or membership blank, seeking to elicit information 3091
regarding race, color, religion, sex, military status, national 3092
origin, disability, age, or ancestry; but an employer holding a 3093
contract containing a nondiscrimination clause with the 3094
government of the United States, or any department or agency of 3095
that government, may require an employee or applicant for 3096
employment to furnish documentary proof of United States 3097
citizenship and may retain that proof in the employer's 3098
personnel records and may use photographic or fingerprint 3099
identification for security purposes; 3100

(4) Print or publish or cause to be printed or published 3101
any notice or advertisement relating to employment or membership 3102
indicating any preference, limitation, specification, or 3103
discrimination, based upon race, color, religion, sex, military 3104
status, national origin, disability, age, or ancestry; 3105

(5) Announce or follow a policy of denying or limiting, 3106
through a quota system or otherwise, employment or membership 3107

opportunities of any group because of the race, color, religion, 3108
sex, military status, national origin, disability, age, or 3109
ancestry of that group; 3110

(6) Utilize in the recruitment or hiring of persons any 3111
employment agency, personnel placement service, training school 3112
or center, labor organization, or any other employee-referring 3113
source known to discriminate against persons because of their 3114
race, color, religion, sex, military status, national origin, 3115
disability, age, or ancestry. 3116

(F) For any person seeking employment to publish or cause 3117
to be published any advertisement that specifies or in any 3118
manner indicates that person's race, color, religion, sex, 3119
military status, national origin, disability, age, or ancestry, 3120
or expresses a limitation or preference as to the race, color, 3121
religion, sex, military status, national origin, disability, 3122
age, or ancestry of any prospective employer. 3123

(G) For any proprietor or any employee, keeper, or manager 3124
of a place of public accommodation to deny to any person, except 3125
for reasons applicable alike to all persons regardless of race, 3126
color, religion, sex, military status, national origin, 3127
disability, age, or ancestry, the full enjoyment of the 3128
accommodations, advantages, facilities, or privileges of the 3129
place of public accommodation. 3130

(H) ~~For~~ Subject to section 4112.024 of the Revised Code, 3131
for any person to do any of the following: 3132

(1) Refuse to sell, transfer, assign, rent, lease, 3133
sublease, or finance housing accommodations, refuse to negotiate 3134
for the sale or rental of housing accommodations, or otherwise 3135
deny or make unavailable housing accommodations because of race, 3136

color, religion, sex, military status, familial status, 3137
ancestry, disability, or national origin; 3138

(2) Represent to any person that housing accommodations 3139
are not available for inspection, sale, or rental, when in fact 3140
they are available, because of race, color, religion, sex, 3141
military status, familial status, ancestry, disability, or 3142
national origin; 3143

(3) Discriminate against any person in the making or 3144
purchasing of loans or the provision of other financial 3145
assistance for the acquisition, construction, rehabilitation, 3146
repair, or maintenance of housing accommodations, or any person 3147
in the making or purchasing of loans or the provision of other 3148
financial assistance that is secured by residential real estate, 3149
because of race, color, religion, sex, military status, familial 3150
status, ancestry, disability, or national origin or because of 3151
the racial composition of the neighborhood in which the housing 3152
accommodations are located, provided that the person, whether an 3153
individual, corporation, or association of any type, lends money 3154
as one of the principal aspects or incident to the person's 3155
principal business and not only as a part of the purchase price 3156
of an owner-occupied residence the person is selling nor merely 3157
casually or occasionally to a relative or friend; 3158

(4) Discriminate against any person in the terms or 3159
conditions of selling, transferring, assigning, renting, 3160
leasing, or subleasing any housing accommodations or in 3161
furnishing facilities, services, or privileges in connection 3162
with the ownership, occupancy, or use of any housing 3163
accommodations, including the sale of fire, extended coverage, 3164
or homeowners insurance, because of race, color, religion, sex, 3165
military status, familial status, ancestry, disability, or 3166

national origin or because of the racial composition of the 3167
neighborhood in which the housing accommodations are located; 3168

(5) Discriminate against any person in the terms or 3169
conditions of any loan of money, whether or not secured by 3170
mortgage or otherwise, for the acquisition, construction, 3171
rehabilitation, repair, or maintenance of housing accommodations 3172
because of race, color, religion, sex, military status, familial 3173
status, ancestry, disability, or national origin or because of 3174
the racial composition of the neighborhood in which the housing 3175
accommodations are located; 3176

(6) Refuse to consider without prejudice the combined 3177
income of both husband and wife for the purpose of extending 3178
mortgage credit to a married couple or either member of a 3179
married couple; 3180

(7) Print, publish, or circulate any statement or 3181
advertisement, or make or cause to be made any statement or 3182
advertisement, relating to the sale, transfer, assignment, 3183
rental, lease, sublease, or acquisition of any housing 3184
accommodations, or relating to the loan of money, whether or not 3185
secured by mortgage or otherwise, for the acquisition, 3186
construction, rehabilitation, repair, or maintenance of housing 3187
accommodations, that indicates any preference, limitation, 3188
specification, or discrimination based upon race, color, 3189
religion, sex, military status, familial status, ancestry, 3190
disability, or national origin, or an intention to make any such 3191
preference, limitation, specification, or discrimination; 3192

(8) Except as otherwise provided in division (H) (8) or 3193
(17) of this section, make any inquiry, elicit any information, 3194
make or keep any record, or use any form of application 3195
containing questions or entries concerning race, color, 3196

religion, sex, military status, familial status, ancestry, 3197
disability, or national origin in connection with the sale or 3198
lease of any housing accommodations or the loan of any money, 3199
whether or not secured by mortgage or otherwise, for the 3200
acquisition, construction, rehabilitation, repair, or 3201
maintenance of housing accommodations. Any person may make 3202
inquiries, and make and keep records, concerning race, color, 3203
religion, sex, military status, familial status, ancestry, 3204
disability, or national origin for the purpose of monitoring 3205
compliance with this chapter. 3206

(9) Include in any transfer, rental, or lease of housing 3207
accommodations any restrictive covenant, or honor or exercise, 3208
or attempt to honor or exercise, any restrictive covenant; 3209

(10) Induce or solicit, or attempt to induce or solicit, a 3210
housing accommodations listing, sale, or transaction by 3211
representing that a change has occurred or may occur with 3212
respect to the racial, religious, sexual, military status, 3213
familial status, or ethnic composition of the block, 3214
neighborhood, or other area in which the housing accommodations 3215
are located, or induce or solicit, or attempt to induce or 3216
solicit, a housing accommodations listing, sale, or transaction 3217
by representing that the presence or anticipated presence of 3218
persons of any race, color, religion, sex, military status, 3219
familial status, ancestry, disability, or national origin, in 3220
the block, neighborhood, or other area will or may have results 3221
including, but not limited to, the following: 3222

(a) The lowering of property values; 3223

(b) A change in the racial, religious, sexual, military 3224
status, familial status, or ethnic composition of the block, 3225
neighborhood, or other area; 3226

(c) An increase in criminal or antisocial behavior in the	3227
block, neighborhood, or other area;	3228
(d) A decline in the quality of the schools serving the	3229
block, neighborhood, or other area.	3230
(11) Deny any person access to or membership or	3231
participation in any multiple-listing service, real estate	3232
brokers' organization, or other service, organization, or	3233
facility relating to the business of selling or renting housing	3234
accommodations, or discriminate against any person in the terms	3235
or conditions of that access, membership, or participation, on	3236
account of race, color, religion, sex, military status, familial	3237
status, national origin, disability, or ancestry;	3238
(12) Coerce, intimidate, threaten, or interfere with any	3239
person in the exercise or enjoyment of, or on account of that	3240
person's having exercised or enjoyed or having aided or	3241
encouraged any other person in the exercise or enjoyment of, any	3242
right granted or protected by division (H) of this section;	3243
(13) Discourage or attempt to discourage the purchase by a	3244
prospective purchaser of housing accommodations, by representing	3245
that any block, neighborhood, or other area has undergone or	3246
might undergo a change with respect to its religious, racial,	3247
sexual, military status, familial status, or ethnic composition;	3248
(14) Refuse to sell, transfer, assign, rent, lease,	3249
sublease, or finance, or otherwise deny or withhold, a burial	3250
lot from any person because of the race, color, sex, military	3251
status, familial status, age, ancestry, disability, or national	3252
origin of any prospective owner or user of the lot;	3253
(15) Discriminate in the sale or rental of, or otherwise	3254
make unavailable or deny, housing accommodations to any buyer or	3255

renter because of a disability of any of the following:	3256
(a) The buyer or renter;	3257
(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;	3258 3259 3260
(c) Any individual associated with the person described in division (H) (15) (b) of this section.	3261 3262
(16) Discriminate in the terms, conditions, or privileges of the sale or rental of housing accommodations to any person or in the provision of services or facilities to any person in connection with the housing accommodations because of a disability of any of the following:	3263 3264 3265 3266 3267
(a) That person;	3268
(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;	3269 3270 3271
(c) Any individual associated with the person described in division (H) (16) (b) of this section.	3272 3273
(17) Except as otherwise provided in division (H) (17) of this section, make an inquiry to determine whether an applicant for the sale or rental of housing accommodations, a person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available, or any individual associated with that person has a disability, or make an inquiry to determine the nature or severity of a disability of the applicant or such a person or individual. The following inquiries may be made of all applicants for the sale or rental of housing accommodations, regardless of whether they have	3274 3275 3276 3277 3278 3279 3280 3281 3282 3283

disabilities:	3284
(a) An inquiry into an applicant's ability to meet the requirements of ownership or tenancy;	3285 3286
(b) An inquiry to determine whether an applicant is qualified for housing accommodations available only to persons with disabilities or persons with a particular type of disability;	3287 3288 3289 3290
(c) An inquiry to determine whether an applicant is qualified for a priority available to persons with disabilities or persons with a particular type of disability;	3291 3292 3293
(d) An inquiry to determine whether an applicant currently uses a controlled substance in violation of section 2925.11 of the Revised Code or a substantively comparable municipal ordinance;	3294 3295 3296 3297
(e) An inquiry to determine whether an applicant at any time has been convicted of or pleaded guilty to any offense, an element of which is the illegal sale, offer to sell, cultivation, manufacture, other production, shipment, transportation, delivery, or other distribution of a controlled substance.	3298 3299 3300 3301 3302 3303
(18) (a) Refuse to permit, at the expense of a person with a disability, reasonable modifications of existing housing accommodations that are occupied or to be occupied by the person with a disability, if the modifications may be necessary to afford the person with a disability full enjoyment of the housing accommodations. This division does not preclude a landlord of housing accommodations that are rented or to be rented to a disabled tenant from conditioning permission for a proposed modification upon the disabled tenant's doing one or	3304 3305 3306 3307 3308 3309 3310 3311 3312

more of the following: 3313

(i) Providing a reasonable description of the proposed 3314
modification and reasonable assurances that the proposed 3315
modification will be made in a workerlike manner and that any 3316
required building permits will be obtained prior to the 3317
commencement of the proposed modification; 3318

(ii) Agreeing to restore at the end of the tenancy the 3319
interior of the housing accommodations to the condition they 3320
were in prior to the proposed modification, but subject to 3321
reasonable wear and tear during the period of occupancy, if it 3322
is reasonable for the landlord to condition permission for the 3323
proposed modification upon the agreement; 3324

(iii) Paying into an interest-bearing escrow account that 3325
is in the landlord's name, over a reasonable period of time, a 3326
reasonable amount of money not to exceed the projected costs at 3327
the end of the tenancy of the restoration of the interior of the 3328
housing accommodations to the condition they were in prior to 3329
the proposed modification, but subject to reasonable wear and 3330
tear during the period of occupancy, if the landlord finds the 3331
account reasonably necessary to ensure the availability of funds 3332
for the restoration work. The interest earned in connection with 3333
an escrow account described in this division shall accrue to the 3334
benefit of the disabled tenant who makes payments into the 3335
account. 3336

(b) A landlord shall not condition permission for a 3337
proposed modification upon a disabled tenant's payment of a 3338
security deposit that exceeds the customarily required security 3339
deposit of all tenants of the particular housing accommodations. 3340

(19) Refuse to make reasonable accommodations in rules, 3341

policies, practices, or services when necessary to afford a 3342
person with a disability equal opportunity to use and enjoy a 3343
dwelling unit, including associated public and common use areas; 3344

(20) Fail to comply with the standards and rules adopted 3345
under division (A) of section 3781.111 of the Revised Code; 3346

(21) Discriminate against any person in the selling, 3347
brokering, or appraising of real property because of race, 3348
color, religion, sex, military status, familial status, 3349
ancestry, disability, or national origin; 3350

(22) Fail to design and construct covered multifamily 3351
dwellings for first occupancy on or after June 30, 1992, in 3352
accordance with the following conditions: 3353

(a) The dwellings shall have at least one building 3354
entrance on an accessible route, unless it is impractical to do 3355
so because of the terrain or unusual characteristics of the 3356
site. 3357

(b) With respect to dwellings that have a building 3358
entrance on an accessible route, all of the following apply: 3359

(i) The public use areas and common use areas of the 3360
dwellings shall be readily accessible to and usable by persons 3361
with a disability. 3362

(ii) All the doors designed to allow passage into and 3363
within all premises shall be sufficiently wide to allow passage 3364
by persons with a disability who are in wheelchairs. 3365

(iii) All premises within covered multifamily dwelling 3366
units shall contain an accessible route into and through the 3367
dwelling; all light switches, electrical outlets, thermostats, 3368
and other environmental controls within such units shall be in 3369

accessible locations; the bathroom walls within such units shall 3370
contain reinforcements to allow later installation of grab bars; 3371
and the kitchens and bathrooms within such units shall be 3372
designed and constructed in a manner that enables an individual 3373
in a wheelchair to maneuver about such rooms. 3374

For purposes of division (H) (22) of this section, "covered 3375
multifamily dwellings" means buildings consisting of four or 3376
more units if such buildings have one or more elevators and 3377
ground floor units in other buildings consisting of four or more 3378
units. 3379

(I) For any person to discriminate in any manner against 3380
any other person because that person has opposed any unlawful 3381
discriminatory practice defined in this section or because that 3382
person has made a charge, testified, assisted, or participated 3383
in any manner in any investigation, proceeding, or hearing under 3384
sections 4112.01 to 4112.07 of the Revised Code. 3385

(J) For any person to aid, abet, incite, compel, or coerce 3386
the doing of any act declared by this section to be an unlawful 3387
discriminatory practice, to obstruct or prevent any person from 3388
complying with this chapter or any order issued under it, or to 3389
attempt directly or indirectly to commit any act declared by 3390
this section to be an unlawful discriminatory practice. 3391

~~(K) (1) Nothing in division (H) of this section shall bar 3392
any religious or denominational institution or organization, or 3393
any nonprofit charitable or educational organization that is 3394
operated, supervised, or controlled by or in connection with a 3395
religious organization, from limiting the sale, rental, or 3396
occupancy of housing accommodations that it owns or operates for 3397
other than a commercial purpose to persons of the same religion, 3398
or from giving preference in the sale, rental, or occupancy of 3399~~

~~such housing accommodations to persons of the same religion, 3400~~
~~unless membership in the religion is restricted on account of 3401~~
~~race, color, or national origin. 3402~~

~~(2) Nothing in division (H) of this section shall bar any 3403~~
~~bona fide private or fraternal organization that, incidental to 3404~~
~~its primary purpose, owns or operates lodgings for other than a 3405~~
~~commercial purpose, from limiting the rental or occupancy of the 3406~~
~~lodgings to its members or from giving preference to its 3407~~
~~members. 3408~~

~~(3) Nothing in division (H) of this section limits the 3409~~
~~applicability of any reasonable local, state, or federal 3410~~
~~restrictions regarding the maximum number of occupants permitted 3411~~
~~to occupy housing accommodations. Nothing in that division 3412~~
~~prohibits the owners or managers of housing accommodations from 3413~~
~~implementing reasonable occupancy standards based on the number 3414~~
~~and size of sleeping areas or bedrooms and the overall size of a 3415~~
~~dwelling unit, provided that the standards are not implemented 3416~~
~~to circumvent the purposes of this chapter and are formulated, 3417~~
~~implemented, and interpreted in a manner consistent with this 3418~~
~~chapter and any applicable local, state, or federal restrictions 3419~~
~~regarding the maximum number of occupants permitted to occupy 3420~~
~~housing accommodations. 3421~~

~~(4) Nothing in division (H) of this section requires that 3422~~
~~housing accommodations be made available to an individual whose 3423~~
~~tenancy would constitute a direct threat to the health or safety 3424~~
~~of other individuals or whose tenancy would result in 3425~~
~~substantial physical damage to the property of others. 3426~~

~~(5) Nothing in division (H) of this section pertaining to 3427~~
~~discrimination on the basis of familial status shall be 3428~~
~~construed to apply to any of the following: 3429~~

~~(a) Housing accommodations provided under any state or federal program that have been determined under the "Fair Housing Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as amended, to be specifically designed and operated to assist elderly persons;~~

~~(b) Housing accommodations intended for and solely occupied by persons who are sixty two years of age or older;~~

~~(c) Housing accommodations intended and operated for occupancy by at least one person who is fifty five years of age or older per unit, as determined under the "Fair Housing Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as amended.~~

~~(L) Nothing in divisions (A) to (E) of this section shall be construed to require a person with a disability to be employed or trained under circumstances that would significantly increase the occupational hazards affecting either the person with a disability, other employees, the general public, or the facilities in which the work is to be performed, or to require the employment or training of a person with a disability in a job that requires the person with a disability routinely to undertake any task, the performance of which is substantially and inherently impaired by the person's disability.~~

~~(M) Nothing in divisions (H) (1) to (18) of this section shall be construed to require any person selling or renting property to modify the property in any way or to exercise a higher degree of care for a person with a disability, to relieve any person with a disability of any obligation generally imposed on all persons regardless of disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and~~

~~conditions, including financial obligations, of the lease,~~ 3460
~~agreement, or contract.~~ 3461

~~(N)~~ (L) An aggrieved individual may enforce the 3462
individual's rights relative to discrimination on the basis of 3463
age as provided for in this section by instituting a civil 3464
action, within one hundred eighty days after the alleged 3465
unlawful discriminatory practice occurred, in any court with 3466
jurisdiction for any legal or equitable relief that will 3467
effectuate the individual's rights. 3468

A person who files a civil action under this division is 3469
barred, with respect to the practices complained of, from 3470
instituting a civil action under section 4112.14 of the Revised 3471
Code and from filing a charge with the commission under section 3472
4112.05 of the Revised Code. 3473

~~(O)~~ (M) With regard to age, it shall not be an unlawful 3474
discriminatory practice and it shall not constitute a violation 3475
of division (A) of section 4112.14 of the Revised Code for any 3476
employer, employment agency, joint labor-management committee 3477
controlling apprenticeship training programs, or labor 3478
organization to do any of the following: 3479

(1) Establish bona fide employment qualifications 3480
reasonably related to the particular business or occupation that 3481
may include standards for skill, aptitude, physical capability, 3482
intelligence, education, maturation, and experience; 3483

(2) Observe the terms of a bona fide seniority system or 3484
any bona fide employee benefit plan, including, but not limited 3485
to, a retirement, pension, or insurance plan, that is not a 3486
subterfuge to evade the purposes of this section. However, no 3487
such employee benefit plan shall excuse the failure to hire any 3488

individual, and no such seniority system or employee benefit 3489
plan shall require or permit the involuntary retirement of any 3490
individual, because of the individual's age except as provided 3491
for in the "Age Discrimination in Employment Act Amendment of 3492
1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age 3493
Discrimination in Employment Act Amendments of 1986," 100 Stat. 3494
3342, 29 U.S.C.A. 623, as amended. 3495

(3) Retire an employee who has attained sixty-five years 3496
of age who, for the two-year period immediately before 3497
retirement, is employed in a bona fide executive or a high 3498
policymaking position, if the employee is entitled to an 3499
immediate nonforfeitable annual retirement benefit from a 3500
pension, profit-sharing, savings, or deferred compensation plan, 3501
or any combination of those plans, of the employer of the 3502
employee, which equals, in the aggregate, at least forty-four 3503
thousand dollars, in accordance with the conditions of the "Age 3504
Discrimination in Employment Act Amendment of 1978," 92 Stat. 3505
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 3506
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 3507
631, as amended; 3508

(4) Observe the terms of any bona fide apprenticeship 3509
program if the program is registered with the Ohio 3510
apprenticeship council pursuant to sections 4139.01 to 4139.06 3511
of the Revised Code and is approved by the federal committee on 3512
apprenticeship of the United States department of labor. 3513

~~(P)~~-(N) Nothing in this chapter prohibiting age 3514
discrimination and nothing in division (A) of section 4112.14 of 3515
the Revised Code shall be construed to prohibit the following: 3516

(1) The designation of uniform age the attainment of which 3517
is necessary for public employees to receive pension or other 3518

retirement benefits pursuant to Chapter 145., 742., 3307., 3519
3309., or 5505. of the Revised Code; 3520

(2) The mandatory retirement of uniformed patrol officers 3521
of the state highway patrol as provided in section 5505.16 of 3522
the Revised Code; 3523

(3) The maximum age requirements for appointment as a 3524
patrol officer in the state highway patrol established by 3525
section 5503.01 of the Revised Code; 3526

(4) The maximum age requirements established for original 3527
appointment to a police department or fire department in 3528
sections 124.41 and 124.42 of the Revised Code; 3529

(5) Any maximum age not in conflict with federal law that 3530
may be established by a municipal charter, municipal ordinance, 3531
or resolution of a board of township trustees for original 3532
appointment as a police officer or firefighter; 3533

(6) Any mandatory retirement provision not in conflict 3534
with federal law of a municipal charter, municipal ordinance, or 3535
resolution of a board of township trustees pertaining to police 3536
officers and firefighters; 3537

(7) Until January 1, 1994, the mandatory retirement of any 3538
employee who has attained seventy years of age and who is 3539
serving under a contract of unlimited tenure, or similar 3540
arrangement providing for unlimited tenure, at an institution of 3541
higher education as defined in the "Education Amendments of 3542
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 3543

~~(e)~~ (O) (1) (a) Except as provided in division ~~(e)~~ (O) (1) (b) 3544
of this section, for purposes of divisions (A) to (E) of this 3545
section, a disability does not include any physiological 3546
disorder or condition, mental or psychological disorder, or 3547

disease or condition caused by an illegal use of any controlled 3548
substance by an employee, applicant, or other person, if an 3549
employer, employment agency, personnel placement service, labor 3550
organization, or joint labor-management committee acts on the 3551
basis of that illegal use. 3552

(b) Division ~~(C)~~(O) (1) (a) of this section does not apply 3553
to an employee, applicant, or other person who satisfies any of 3554
the following: 3555

(i) The employee, applicant, or other person has 3556
successfully completed a supervised drug rehabilitation program 3557
and no longer is engaging in the illegal use of any controlled 3558
substance, or the employee, applicant, or other person otherwise 3559
successfully has been rehabilitated and no longer is engaging in 3560
that illegal use. 3561

(ii) The employee, applicant, or other person is 3562
participating in a supervised drug rehabilitation program and no 3563
longer is engaging in the illegal use of any controlled 3564
substance. 3565

(iii) The employee, applicant, or other person is 3566
erroneously regarded as engaging in the illegal use of any 3567
controlled substance, but the employee, applicant, or other 3568
person is not engaging in that illegal use. 3569

(2) Divisions (A) to (E) of this section do not prohibit 3570
an employer, employment agency, personnel placement service, 3571
labor organization, or joint labor-management committee from 3572
doing any of the following: 3573

(a) Adopting or administering reasonable policies or 3574
procedures, including, but not limited to, testing for the 3575
illegal use of any controlled substance, that are designed to 3576

ensure that an individual described in division ~~(9)~~ (0) (1) (b) (i) 3577
or (ii) of this section no longer is engaging in the illegal use 3578
of any controlled substance; 3579

(b) Prohibiting the illegal use of controlled substances 3580
and the use of alcohol at the workplace by all employees; 3581

(c) Requiring that employees not be under the influence of 3582
alcohol or not be engaged in the illegal use of any controlled 3583
substance at the workplace; 3584

(d) Requiring that employees behave in conformance with 3585
the requirements established under "The Drug-Free Workplace Act 3586
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 3587

(e) Holding an employee who engages in the illegal use of 3588
any controlled substance or who is an alcoholic to the same 3589
qualification standards for employment or job performance, and 3590
the same behavior, to which the employer, employment agency, 3591
personnel placement service, labor organization, or joint labor- 3592
management committee holds other employees, even if any 3593
unsatisfactory performance or behavior is related to an 3594
employee's illegal use of a controlled substance or alcoholism; 3595

(f) Exercising other authority recognized in the 3596
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 3597
U.S.C.A. 12101, as amended, including, but not limited to, 3598
requiring employees to comply with any applicable federal 3599
standards. 3600

(3) For purposes of this chapter, a test to determine the 3601
illegal use of any controlled substance does not include a 3602
medical examination. 3603

(4) Division ~~(9)~~ (0) of this section does not encourage, 3604
prohibit, or authorize, and shall not be construed as 3605

encouraging, prohibiting, or authorizing, the conduct of testing 3606
for the illegal use of any controlled substance by employees, 3607
applicants, or other persons, or the making of employment 3608
decisions based on the results of that type of testing. 3609

~~(R)~~(P) This section does not apply to a religious 3610
corporation, association, educational institution, or society 3611
with respect to the employment of an individual of a particular 3612
religion to perform work connected with the carrying on by that 3613
religious corporation, association, educational institution, or 3614
society of its activities. 3615

The unlawful discriminatory practices defined in this 3616
section do not make it unlawful for a person or an appointing 3617
authority administering an examination under section 124.23 of 3618
the Revised Code to obtain information about an applicant's 3619
military status for the purpose of determining if the applicant 3620
is eligible for the additional credit that is available under 3621
that section. 3622

Sec. 4112.024. (A) Nothing in division (H) of section 3623
4112.02 of the Revised Code shall bar any religious or 3624
denominational institution or organization, or any nonprofit 3625
charitable or educational organization that is operated, 3626
supervised, or controlled by or in connection with a religious 3627
organization, from limiting the sale, rental, or occupancy of 3628
housing accommodations that it owns or operates for other than a 3629
commercial purpose to persons of the same religion, or from 3630
giving preference in the sale, rental, or occupancy of such 3631
housing accommodations to persons of the same religion, unless 3632
membership in the religion is restricted on account of race, 3633
color, or national origin. 3634

(B) Nothing in division (H) of section 4112.02 of the 3635

Revised Code shall bar any bona fide private or fraternal 3636
organization that, incidental to its primary purpose, owns or 3637
operates lodgings for other than a commercial purpose, from 3638
limiting the rental or occupancy of the lodgings to its members 3639
or from giving preference to its members. 3640

(C) Nothing in division (H) of section 4112.02 of the 3641
Revised Code limits the applicability of any reasonable local, 3642
state, or federal restrictions regarding the maximum number of 3643
occupants permitted to occupy housing accommodations. Nothing in 3644
that division prohibits the owners or managers of housing 3645
accommodations from implementing reasonable occupancy standards 3646
based on the number and size of sleeping areas or bedrooms and 3647
the overall size of a dwelling unit, provided that the standards 3648
are not implemented to circumvent the purposes of this chapter 3649
and are formulated, implemented, and interpreted in a manner 3650
consistent with this chapter and any applicable local, state, or 3651
federal restrictions regarding the maximum number of occupants 3652
permitted to occupy housing accommodations. 3653

(D) Nothing in division (H) of section 4112.02 of the 3654
Revised Code requires that housing accommodations be made 3655
available to an individual whose tenancy would constitute a 3656
direct threat to the health or safety of other individuals or 3657
whose tenancy would result in substantial physical damage to the 3658
property of others. 3659

(E) Nothing in division (H) of section 4112.02 of the 3660
Revised Code pertaining to discrimination on the basis of 3661
familial status shall be construed to apply to any of the 3662
following: 3663

(1) Housing accommodations provided under any state or 3664
federal program that have been determined under the "Fair 3665

Housing Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C. 3607, 3666
as amended, to be specifically designed and operated to assist 3667
elderly persons; 3668

(2) Housing accommodations intended for and solely 3669
occupied by persons who are sixty-two years of age or older; 3670

(3) Housing accommodations intended and operated for 3671
occupancy by at least one person who is fifty-five years of age 3672
or older per unit, as determined under the "Fair Housing 3673
Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C. 3607, as 3674
amended. 3675

(F) Nothing in divisions (H) (1) to (18) of section 4112.02 3676
of the Revised Code shall be construed to require any person 3677
selling or renting property to modify the property in any way or 3678
to exercise a higher degree of care for a person with a 3679
disability, to relieve any person with a disability of any 3680
obligation generally imposed on all persons regardless of 3681
disability in a written lease, rental agreement, or contract of 3682
purchase or sale, or to forbid distinctions based on the 3683
inability to fulfill the terms and conditions, including 3684
financial obligations, of the lease, agreement, or contract. 3685

Sec. 4112.05. (A) (1) The commission, as provided in this 3686
section, shall prevent any person from engaging in unlawful 3687
discriminatory practices₇. 3688

(2) The commission may at any time attempt to resolve 3689
allegations of unlawful discriminatory practices by the use of 3690
alternative dispute resolution, provided that, before 3691
instituting the formal hearing authorized by division (B) of 3692
this section, it shall attempt, by informal methods of 3693
conference, conciliation, and persuasion, to induce compliance 3694

with this chapter. 3695

(B) (1) Any person may file a charge with the commission 3696
alleging that another person has engaged or is engaging in an 3697
unlawful discriminatory practice. In the case of a charge 3698
alleging an unlawful discriminatory practice described in 3699
division (A), (B), (C), (D), (E), (F), (G), (I), or (J) of 3700
section 4112.02 or in section 4112.021 or 4112.022 of the 3701
Revised Code, the charge shall be in writing and under oath and 3702
shall be filed with the commission within six months after the 3703
alleged unlawful discriminatory practice was committed. In the 3704
case of a charge alleging an unlawful discriminatory practice 3705
described in division (H) of section 4112.02 of the Revised 3706
Code, the charge shall be in writing and under oath and shall be 3707
filed with the commission within one year after the alleged 3708
unlawful discriminatory practice was committed. 3709

(a) An oath under this chapter may be made in any form of 3710
affirmation the person deems binding on the person's conscience. 3711
Acceptable forms include, but are not limited to, declarations 3712
made under penalty of perjury. 3713

(b) Any charge timely received, via facsimile, postal 3714
mail, electronic mail, or otherwise, may be signed under oath 3715
after the limitations period for filing set forth under division 3716
(B)(1) of this section and will relate back to the original 3717
filing date. 3718

(2) Upon receiving a charge, the commission may initiate a 3719
preliminary investigation to determine whether it is probable 3720
that an unlawful discriminatory practice has been or is being 3721
engaged in. The commission also may conduct, upon its own 3722
initiative and independent of the filing of any charges, a 3723
preliminary investigation relating to any of the unlawful 3724

discriminatory practices described in division (A), (B), (C), 3725
(D), (E), (F), (I), or (J) of section 4112.02 or in section 3726
4112.021 or 4112.022 of the Revised Code. Prior to a 3727
notification of a complainant under division (B)(4) of this 3728
section or prior to the commencement of informal methods of 3729
conference, conciliation, and persuasion, or alternative dispute 3730
resolution, under that division, the members of the commission 3731
and the officers and employees of the commission shall not make 3732
public in any manner and shall retain as confidential all 3733
information that was obtained as a result of or that otherwise 3734
pertains to a preliminary investigation other than one described 3735
in division (B)(3) of this section. 3736

(3) (a) Unless it is impracticable to do so and subject to 3737
its authority under division (B)(3)(d) of this section, the 3738
commission shall complete a preliminary investigation of a 3739
charge filed pursuant to division (B)(1) of this section that 3740
alleges an unlawful discriminatory practice described in 3741
division (H) of section 4112.02 of the Revised Code, and shall 3742
take one of the following actions, within one hundred days after 3743
the filing of the charge: 3744

(i) Notify the complainant and the respondent that it is 3745
not probable that an unlawful discriminatory practice described 3746
in division (H) of section 4112.02 of the Revised Code has been 3747
or is being engaged in and that the commission will not issue a 3748
complaint in the matter; 3749

(ii) Initiate a complaint and schedule it for informal 3750
methods of conference, conciliation, and persuasion, or 3751
alternative dispute resolution; 3752

(iii) Initiate a complaint and refer it to the attorney 3753
general with a recommendation to seek a temporary or permanent 3754

injunction or a temporary restraining order. If this action is 3755
taken, the attorney general shall apply, as expeditiously as 3756
possible after receipt of the complaint, to the court of common 3757
pleas of the county in which the unlawful discriminatory 3758
practice allegedly occurred for the appropriate injunction or 3759
order, and the court shall hear and determine the application as 3760
expeditiously as possible. 3761

(b) If it is not practicable to comply with the 3762
requirements of division (B) (3) (a) of this section within the 3763
one-hundred-day period described in that division, the 3764
commission shall notify the complainant and the respondent in 3765
writing of the reasons for the noncompliance. 3766

(c) Prior to the issuance of a complaint under division 3767
(B) (3) (a) (ii) or (iii) of this section or prior to a 3768
notification of the complainant and the respondent under 3769
division (B) (3) (a) (i) of this section, the members of the 3770
commission and the officers and employees of the commission 3771
shall not make public in any manner and shall retain as 3772
confidential all information that was obtained as a result of or 3773
that otherwise pertains to a preliminary investigation of a 3774
charge filed pursuant to division (B) (1) of this section that 3775
alleges an unlawful discriminatory practice described in 3776
division (H) of section ~~4112.05~~ 4112.02 of the Revised Code. 3777

(d) Notwithstanding the types of action described in 3778
divisions (B) (3) (a) (ii) and (iii) of this section, prior to the 3779
issuance of a complaint or the referral of a complaint to the 3780
attorney general and prior to endeavoring to eliminate an 3781
unlawful discriminatory practice described in division (H) of 3782
section 4112.02 of the Revised Code by informal methods of 3783
conference, conciliation, and persuasion, or by alternative 3784

dispute resolution, the commission may seek a temporary or 3785
permanent injunction or a temporary restraining order in the 3786
court of common pleas of the county in which the unlawful 3787
discriminatory practice allegedly occurred. 3788

(4) If the commission determines after a preliminary 3789
investigation other than one described in division (B)(3) of 3790
this section that it is not probable that an unlawful 3791
discriminatory practice has been or is being engaged in, it 3792
shall notify any complainant under division (B)(1) of this 3793
section that it has so determined and that it will not issue a 3794
complaint in the matter. If the commission determines after a 3795
preliminary investigation other than the one described in 3796
division (B)(3) of this section that it is probable that an 3797
unlawful discriminatory practice has been or is being engaged 3798
in, it shall endeavor to eliminate the practice by informal 3799
methods of conference, conciliation, and persuasion, or by 3800
alternative dispute resolution. 3801

(5) Nothing said or done during informal methods of 3802
conference, conciliation, and persuasion, or during alternative 3803
dispute resolution, under this section shall be disclosed by any 3804
member of the commission or its staff or be used as evidence in 3805
any subsequent hearing or other proceeding. If, after a 3806
preliminary investigation and the use of informal methods of 3807
conference, conciliation, and persuasion, or alternative dispute 3808
resolution, under this section, the commission is satisfied that 3809
any unlawful discriminatory practice will be eliminated, it may 3810
treat the charge involved as being conciliated and enter that 3811
disposition on the records of the commission. If the commission 3812
fails to effect the elimination of an unlawful discriminatory 3813
practice by informal methods of conference, conciliation, and 3814
persuasion, or by alternative dispute resolution under this 3815

section and to obtain voluntary compliance with this chapter, 3816
the commission shall issue and cause to be served upon any 3817
person, including the respondent against whom a complainant has 3818
filed a charge pursuant to division (B) (1) of this section, a 3819
complaint stating the charges involved and containing a notice 3820
of an opportunity for a hearing before the commission, a member 3821
of the commission, or a hearing examiner at a place that is 3822
stated in the notice and that is located within the county in 3823
which the alleged unlawful discriminatory practice has occurred 3824
or is occurring or in which the respondent resides or transacts 3825
business. The hearing shall be held not less than thirty days 3826
after the service of the complaint upon the complainant, the 3827
aggrieved persons other than the complainant on whose behalf the 3828
complaint is issued, and the respondent, unless the complainant, 3829
an aggrieved person, or the respondent elects to proceed under 3830
division (A) (2) of section 4112.051 of the Revised Code when 3831
that division is applicable. If a complaint pertains to an 3832
alleged unlawful discriminatory practice described in division 3833
(H) of section 4112.02 of the Revised Code, the complaint shall 3834
notify the complainant, an aggrieved person, and the respondent 3835
of the right of the complainant, an aggrieved person, or the 3836
respondent to elect to proceed with the administrative hearing 3837
process under this section or to proceed under division (A) (2) 3838
of section 4112.051 of the Revised Code. 3839

(6) The attorney general shall represent the commission at 3840
any hearing held pursuant to division (B) (5) of this section and 3841
shall present the evidence in support of the complaint. 3842

(7) Any complaint issued pursuant to division (B) (5) of 3843
this section after the filing of a charge under division (B) (1) 3844
of this section shall be so issued within one year after the 3845
complainant filed the charge with respect to an alleged unlawful 3846

discriminatory practice. 3847

(C) (1) Any complaint issued pursuant to division (B) of 3848
this section may be amended by the commission, a member of the 3849
commission, or the hearing examiner conducting a hearing under 3850
division (B) of this section~~7~~. 3851

(a) Except as provided in division (C) (1) (b) of this 3852
section, a complaint issued pursuant to division (B) of this 3853
section may be amended at any time prior to or during the 3854
hearing. 3855

(b) If a complaint issued pursuant to division (B) of this 3856
section alleges an unlawful discriminatory practice described in 3857
division (H) of section 4112.02 of the Revised Code, the 3858
complaint may be amended at any time up to seven days prior to 3859
the hearing and not thereafter. 3860

(2) The respondent has the right to file an answer or an 3861
amended answer to the original and amended complaints and to 3862
appear at the hearing in person, by attorney, or otherwise to 3863
examine and cross-examine witnesses. 3864

(D) The complainant shall be a party to a hearing under 3865
division (B) of this section, and any person who is an 3866
indispensable party to a complete determination or settlement of 3867
a question involved in the hearing shall be joined. Any 3868
aggrieved person who has or claims an interest in the subject of 3869
the hearing and in obtaining or preventing relief against the 3870
unlawful discriminatory practices complained of shall be 3871
permitted to appear only for the presentation of oral or written 3872
arguments, to present evidence, perform direct and cross- 3873
examination, and be represented by counsel. The commission shall 3874
adopt rules, in accordance with Chapter 119. of the Revised Code 3875

governing the authority granted under this division. 3876

(E) In any hearing under division (B) of this section, the 3877
commission, a member of the commission, or the hearing examiner 3878
shall not be bound by the Rules of Evidence but, in ascertaining 3879
the practices followed by the respondent, shall take into 3880
account all reliable, probative, and substantial statistical or 3881
other evidence produced at the hearing that may tend to prove 3882
the existence of a predetermined pattern of employment or 3883
membership, provided that nothing contained in this section 3884
shall be construed to authorize or require any person to observe 3885
the proportion that persons of any race, color, religion, sex, 3886
military status, familial status, national origin, disability, 3887
age, or ancestry bear to the total population or in accordance 3888
with any criterion other than the individual qualifications of 3889
the applicant. 3890

(F) The testimony taken at a hearing under division (B) of 3891
this section shall be under oath and shall be reduced to writing 3892
and filed with the commission. Thereafter, in its discretion, 3893
the commission, upon the service of a notice upon the 3894
complainant and the respondent that indicates an opportunity to 3895
be present, may take further testimony or hear argument. 3896

(G) (1) (a) If, upon all reliable, probative, and 3897
substantial evidence presented at a hearing under division (B) 3898
of this section, the commission determines that the respondent 3899
has engaged in, or is engaging in, any unlawful discriminatory 3900
practice, whether against the complainant or others, the 3901
commission shall state its findings of fact and conclusions of 3902
law and shall issue and, subject to the provisions of Chapter 3903
119. of the Revised Code, cause to be served on the respondent 3904
an order requiring the respondent to ~~cease~~ do all of the 3905

following: 3906

(1) Cease and desist from the unlawful discriminatory 3907
practice, ~~requiring the respondent to take~~; 3908

(ii) Take any further affirmative or other action that 3909
will effectuate the purposes of this chapter, including, but not 3910
limited to, hiring, reinstatement, or upgrading of employees 3911
with or without back pay, or admission or restoration to union 3912
membership, ~~and requiring the respondent to report~~; 3913

(iii) Report to the commission the manner of compliance. 3914
~~If~~ 3915

If the commission directs payment of back pay, it shall 3916
make allowance for interim earnings. ~~If it~~ 3917

(b) If the commission finds a violation of division (H) of 3918
section 4112.02 of the Revised Code, in addition to the action 3919
described in division (G) (1) (a) of this section, the commission 3920
additionally ~~shall~~ may require the respondent to undergo 3921
recommendation in the form of a class, seminar, or any other 3922
type of remediation approved by the commission, may require the 3923
respondent to pay actual damages and reasonable attorney's fees, 3924
and may ~~award to the complainant punitive damages, vindicate~~ 3925
the public interest, assess a civil penalty against the 3926
respondent as follows: 3927

~~(a) (i)~~ If division (G) (1) (b) (ii) or ~~(e) (iii)~~ of this 3928
section does not apply, ~~punitive damages~~ a civil penalty in an 3929
amount not to exceed ten thousand dollars; 3930

~~(b) (ii)~~ If division ~~(G) (1) (e)~~ (G) (1) (b) (iii) of this 3931
section does not apply and if the respondent has been determined 3932
by a final order of the commission or by a final judgment of a 3933
court to have committed one violation of division (H) of section 3934

4112.02 of the Revised Code during the five-year period 3935
immediately preceding the date on which a complaint was issued 3936
pursuant to division (B) of this section, ~~punitive damages a~~ 3937
civil penalty in an amount not to exceed twenty-five thousand 3938
dollars; 3939

~~(e)-(iii)~~ If the respondent has been determined by a final 3940
order of the commission or by a final judgment of a court to 3941
have committed two or more violations of division (H) of section 3942
4112.02 of the Revised Code during the seven-year period 3943
immediately preceding the date on which a complaint was issued 3944
pursuant to division (B) of this section, ~~punitive a civil~~ 3945
penalty damages in an amount not to exceed fifty thousand 3946
dollars. 3947

(2) Upon the submission of reports of compliance, the 3948
commission may issue a declaratory order stating that the 3949
respondent has ceased to engage in particular unlawful 3950
discriminatory practices. 3951

(H) If the commission finds that no probable cause exists 3952
for crediting charges of unlawful discriminatory practices or 3953
if, upon all the evidence presented at a hearing under division 3954
(B) of this section on a charge, the commission finds that a 3955
respondent has not engaged in any unlawful discriminatory 3956
practice against the complainant or others, it shall state its 3957
findings of fact and shall issue and cause to be served on the 3958
complainant an order dismissing the complaint as to the 3959
respondent. A copy of the order shall be delivered in all cases 3960
to the attorney general and any other public officers whom the 3961
commission considers proper. 3962

If, upon all the evidence presented at a hearing under 3963
division (B) of this section on a charge, the commission finds 3964

that a respondent has not engaged in any unlawful discriminatory 3965
practice against the complainant or others, it may award to the 3966
respondent reasonable attorney's fees to the extent provided in 3967
5 U.S.C. 504 and accompanying regulations. 3968

(I) Until the time period for appeal set forth in division 3969
(H) of section 4112.06 of the Revised Code expires, the 3970
commission, subject to the provisions of Chapter 119. of the 3971
Revised Code, at any time, upon reasonable notice, and in the 3972
manner it considers proper, may modify or set aside, in whole or 3973
in part, any finding or order made by it under this section. 3974

Sec. 4112.08. This chapter shall be construed liberally 3975
for the accomplishment of its purposes, and any law inconsistent 3976
with any provision of this chapter shall not apply. Nothing 3977
contained in this chapter shall be considered to repeal any of 3978
the provisions of any law of this state relating to 3979
discrimination because of race, color, religion, sex, military 3980
status, familial status, disability, national origin, age, or 3981
ancestry, except that any person filing a charge under division 3982
(B) (1) of section 4112.05 of the Revised Code, with respect to 3983
the unlawful discriminatory practices complained of, is barred 3984
from instituting a civil action under section 4112.14 or 3985
division ~~(N)~~ (L) of section 4112.02 of the Revised Code. 3986

Sec. 4112.09. The executive director, administrative law 3987
judge, compliance officer, each field investigator, and each 3988
field coordinator, mediator, regional director, and supervisor 3989
of the Ohio civil rights commission, and any person appointed 3990
and commissioned as a notary public in this state, with respect 3991
to matters relating to ~~his~~ official duties, may administer 3992
oaths, take affidavits, and acknowledgements, and attest the 3993
execution of any instrument in writing. The executive director 3994

shall file in the office of the secretary of the state the name 3995
and residence address of the occupant of each of the offices 3996
listed in this section ~~and shall cancel such filing and make a~~ 3997
~~new filing in a single document whenever the occupant of any~~ 3998
~~such office changes~~ on a quarterly basis. 3999

The secretary of state shall record and index the filings 4000
required under this section and the filings shall be open to 4001
public inspection. 4002

Sec. 4112.14. (A) No employer shall discriminate in any 4003
job opening against any applicant or discharge without just 4004
cause any employee aged forty or older who is physically able to 4005
perform the duties and otherwise meets the established 4006
requirements of the job and laws pertaining to the relationship 4007
between employer and employee. 4008

(B) Any person aged forty or older who is discriminated 4009
against in any job opening or discharged without just cause by 4010
an employer in violation of division (A) of this section may 4011
institute a civil action against the employer in a court of 4012
competent jurisdiction. If the court finds that an employer has 4013
discriminated on the basis of age, the court shall order an 4014
appropriate remedy which shall include reimbursement to the 4015
applicant or employee for the costs, including reasonable 4016
attorney's fees, of the action, or to reinstate the employee in 4017
the employee's former position with compensation for lost wages 4018
and any lost fringe benefits from the date of the illegal 4019
discharge and to reimburse the employee for the costs, including 4020
reasonable attorney's fees, of the action. The remedies 4021
available under this section are coexistent with remedies 4022
available pursuant to sections 4112.01 to 4112.11 of the Revised 4023
Code; except that any person instituting a civil action under 4024

this section is, with respect to the practices complained of, 4025
thereby barred from instituting a civil action under division 4026
~~(N)~~ (L) of section 4112.02 of the Revised Code or from filing a 4027
charge with the Ohio civil rights commission under section 4028
4112.05 of the Revised Code. 4029

(C) The cause of action described in division (B) of this 4030
section and any remedies available pursuant to sections 4112.01 4031
to 4112.11 of the Revised Code shall not be available in the 4032
case of discharges where the employee has available to the 4033
employee the opportunity to arbitrate the discharge or where a 4034
discharge has been arbitrated and has been found to be for just 4035
cause. 4036

Sec. 5709.87. (A) As used in this section: 4037

(1) "Improvement," "building," "fixture," and "structure" 4038
have the same meanings as in section 5701.02 of the Revised 4039
Code. 4040

(2) ~~"Applicable standards," "property," "Property,"~~ 4041
"remedy," and "remedial activities" have the same meanings as in 4042
section 3746.01 of the Revised Code. 4043

(B) The director of environmental protection, after 4044
issuing a covenant not to sue for property under section 3746.12 4045
of the Revised Code and determining that remedies or remedial 4046
activities have commenced or been completed at that property to 4047
the satisfaction of the director, shall certify to the tax 4048
commissioner and to the director of development services that 4049
such a covenant has been issued ~~and, that~~ such remedies or 4050
remedial activities have occurred at that property, and the date 4051
on which those remedial activities began. The certification 4052
shall be in such form as is agreed upon by the directors of 4053

environmental protection and development services and the tax 4054
commissioner and shall include a description of the property in 4055
sufficient detail for the tax commissioner and director of 4056
development services to determine the boundaries of the property 4057
entitled to exemption from taxation under this section. 4058

(C) (1) (a) Upon receipt by the tax commissioner of a 4059
certification for property under division (B) of this section, 4060
the commissioner shall issue an order granting an exemption from 4061
real property taxation of the increase in the assessed value of 4062
land constituting property that is described in the 4063
certification, ~~and of the increase in the assessed value of~~ 4064
improvements, buildings, fixtures, and structures that are 4065
~~situated on that land at the time the order is issued as~~ 4066
~~indicated on the current tax lists~~ on the tax lien date of the 4067
year in which the remedial activities began. For each tax year 4068
of the exemption allowed under this section, this increase in 4069
assessed value shall equal the amount by which the assessed 4070
value of that land or those improvements, buildings, fixtures, 4071
or structures on the tax lien date of that year as indicated on 4072
the tax list for that year exceeds the assessed value of that 4073
land or those improvements, buildings, fixtures, or structures 4074
on the tax lien date of the year in which the remedial 4075
activities began as indicated on the tax list for that year. The 4076
exemption shall commence on the first day of the tax year 4077
including the day on which the order is issued and shall end on 4078
the last day of the tenth tax year after issuance of the order. 4079
The order shall include a description of the property and the 4080
tax years for which the property is to be exempted from 4081
taxation. The commissioner shall send copies of the exemption 4082
order to the owner of record of the property to which the 4083
exemption applies and to the county auditor of each county in 4084

which any portion of that property is located. 4085

(b) Within sixty days after receiving the commissioner's 4086
order, the owner of record of the property may notify the 4087
commissioner in writing that the owner does not want the 4088
exemption from real property taxation provided under division 4089
(C) (1) of this section to apply. Upon receiving such a 4090
notification from the property owner of record, the commissioner 4091
shall issue a subsequent order rescinding the previously granted 4092
exemption. 4093

(2) The director of development services shall maintain a 4094
record of certifications received under this section for 4095
purposes of section 5709.88 of the Revised Code. 4096

(D) Any sale or other transfer of the property does not 4097
affect an exemption granted under division (C) of this section. 4098
The exemption shall continue in effect thereafter for the full 4099
period stated in the exemption order. 4100

(E) If at any time the director revokes a covenant not to 4101
sue under Chapter 3746. of the Revised Code and rules adopted 4102
under it for property concerning which the commissioner has 4103
issued an exemption order under division (C) of this section, 4104
the director shall so notify the commissioner and the 4105
legislative authority of the municipal corporation and county in 4106
which the property is located. The commissioner immediately 4107
shall rescind the exemption order and shall so notify the owner 4108
of record of the property and the county auditor of each county 4109
in which any portion of the property is located. 4110

Upon revocation of the covenant not to sue, the owner of 4111
record shall pay the amount of taxes that would have been 4112
charged against the property had the property not been exempted 4113

from taxation for the period beginning with commencement of the 4114
exemption and ending with the date of revocation of the covenant 4115
not to sue. The county auditor shall return the property to the 4116
tax list and enter on the tax list the amount so payable as 4117
current taxes charged against the property. Taxes required to be 4118
paid pursuant to this section are payable in full on the first 4119
succeeding day on which the first one-half of taxes is required 4120
to be paid under section 323.12 of the Revised Code. If such 4121
taxes are not paid in full when due, a penalty shall be charged, 4122
and interest shall accrue on those taxes, as provided in section 4123
323.121 of the Revised Code. In cases of underpayment or 4124
nonpayment, the deficiency shall be collected as otherwise 4125
provided for the collection of delinquent real property taxes. 4126

Section 2. That existing sections 307.94, 307.95, 323.47, 4127
705.92, 1303.01, 1303.05, 1303.14, 1303.18, 1303.35, 1303.401, 4128
1303.56, 1303.57, 1303.59, 1303.67, 1303.69, 1304.01, 1304.17, 4129
1304.18, 1304.22, 1304.27, 1304.32, 1304.35, 1349.21, 1739.05, 4130
2308.02, 2308.03, 2327.02, 2329.071, 2329.152, 2329.17, 4131
2329.211, 2329.311, 2329.52, 3109.172, 3501.11, 3501.38, 4132
3501.39, 3735.67, 3735.671, 4112.02, 4112.05, 4112.08, 4112.09, 4133
4112.14, and 5709.87 and section 1303.70 of the Revised Code are 4134
hereby repealed. 4135

Section 3. (A) The amendment by this act of sections 4136
3735.67 and 3735.671 of the Revised Code applies to applications 4137
for exemption that have been filed but not yet granted, or are 4138
filed, on or after the effective date of this act. 4139

(B) The amendment by this act of section 5709.87 of the 4140
Revised Code applies to certifications made and orders issued 4141
under that section on or after the effective date of this act. 4142

Section 4. Section 1739.05 of the Revised Code is 4143

presented in this act as a composite of the section as amended 4144
by Am. Sub. H.B. 64, Sub. H.B. 116, and Sub. S.B. 129, all of 4145
the 131st General Assembly. The General Assembly, applying the 4146
principle stated in division (B) of section 1.52 of the Revised 4147
Code that amendments are to be harmonized if reasonably capable 4148
of simultaneous operation, finds that the composite is the 4149
resulting version of the section in effect prior to the 4150
effective date of the section as presented in this act. 4151

Section 5. Sections 1739.05 and 1751.84 of the Revised 4152
Code, as amended or enacted by this act, apply only to policies, 4153
contracts, and agreements that are delivered, issued for 4154
delivery, or renewed in this state on or after January 1, 2018. 4155
Section 3923.84 of the Revised Code, as enacted by this act, 4156
applies only to policies of sickness and accident insurance 4157
issued for delivery or renewed in this state on or after January 4158
1, 2018. 4159

Section 6. It is the intent of the General Assembly to 4160
implement a two-year moratorium on any new health care mandates 4161
impacting individual and group health insurance plans that are 4162
not subject to the "Employee Retirement Income Security Act of 4163
1974," 29 U.S.C. 1001, et seq. Further, it is the intent of the 4164
General Assembly to develop potential tax credits that offset 4165
additional employer costs associated with health care mandates. 4166