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Representatives Kick, Young, B.

Cosponsors: Representatives Ginter, Stephens, Riedel, Lanese, Seitz, Jordan, Stoltzfus, Jones, Cross, Fowler Arthur, Miller, J., Koehler, Abrams, Brent, Carruthers, Crossman, Ferguson, Hicks-Hudson, Jarrells, Leland, Lightbody, Miller, A., O'Brien, Robinson, Sobeki, Upchurch, Weinstein, Wilkin

Senators Hackett, Schaffer, Cirino, Craig, O'Brien, Roegner, Rulli

A BILL

To amend sections 4707.01, 4707.02, 4707.021, 1
4707.04, 4707.05, 4707.06, 4707.07, 4707.073, 2
4707.08, 4707.091, 4707.10, 4707.11, 4707.12, 3
4707.14, 4707.15, 4707.151, 4707.16, 4707.171, 4
4707.18, 4707.19, 4707.20, 4707.21, 4707.22, 5
4707.25, 5322.01, and 5322.03; to enact sections 6
4707.101 and 4707.153; and to repeal sections 7
4707.071 and 4707.09 of the Revised Code to 8
eliminate the apprentice auctioneer and special 9
auctioneer's license, to make other revisions to 10
the law governing auctions, and to make changes 11
to the lien enforcement notice and towing 12
provisions of the self-service storage 13
facilities law. 14

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

Section 1. That sections 4707.01, 4707.02, 4707.021, 15
4707.04, 4707.05, 4707.06, 4707.07, 4707.073, 4707.08, 4707.091, 16

4707.10, 4707.11, 4707.12, 4707.14, 4707.15, 4707.151, 4707.16, 17
4707.171, 4707.18, 4707.19, 4707.20, 4707.21, 4707.22, 4707.25, 18
5322.01, and 5322.03 be amended and sections 4707.101 and 19
4707.153 of the Revised Code be enacted to read as follows: 20

Sec. 4707.01. As used in this chapter: 21

~~(A)~~ "Auction" means a method of sale of real or personal 22
property, goods, or chattels, at a predetermined date and time, 23
by means of a verbal exchange, regular mail, telecommunications, 24
the internet, an electronic transmission, or a physical gesture 25
between an auctioneer ~~or apprentice auctioneer~~ and members of 26
the audience or prospective purchasers, the exchanges and 27
gestures consisting of a series of invitations for offers made 28
by the auctioneer and offers by members of the audience or 29
prospective purchasers, with the right to acceptance of offers 30
with the auctioneer ~~or apprentice auctioneer~~. "Auction" includes 31
a sale of real or personal property, goods, or chattels in which 32
there has been a solicitation or invitation by advertisement to 33
the public for an advance in bidding using sealed bidding, 34
provided that the bids are opened and there is a call for an 35
advancement of the bids. 36

~~(B)~~ "Auctioneer" means any person who engages, or who by 37
advertising or otherwise holds the person out as being able to 38
engage, in the calling for, recognition of, and the acceptance 39
of, offers for the purchase of real or personal property, goods, 40
or chattels at auction either directly or through the use of 41
other licensed auctioneers ~~or apprentice auctioneers~~. 42

~~(C)~~ "Apprentice auctioneer" means any individual who is 43
~~sponsored by an auctioneer to deal or engage in any activities~~ 44
~~mentioned in division (A) of this section.~~ 45

~~(D) "Special auctioneer" means any person who currently is~~ 46
~~subject to section 4707.071 of the Revised Code.~~ 47

~~(E)~~ "Absolute auction" means an auction of real or 48
personal property to which all of the following apply: 49

(1) The property is sold to the highest bidder without 50
reserve. 51

(2) The auction does not require a minimum bid. 52

(3) The auction does not require competing bids of any 53
type by the seller or an agent of the seller. 54

(4) The seller of the property cannot withdraw the 55
property from auction after the auction is opened and there is 56
public solicitation or calling for bids unless no bid is made 57
within a reasonable time. 58

~~(F)~~ "Reserve auction" means an auction in which the seller 59
or an agent of the seller reserves the right to establish a 60
stated minimum bid, the right to reject or accept any or all 61
bids, or the right to withdraw the real or personal property at 62
any time prior to the completion of the auction by the 63
auctioneer. 64

~~(G)~~ "Auction mediation company" means a company that 65
provides a forum through the internet for a person to sell the 66
person's real or personal property via the submission of silent 67
bids using a computer or other electronic device. 68

~~(H)~~ "Public authority" means any board or commission of 69
the state or any officer of such a board or commission, or any 70
political subdivision of the state. 71

~~(I)~~ "Estate auction" means the auction of real or personal 72
property of a deceased person. 73

~~(J)~~—"Absentee bidding" means a method by which a potential purchaser authorizes a proxy to place on behalf of the potential purchaser a written or oral bid to an auctioneer or auction firm or an agent of an auctioneer or auction firm.

~~(K)~~—"Person" means an individual, sole proprietor, corporation, limited liability company, association, or partnership.

~~(L)~~—"Auction firm" means a person who provides auction services for online or live auctions.

~~(M)~~—"Auction services" means arranging, managing, and sponsoring a personal property auction. "Auction services" includes the taking and advertising of personal property on consignment to be sold at an online or live auction by a licensed auctioneer for a fee or other consideration.

~~(N)~~—"Consignee" means a person or auction firm that, in the regular course of business, takes personal property on consignment to be sold at an online or live auction by a licensed auctioneer.

~~(O)~~—"Firm manager" means the individual designated by an auction firm who is responsible for ensuring that the auction firm complies with this chapter.

~~(P)~~—"Sealed bidding" means a method of submitting a bid in writing by one or more persons following which the bids are opened at an advertised, predetermined time and place, and, after a review of all the bids received, the real or personal property is awarded to the highest and most responsive bidder.

~~(Q)~~—"Multi-parcel auction" means any auction of real or personal property in which multiple parcels or lots are offered for sale in various amalgamations, including as individual

parcels or lots, combinations of parcels or lots, and all 103
parcels or lots as a whole. 104

"Live auction" means an auction that is hosted by an 105
auctioneer in real time. 106

"Online auction" means an auction or sale at auction of 107
real or personal property that is conducted via a web site or 108
similar interactive communication media in which the web site or 109
similar interactive communication media accepts and rejects bids 110
and declares items, parcels, or lots sold. 111

Sec. 4707.02. (A) No person shall act as an auction firm, ~~112
or auctioneer, apprentice auctioneer, or special auctioneer~~ 113
within this state without a license issued by the department of 114
agriculture. No auction shall be conducted in this state except 115
by an auctioneer licensed by the department. 116

Except as provided in division (D) of this section, the 117
department shall not issue or renew a license if the applicant 118
or licensee has been convicted of a felony or crime involving 119
fraud or theft in this or another state at any time during the 120
ten years immediately preceding application or renewal. 121

(B) Division (A) of this section does not apply to any of 122
the following: 123

(1) Sales at auction that either are required by law to be 124
at auction, other than sales pursuant to a judicial order or 125
decree, or are conducted by or under the direction of a public 126
authority; 127

(2) The owner of any real or personal property desiring to 128
sell the property at auction, provided that the property was not 129
acquired for the purpose of resale; 130

(3) An auction mediation company;	131
(4) An auction that is conducted in a course of study for auctioneers that is approved by the state auctioneers commission created under section 4707.03 of the Revised Code for purposes of student training and is supervised by a licensed auctioneer;	132 133 134 135
(5) (a) An auction that is sponsored by a nonprofit or charitable organization that is registered in this state under Chapter 1702. or Chapter 1716. of the Revised Code, respectively, if the auction only involves the property of the members of the organization and the auction is part of a fair that is organized by an agricultural society under Chapter 1711. of the Revised Code or by the Ohio expositions commission under Chapter 991. of the Revised Code at which an auctioneer who is licensed under this chapter physically conducts the auction;	136 137 138 139 140 141 142 143 144
(b) Sales at an auction sponsored by a charitable, religious, or civic organization that is tax exempt under subsection 501(c) (3) of the Internal Revenue Code, or by a public school, chartered nonpublic school, or community school, if no person in the business of organizing, arranging, or conducting an auction for compensation and no consignor of consigned items sold at the auction, except such organization or school, receives compensation from the proceeds of the auction. As used in division (B) (5) (b) of this section, "compensation" means money, a thing of value other than participation in a charitable event, or a financial benefit.	145 146 147 148 149 150 151 152 153 154 155
(c) Sales at an auction sponsored by an organization that is tax exempt under subsection 501(c) (6) of the Internal Revenue Code and that is a part of a national, regional, or state convention or conference that advances or promotes the auction profession in this state when the property to be sold is donated	156 157 158 159 160

to or is the property of the organization and the proceeds 161
remain within the organization or are donated to a charitable 162
organization that is tax exempt under subsection 501(c)(3) of 163
the Internal Revenue Code. 164

(6) A person licensed as a livestock dealer under Chapter 165
943. of the Revised Code who exclusively sells livestock and 166
uses an auctioneer who is licensed under this chapter to conduct 167
the auction; 168

(7) A person licensed as a motor vehicle auction owner 169
under Chapter 4517. of the Revised Code who exclusively sells 170
motor vehicles to a person licensed under Chapter 4517. of the 171
Revised Code and who uses an auctioneer who is licensed under 172
this chapter to conduct the auction; 173

~~(8) Sales of real or personal property conducted by means 174
of the internet, provided that they are not conducted in 175
conjunction with a live auction; 176~~

~~(9) A bid calling contest that is approved by the 177
commission and that is conducted for the purposes of the 178
advancement or promotion of the auction profession in this 179
state; 180~~

~~(10)~~ (9) An auction at which the champion of a national or 181
international bid calling contest appears, provided that both of 182
the following apply: 183

(a) The champion is not paid a commission. 184

(b) The auction is conducted under the direct supervision 185
of an auctioneer licensed under this chapter in order to ensure 186
that the champion complies with this chapter and rules adopted 187
under it. 188

(C) (1) No person shall advertise or hold oneself out as an auction firm, or auctioneer, ~~apprentice auctioneer, or special auctioneer~~ without a license issued by the department of agriculture.

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

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

Sec. 4707.021. Only an auctioneer who is licensed under this chapter and who is licensed as a real estate broker or a real estate salesperson under Chapter 4735. of the Revised Code shall sign an auction contract for the sale of real property at auction. A real estate broker who is licensed under Chapter 4735. of the Revised Code, but who is not licensed as an auctioneer under this chapter shall not sign an auction contract or conduct an auction, but may contract for the sale of real property at auction only if either of the following applies:

(A) The auctioneer who signs the auction contract and who conducts the auction is a salesperson licensed under Chapter 4735. of the Revised Code and is associated with the real estate broker who contracts for the sale of real property.

(B) The real estate broker enters into a cooperative agreement with another real estate broker licensed under Chapter 4735. of the Revised Code with whom an auctioneer licensed under this chapter is associated and the auctioneer is solely responsible for signing the auction contract and conducting the auction.

~~An apprentice auctioneer who is licensed as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code may act as a bid caller in the sale of real property at auction if the sponsoring auctioneer is licensed under this chapter and is licensed as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code.~~

Nothing in this section shall be construed to permit a business to contract for the sale of real property at auction through an individual who is not licensed under this chapter and Chapter 4735. of the Revised Code.

Sec. 4707.04. (A) The state auctioneers commission shall, upon qualification of the member or members appointed in each year, select from its members a chairperson, and shall serve in an advisory capacity to the department of agriculture for the purpose of carrying out this chapter. The commission shall meet not less than four times annually.

(B) (1) The commission shall establish requirements and standards for ~~courses~~ both of the following:

(a) Courses of study in auctioneering;

(b) Courses of study for purposes of continuing education under section 4707.101 of the Revised Code. ~~The~~

(2) The commission triennially shall review the courses of study in auctioneering that are offered at institutions and continuing education providers in order to determine whether the courses comply with those the requirements and standards established under division (B) (1) of this section. The commission shall approve institutions and continuing education providers that offer courses that comply with the requirements and standards. If an institution or continuing education

provider is not approved, the institution or continuing 247
education provider may reapply for approval within a year of the 248
disapproval. If at that time the commission approves the 249
institution or continuing education provider, the institution or 250
continuing education provider shall be approved for the 251
remainder of the triennial period. The commission, prior to the 252
triennial review, may place on probationary status or revoke the 253
approval of any institution or continuing education provider 254
that provides a course of study ~~in auctioneering~~ if the 255
institution or continuing education provider fails to comply 256
with the requirements and standards established under ~~this~~ 257
division (B) (1) of this section. 258

~~(C) Members of the commission who are licensed auctioneers~~ 259
~~under this chapter shall administer the oral licensing~~ 260
~~examination required under section 4707.08 of the Revised Code.~~ 261

~~(D)~~ Each commissioner shall receive the commissioner's 262
actual and necessary expenses incurred in the discharge of the 263
commissioner's duties. Each commissioner also shall receive a 264
per diem salary from the auctioneers fund created in section 265
4707.05 of the Revised Code for each meeting attended. The 266
director of agriculture shall adopt rules in accordance with 267
Chapter 119. of the Revised Code establishing the per diem 268
salary. 269

~~(E)~~ (D) The commission may form subcommittees for purposes 270
of research, education, and promotion of the auctioneering 271
profession. If a majority of the members of the commission 272
approves, the members of a subcommittee may be reimbursed from 273
the auction education fund created in section 4707.171 of the 274
Revised Code for the actual and necessary expenses incurred in 275
the discharge of their duties. 276

~~(F)~~ (E) Serving as a member of the commission does not 277
constitute holding a public office or position of employment 278
under the laws of this state and does not constitute grounds for 279
removal of public officers or employees from their offices or 280
positions of employment. 281

~~(G)~~ (F) The commission may advise the director on actions 282
of the director as required under this chapter. 283

Sec. 4707.05. Except as otherwise provided in section 284
4707.25 of the Revised Code, all fees and charges collected by 285
the department of agriculture pursuant to this chapter shall be 286
paid into the state treasury to the credit of the auctioneers 287
fund, which is hereby created. All expenses incurred by the 288
department in administering this chapter shall be paid out of 289
the fund. The total expenses incurred by the department in the 290
administration of this chapter shall not exceed the total fees, 291
charges, fines, and penalties imposed under sections 4707.08, 292
4707.10, and 4707.99 of the Revised Code and paid to the 293
treasurer of state. The department may conduct education 294
programs for the enlightenment and benefit of all auctioneers 295
who have paid fees pursuant to sections 4707.08 and 4707.10 of 296
the Revised Code. 297

~~At the end of each fiscal year, if the balance of the fund~~ 298
~~is greater than three hundred thousand dollars, the director of~~ 299
~~agriculture shall request the director of budget and management~~ 300
~~to, and the director of budget and management shall, transfer~~ 301
~~twenty five per cent of the balance that is in excess of three~~ 302
~~hundred thousand dollars to the auction recovery fund created in~~ 303
~~section 4707.25 of the Revised Code.~~ 304

Sec. 4707.06. The department of agriculture shall maintain 305
a record of the names and addresses of all auction firms, and 306

~~auctioneers, apprentice auctioneers, and special auctioneers~~ 307
licensed by the department. This record shall also include a 308
list of all persons whose licenses have been suspended or 309
revoked as well as any other information relative to the 310
enforcement of this chapter that the department considers of 311
interest to the public. 312

Sec. 4707.07. (A) The department of agriculture may grant 313
~~an auctioneer's licenses~~ license to those individuals who are an 314
individual who is determined to be qualified by the department. 315
Each individual who applies for an auctioneer's license shall 316
furnish to the department, on forms provided by the department, 317
satisfactory proof that the applicant: 318

(1) Has attained the age of at least eighteen years; 319

(2) Has ~~done one of the following:~~ 320

~~(a) Met the apprenticeship requirements set forth in~~ 321
~~section 4707.09 of the Revised Code;~~ 322

~~(b) Met the requirements of section 4707.12 of the Revised~~ 323
~~Code~~ successfully completed a course of study in auctioneering at 324
an institution that is approved by the state auctioneers 325
commission. 326

(3) Has a general knowledge of the following: 327

(a) The requirements of the Revised Code relative to 328
auctioneers; 329

(b) The auction profession; 330

(c) The principles involved in conducting an auction; 331

(d) Any local and federal laws regarding the profession of 332
auctioneering. 333

(4) Has satisfied the financial responsibility 334
requirements established under section 4707.11 of the Revised 335
Code if applicable. 336

~~(B) Auctioneers who served apprenticeships and who hold~~ 337
~~licenses issued before May 1, 1991, and who seek renewal of~~ 338
~~their licenses, are not subject to the additional apprenticeship~~ 339
~~requirements imposed by section 4707.09 of the Revised Code~~ 340
If 341
the department determines that an application is incomplete, the 342
department shall notify the applicant that the application is 343
incomplete and inform the applicant of the information that is 344
missing from the application. An applicant shall submit the 345
additional information within ninety days after being notified 346
by the department that the application is incomplete. If an 347
applicant fails to submit the required information within that 348
ninety-day period, the department shall deny the application and 349
the applicant shall forfeit the application fee to the 350
department.

(C) A licensee may do business under more than one 351
registered name, but not to exceed three registered names, 352
provided that the names have been approved by the department. 353
The department may reject the application of any person seeking 354
licensure under this chapter if the name or names to be used by 355
the applicant are likely to mislead the public, or if the name 356
or names do not distinguish the applicant from the name or names 357
of any existing person licensed under this chapter. If an 358
applicant applies to the department to do business under three 359
names, the department may charge a fee of ten dollars for the 360
third name. 361

~~(D) The department, in its discretion, may waive the~~ 362
~~schooling and apprenticeship requirements for a resident of this~~ 363

~~state, provided that the resident holds a valid auctioneer's~~ 364
~~license that was issued by a state with which the department has~~ 365
~~entered into a reciprocal licensing agreement and the resident~~ 366
~~is in good standing with that state. The applicant shall provide~~ 367
~~proof that is satisfactory to the department that the applicant~~ 368
~~has had two years of experience as an auctioneer immediately~~ 369
~~preceding the date of application that includes at a minimum~~ 370
~~twelve auctions in which the applicant was a bid caller in the~~ 371
~~reciprocal state.~~ 372

Sec. 4707.073. (A) No corporation, limited liability 373
company, general or limited partnership, or unincorporated 374
association shall act or hold itself out as an auctioneer 375
without a valid auctioneer's license issued under this section. 376
~~This section does not apply to a person who is issued a license~~ 377
~~under section 4707.071 of the Revised Code.~~ 378

(B) The department of agriculture may grant an 379
auctioneer's license to a corporation, limited liability 380
company, general or limited partnership, or unincorporated 381
association that is determined to be qualified by the 382
department. Every applicant for a license under this section 383
shall furnish to the department, on forms provided by the 384
department, satisfactory proof that the applicant: 385

(1) Is in good standing with the secretary of state if the 386
applicant is a corporation; 387

(2) Is of trustworthy character; 388

(3) Has provided proof of financial responsibility as 389
required in section 4707.11 of the Revised Code; 390

(4) Is registered with the secretary of state or a local 391
authority, as applicable, to do business in this state; 392

(5) Has complied with any other requirement that the 393
director establishes in rules adopted under section 4707.19 of 394
the Revised Code. 395

(C) An application submitted under this section shall list 396
the names of all of the owners, directors, partners, or members 397
of the applicant, as applicable, and shall indicate those that 398
have an auctioneer's license issued under section 4707.07 of the 399
Revised Code. 400

(D) The department shall not issue a license under this 401
section unless one of the following applies, as applicable: 402

(1) If the applicant is a limited liability company or a 403
general or limited partnership, not less than fifty per cent of 404
the members or general partners have a current license issued 405
under section 4707.07 of the Revised Code. 406

(2) If the applicant is a corporation, not less than fifty 407
per cent of the directors and the president or chief executive 408
have a current license issued under section 4707.07 of the 409
Revised Code. 410

(3) If the applicant is an unincorporated association, not 411
less than fifty per cent of the members have a current license 412
issued under section 4707.07 of the Revised Code. 413

Failure of a corporation, limited liability company, 414
partnership, or unincorporated association to maintain the 415
applicable requirements of this division after the issuance of a 416
license under this section may be sufficient cause for the 417
revocation of the license under section 4707.15 of the Revised 418
Code. 419

(E) Upon the issuance of a license under this section, a 420
corporation, limited liability company, partnership, or 421

unincorporated association shall designate an individual from 422
among its directors, partners, or members who is licensed under 423
section 4707.07 of the Revised Code as its agent for purposes of 424
communication with the department. If that individual ceases to 425
be the agent, the corporation, limited liability company, 426
partnership, or unincorporated association shall notify the 427
department not later than ten days after the day on which the 428
individual ceases to be the agent. Upon notification to the 429
department, the license of the corporation, limited liability 430
company, partnership, or unincorporated association, as 431
applicable, immediately shall terminate. If the corporation, 432
limited liability company, partnership, or unincorporated 433
association notifies the department of the designation of a new 434
agent in accordance with the requirements of this division and 435
pays a fee in the amount of ten dollars, the department shall 436
issue the corporation, limited liability company, partnership, 437
or unincorporated association a new license. 438

(F) This section does not preclude a corporation, limited 439
liability company, partnership, or unincorporated association 440
from selling real property at auction, provided that the 441
requirements of this section and section 4707.021 and Chapter 442
4735. of the Revised Code are satisfied. 443

(G) A person licensed as a real estate broker under 444
Chapter 4735. of the Revised Code shall not be required to 445
obtain a license under this section if the person complies with 446
sections 4707.021 and 4707.22 of the Revised Code. 447

Sec. 4707.08. (A) The department of agriculture shall hold 448
written examinations ~~four times each year for the purpose of~~ 449
~~testing the qualifications required for obtaining a license~~ 450
~~under section 4707.07 of the Revised Code and twelve times each~~ 451

year for obtaining a license under section ~~4707.09~~4707.07 of 452
the Revised Code and for unlicensed auction firm managers as 453
required under division (D) of section 4707.074 of the Revised 454
Code. The written examination shall be held at the department or 455
at an alternative location determined by the department. ~~In~~ 456
~~addition to the written examination, auctioneer license~~ 457
~~applicants shall pass an oral examination administered by the~~ 458
~~state auctioneers commission on the same date and at the same~~ 459
~~location as the written examination.~~ An examination shall not be 460
required for the renewal of any license unless the license has 461
been revoked, ~~suspended,~~ or allowed to expire without renewal, 462
in which case the applicant shall take and pass the appropriate 463
~~examinations~~ examination offered by the department. 464

An examination fee of twenty-five dollars shall be 465
collected from each person taking the auctioneer examination and 466
fifteen dollars from each person taking ~~either the apprentice~~ 467
~~auctioneer examination or~~ the auction firm manager examination 468
to defray expenses of holding the examinations. 469

(B) All applications and proofs shall be filed by each 470
applicant before the scheduled date of examination, and shall be 471
accompanied by proof of financial responsibility and a license 472
fee. In order to be seated for an examination held under this 473
section, an applicant shall have a complete application on file 474
with the department not later than fourteen days prior to the 475
examination date. 476

(C) If a court of competent jurisdiction or the 477
department, at an administrative hearing, has found that an 478
applicant conducted an auction, provided auction services, or 479
acted as an auctioneer without a license issued under this 480
chapter, the department may refuse to allow the applicant to 481

take an examination under this section or may deny the issuance 482
of a license to the applicant for a period of two years. 483

(D) (1) If an applicant for a license fails to pass the 484
examination, the applicant may take the examination on the next 485
scheduled date for the examination. If an applicant fails to 486
pass the examination on the second consecutive attempt, the 487
applicant shall not take the examination on the next scheduled 488
date for the examination. 489

(2) If an applicant for a license fails to pass the 490
examination on the third attempt, the applicant shall attend 491
auction school a second time before the applicant may take the 492
examination. If an applicant for a license fails to pass the 493
examination on the fourth attempt, the applicant shall not take 494
the examination for at least one year from the date of the last 495
failed attempt. 496

(3) If an individual who is taking the examination for an 497
auction firm manager fails to pass the examination on the third 498
attempt, the individual shall not take the examination for one 499
year from the date of the last failed attempt. 500

Sec. 4707.091. (A) Prior to the expiration of an 501
auctioneer's ~~or apprentice auctioneer's~~ license, an auctioneer 502
~~or apprentice auctioneer~~ may submit an application to the 503
department of agriculture, on forms provided by the department, 504
to place the license on deposit with the department for a period 505
not to exceed two years. Not later than fourteen days after 506
receipt of an application under this section, the department 507
shall accept or deny the application. 508

(B) If the department accepts the application, an 509
auctioneer ~~or apprentice auctioneer~~ who has a license on deposit 510

with the department under this section shall not act as an 511
auctioneer ~~or apprentice auctioneer~~ while the license is on 512
deposit. In addition, such an auctioneer shall not be required 513
to pay an assessment under section 4707.25 of the Revised Code. 514

(C) An auctioneer ~~or apprentice auctioneer~~ may reacquire a 515
license on deposit from the department if the auctioneer ~~or~~ 516
~~apprentice auctioneer~~ does all of the following prior to 517
reacquisition: 518

(1) Submits a written request to the department that 519
contains the business address and telephone number of the 520
auctioneer ~~or apprentice auctioneer, as applicable;~~ 521

(2) Pays a reactivation fee for the license in the 522
following amount, ~~as applicable:~~ 523

~~(a) In the case of an apprentice auctioneer, one hundred~~ 524
~~dollars;~~ 525

~~(b)~~ In the case of an auctioneer whose license is 526
reacquired during the first half of the biennium according to 527
the biennial schedule established in division ~~(B)~~ (A) of section 528
4707.10 of the Revised Code, two hundred dollars; 529

~~(e)~~ (b) In the case of an auctioneer whose license is 530
reacquired during the second half of the biennium according to 531
that biennial schedule, one hundred dollars. 532

(3) Pays the assessment that is levied under section 533
4707.25 of the Revised Code for the current year, if applicable; 534

(4) Provides proof of financial responsibility as required 535
in section 4707.11 of the Revised Code, if applicable; 536

(5) Complies with any other requirement established in 537
rules adopted by the director under section 4707.19 of the 538

Revised Code. 539

(D) If an auctioneer ~~or apprentice auctioneer~~, at the time 540
of placing the auctioneer's ~~or apprentice auctioneer's~~ license 541
on deposit, ~~as applicable~~, has not maintained proof of financial 542
responsibility for the entire period of time required under 543
section 4707.11 of the Revised Code, the auctioneer ~~or~~ 544
~~apprentice auctioneer~~, beginning at the time of reacquisition, 545
shall maintain proof of financial responsibility for the 546
remainder of the time required under that section. 547

Sec. 4707.10. (A) ~~The fee for each apprentice auctioneer's~~ 548
~~or auction firm license issued by the department of agriculture~~ 549
~~is one hundred dollars, and the annual renewal fee for any such~~ 550
~~license is one hundred dollars. All licenses expire annually on~~ 551
~~the last day of June of each year and shall be renewed according~~ 552
~~to the standard renewal procedures of Chapter 4745. of the~~ 553
~~Revised Code, or the procedures of this section. Any licensee~~ 554
~~under this chapter who wishes to renew the licensee's license,~~ 555
~~but fails to do so before the first day of July shall reapply~~ 556
~~for licensure in the same manner and pursuant to the same~~ 557
~~requirements as for initial licensure, unless before the first~~ 558
~~day of September of the year of expiration, the former licensee~~ 559
~~pays to the department, in addition to the regular renewal fee,~~ 560
~~a late renewal penalty of one hundred dollars.~~ 561

~~(B)~~(1) Each person to whom the department issues an 562
auctioneer's license or special auctioneer's auction firm 563
license shall pay a licensure fee. Those licenses are biennial 564
and expire in accordance with the schedule established in 565
division ~~(B) (2)~~ (A) (2) of this section. If such a license is 566
issued during the first year of a biennium, the licensee shall 567
pay a fee in the amount of two hundred dollars. If the license 568

is issued during the second year of a biennium, the licensee 569
shall pay a fee in the amount of one hundred dollars. With 570
respect to an auctioneer's license, the fees apply regardless of 571
whether the license is issued to an individual under section 572
4707.07 of the Revised Code or to a corporation, limited 573
liability company, partnership, or association under section 574
4707.073 of the Revised Code. 575

All auctioneer's licenses and ~~special auctioneer's auction~~ 576
firm licenses expire on the last day of June of the biennium. 577
The licenses shall be renewed in accordance with the standard 578
renewal procedures of Chapter 4745. of the Revised Code or the 579
procedures in this section and upon the licensee's payment to 580
the department of a renewal fee of two hundred dollars. A 581
licensee who wishes to renew the licensee's license, but who 582
fails to do so before the first day of July following the 583
license's expiration, shall reapply for licensure in the same 584
manner and pursuant to the same requirements as for the initial 585
licensure unless before the first day of September following the 586
expiration, the former licensee pays to the department, in 587
addition to the regular renewal fee, a late renewal penalty of 588
one hundred dollars. 589

(2) The biennial expiration of an auctioneer's license or 590
~~special auctioneer's auction firm~~ license shall occur in 591
accordance with the following schedule: 592

(a) The license shall expire in odd-numbered years if the 593
business name or last name, as applicable, of the licensee 594
begins with the letters "A" through "J" or with the letters "X" 595
through "Z." 596

(b) The license shall expire in even-numbered years if the 597
business name or last name, as applicable, of the licensee 598

begins with the letters "K" through "W." 599

~~(C)~~(B) (1) To renew an auctioneer's license, the licensee shall include with a renewal application an affidavit stating that the licensee has completed eight hours of continuing education in accordance with section 4707.101 of the Revised Code during the two years immediately preceding renewal of the licensee's license. 600
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(2) To renew an auction firm's license, the auction firm manager of the licensed auction firm shall include with a renewal application an affidavit stating that the auction firm manager has completed eight hours of continuing education in accordance with section 4707.101 of the Revised Code during the two years immediately preceding renewal of the auction firm's license. 606
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The director of agriculture shall not renew an auctioneer or auction firm license unless the applicant demonstrates that all continuing education requirements have been completed. 613
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(C) Any person who fails to renew the person's license before the first day of July is prohibited from engaging in any activity specified or comprehended in section 4707.01 of the Revised Code until such time as the person's license is renewed or a new license is issued. Renewal of a license between the first day of July and the first day of September does not relieve any person from complying with this division. The department may refuse to renew the license of or issue a new license to any person who violates this division. 616
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(D) The department shall prepare and deliver to each licensee a permanent license certificate and an identification card, the appropriate portion of which shall be carried on the 625
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person of the licensee at all times when engaged in any type of 628
auction activity, and part of which shall be posted with the 629
permanent certificate in a conspicuous location at the 630
licensee's place of business. 631

(E) Notice in writing shall be given to the department by 632
each auctioneer ~~or apprentice auctioneer~~ licensee of any change 633
of principal business location or any change or addition to the 634
name or names under which business is conducted, whereupon the 635
department shall issue a new license for the unexpired period. 636
Any change of business location or change or addition of names 637
without notification to the department shall automatically 638
cancel any license previously issued. For each new auctioneer's 639
~~or apprentice auctioneer's~~ license issued upon the occasion of a 640
change in business location or a change in or an addition of 641
names under which business is conducted, the department may 642
collect a fee of ten dollars for each change in location, or 643
name or each added name unless the notification of the change 644
occurs concurrently with the renewal application or unless 645
otherwise provided in section 4707.07 of the Revised Code. 646

Sec. 4707.101. (A) A licensed auctioneer shall complete 647
eight hours of continuing education in accordance with this 648
section prior to renewal of the license under section 4707.10 of 649
the Revised Code. The auction firm manager of a licensed auction 650
firm shall complete eight hours of continuing education in 651
accordance with this section prior to the renewal of the auction 652
firm license under section 4707.10 of the Revised Code. 653

(B) (1) Except as provided in division (B) (2) of this 654
section, a licensed auctioneer and an auction firm manager shall 655
complete the eight hours of continuing education as follows: 656

(a) Three of the hours shall include areas of instruction 657

in any of the following areas: an overview of this chapter and 658
rules adopted under it, including any recent amendments to that 659
chapter or rules; contract law; the uniform commercial code; 660
auction ethics; or trust or escrow accounts. 661

(b) Five of the hours shall include areas of instruction 662
in any of the following areas: advertising and marketing; 663
business math and accounting; insurance and liability; federal 664
firearms law; business management; motor vehicle auctions; real 665
estate auctions; or personal property auctions. 666

(2) If a licensed auctioneer has been issued a license 667
with a period of validity of twelve months or less, the 668
auctioneer shall complete four hours of continuing education as 669
follows: 670

(a) One hour in the areas of instruction described in 671
division (B) (1) (a) of this section; 672

(b) Three hours in the areas of instruction described in 673
division (B) (1) (b) of this section. 674

(C) A licensed auctioneer or an auction firm manager of a 675
licensed auction firm may complete an area of instruction for 676
continuing education hours in another state if both of the 677
following apply: 678

(1) The area of instruction has been approved by the 679
appropriate state governing body in the other state. 680

(2) The Ohio auctioneers commission approves the 681
completion of the area of instruction by the auctioneer or an 682
auction firm manager in the other state. 683

Sec. 4707.11. (A) Except as provided in division (B) of 684
this section, each application for a license issued under this 685

chapter shall be accompanied by proof of financial 686
responsibility in the form of either an irrevocable letter of 687
credit or a cash bond or a surety bond in the amount of twenty- 688
five thousand dollars. If the applicant gives a surety bond, the 689
bond shall be executed by a surety company authorized to do 690
business in this state. 691

A bond shall be made payable to the department of 692
agriculture and shall include a condition that requires the 693
applicant to comply with this chapter and rules adopted under 694
it, including a requirement that the person refrain from conduct 695
described in section 4707.15 of the Revised Code. All bonds 696
shall be on a form approved by the director of agriculture. 697

A licensee shall maintain proof of financial 698
responsibility for three years following the date of initial 699
licensure. After the three-year period, a licensee who has not 700
engaged in conduct described in section 4707.15 of the Revised 701
Code and has not otherwise violated this chapter or rules 702
adopted under it during that period shall no longer be required 703
to maintain proof of financial responsibility except as 704
otherwise provided in this section. 705

A licensee whose license expires without being renewed 706
under section 4707.10 of the Revised Code or is suspended under 707
section 4707.15 or 4707.30 of the Revised Code shall give proof 708
of financial responsibility in accordance with this section in 709
order to obtain reinstatement or reactivation of the license. 710

(B) Division (A) of this section does not apply to ~~any~~ 711
either of the following: 712

(1) A licensee whose license was issued prior to July 1, 713
2003, provided that the license continues to be renewed under 714

section 4707.10 of the Revised Code and is not suspended under 715
section 4707.15 or 4707.30 of the Revised Code; 716

~~(2) An apprentice auctioneer licensee whose license was 717
issued under section 4707.09 of the Revised Code prior to July 718
1, 2003, and who applies for an auctioneer's license under 719
section 4707.07 of the Revised Code on or after July 1, 2003, 720
provided that the apprentice auctioneer's license is not 721
suspended under section 4707.15 or 4707.30 of the Revised Code, 722
and, if necessary, continues to be renewed under section 4707.10 723
of the Revised Code, prior to the issuance of the auctioneer's 724
license to the applicant; 725~~

~~(3) An auction firm license that is issued under section 726
4707.074 of the Revised Code. 727~~

Sec. 4707.12. A nonresident may operate as an auctioneer, 728
~~apprentice auctioneer, or special auctioneer~~ within the state by 729
conforming to this chapter. 730

The department of agriculture may, within its discretion, 731
waive the testing and schooling requirements for a nonresident, 732
provided that the nonresident holds a valid auctioneer ~~or~~ 733
~~apprentice auctioneer~~ license issued by a state with which the 734
department has entered into a reciprocal licensing agreement. 735
Nonresidents wishing to so operate in this state shall make 736
application in writing to the department and furnish the 737
department with proof of their ability to conduct an auction, 738
proof of license and financial responsibility, as well as other 739
information that the department may request. ~~If a state with~~ 740
~~which the department has entered into a reciprocal licensing~~ 741
~~agreement does not require an apprenticeship, the applicant~~ 742
~~shall provide proof of license for a period of at least one year~~ 743
~~prior to receipt of the application. 744~~

~~This section does not apply to A nonresident auctioneers~~ 745
~~who do not have a license auctioneer~~ from a state with which the 746
department has not entered into a reciprocal licensing agreement 747
shall not operate as an auctioneer in this state, unless that 748
nonresident auctioneer is issued a license under this chapter. 749

Sec. 4707.14. (A) Each person licensed under this chapter 750
shall have a definite place of business in this state. 751

(B) ~~Except as provided in division (C) of this section, if~~ 752
~~the~~ If a licensee is a nonresident, it is not necessary for the 753
licensee to maintain an active place of business within this 754
state if the licensee maintains such a place of business in the 755
state where the licensee is a resident. 756

~~(C) A nonresident who is licensed as a special auctioneer~~ 757
~~under section 4707.071 of the Revised Code shall have a definite~~ 758
~~place of business within the state and shall not conduct~~ 759
~~auctions anywhere else in the state other than the licensee's~~ 760
~~place of business.~~ 761

Sec. 4707.15. (A) The department of agriculture may deny, 762
refuse to renew, suspend, or revoke the license of any auction 763
firm, or auctioneer, ~~apprentice auctioneer, or special~~ 764
~~auctioneer~~ for any of the following causes: 765

(1) Obtaining a license through false or fraudulent 766
representation; 767

(2) Making any substantial misrepresentation in an 768
application for a license; 769

(3) A continued course of misrepresentation or for making 770
false promises through agents, advertising, or otherwise; 771

(4) Specifying that an auction is a reserve auction, 772

absolute auction, multi-parcel auction, or estate auction, but	773
not conducting the auction as specified;	774
(5) Failing to account for or remit, within a reasonable	775
time, any money or property belonging to others that comes into	776
the licensee's possession, and for commingling funds of others	777
with the licensee's own, or failing to keep funds of others in	778
an escrow or trust account, except that in the case of a	779
transaction involving real estate, such funds shall be	780
maintained in accordance with division (A) (26) of section	781
4735.18 of the Revised Code;	782
(6) Paying valuable consideration to any person who has	783
violated this chapter;	784
(7) Except as provided in division (B) of this section,	785
conviction in a court of competent jurisdiction of this state or	786
any other state of a criminal offense involving fraud, forgery,	787
embezzlement, false pretenses, extortion, conspiracy to defraud,	788
or another similar offense or a felony;	789
(8) Violation of this chapter or rules adopted under it;	790
(9) Failure to furnish voluntarily at the time of	791
execution, copies of all written instruments prepared by the	792
auctioneer or auction firm;	793
(10) Any conduct of a person that is licensed under this	794
chapter that demonstrates bad faith, dishonesty, incompetency,	795
or untruthfulness;	796
(11) Any other conduct of a person that is licensed under	797
this chapter that constitutes improper, fraudulent, or dishonest	798
dealings;	799
(12) Failing prior to the sale at public auction to enter	800

into a written contract with the owner or consignee of any 801
property to be sold, containing the terms and conditions upon 802
which the licensee received the property for auction; 803

(13) The use of any power of attorney to circumvent this 804
chapter; 805

(14) Failure to display either of the following: 806

(a) The sign required under section 4707.22 of the Revised 807
Code; or 808

(b) A notice conspicuously at the clerk's desk or on a bid 809
card that clearly states the terms and conditions of the auction 810
and, if applicable, an explanation of the multi-parcel auction 811
process. 812

(15) Failure to notify the department of any conviction of 813
a felony or crime involving fraud within fifteen days of 814
conviction; 815

(16) Aiding an unlicensed person in the performance of 816
services or acts that require a license under this chapter; 817

(17) The suspension or revocation of a license to engage 818
in auctioneering or other disciplinary action by the licensing 819
authority of another state; 820

(18) The refusal or disapproval by the licensing authority 821
of another state of an application for a license to engage in 822
auctioneering; 823

(19) Failure of a licensee to notify the department of 824
agriculture within fifteen days of a disciplinary action against 825
the licensee by another state's applicable governing authority; 826

(20) Engaging in auctioneering or providing auction 827

services without a license or during the suspension of a 828
license; 829

(21) Attempting to cheat or cheating on an auctioneer 830
examination or aiding another to cheat on an examination. 831

(B) The department shall not refuse to issue a license to 832
an applicant because of a criminal conviction unless the refusal 833
is in accordance with section 9.79 of the Revised Code. 834

Sec. 4707.151. (A) No person shall engage in bid rigging. 835

(B) As used in this section, "bid rigging" means a 836
conspiracy between auctioneers, ~~apprentice auctioneers, special-~~ 837
~~auctioneers,~~ any participants in an auction, or any other 838
persons who agree not to bid against each other at an auction or 839
who otherwise conspire to decrease or increase the number or 840
amounts of bids offered at auction. 841

Sec. 4707.153. (A) An auctioneer license or auction firm 842
license is automatically suspended if the following apply, as 843
applicable: 844

(1) The director of agriculture determines that a licensed 845
auctioneer has failed to complete the continuing education 846
requirements established under section 4707.101 of the Revised 847
Code. 848

(2) The director determines the auction firm manager of a 849
licensed auction firm has failed to complete the continuing 850
education requirements established under section 4707.101 of the 851
Revised Code. 852

A license is automatically suspended on the date on which 853
the director makes a determination under division (A) (1) or (2) 854
of this section. The director shall provide the offending 855

licensee with an opportunity for an administrative hearing on 856
the suspension in accordance with Chapter 119. of the Revised 857
Code. 858

(B) If an auctioneer's or auction firm's license is 859
suspended under division (A) of this section, the auctioneer or 860
auction firm manager of the auction firm shall provide proof of 861
completion of the continuing education requirements not later 862
than one hundred eighty days after the date that the suspension 863
is issued. If such an auctioneer or auction firm manager fails 864
to submit the proof of completion of the continuing education 865
requirements within that time period, the license is 866
automatically revoked. The director shall provide the former 867
licensee an opportunity for an administrative hearing on the 868
revocation in accordance with Chapter 119. of the Revised Code. 869

(C) If an auctioneer or auction firm license is revoked 870
under this section, the former licensee shall not apply for a 871
new license under this chapter earlier than one year after the 872
revocation. The applicant shall comply with all requirements 873
under section 4707.07 or 4707.074 of the Revised Code, as 874
applicable. 875

Sec. 4707.16. (A) The department of agriculture may, upon 876
its own motion, and shall, upon the verified written complaint 877
of any person, investigate the actions of any auction firm, or 878
auctioneer, ~~apprentice auctioneer, or special auctioneer,~~ any 879
applicant for an auction firm's, or auctioneer's, ~~apprentice-~~ 880
~~auctioneer's, or special auctioneer's~~ license, or any person who 881
assumes to act in that capacity, if the complaint, together with 882
other evidence presented in connection with it, makes out a 883
prima-facie case. 884

If the department determines that any such applicant is 885

not entitled to receive a license, a license shall not be 886
granted to the applicant, and if the department determines that 887
any licensee is guilty of a violation of section 4707.14 or 888
4707.15 of the Revised Code, the department may suspend or 889
revoke the license. Any auction firm, or auctioneer, ~~apprentice~~ 890
~~auctioneer, or special auctioneer~~ who has had the auction 891
firm's, or auctioneer's, ~~apprentice auctioneer's, or special~~ 892
~~auctioneer's~~ license revoked shall not be issued another such 893
license for a period of two years from the date of revocation. 894

(B) The department may investigate complaints concerning 895
the violation of sections 4707.02 and 4707.15 of the Revised 896
Code and may subpoena witnesses in connection with such 897
investigations as provided in this section. The department may 898
make application to the court of common pleas for an order 899
enjoining the violation of sections 4707.02 and 4707.15 of the 900
Revised Code, and upon a showing by the department that any 901
licensed auction firm, or auctioneer, ~~apprentice auctioneer, or~~ 902
~~special auctioneer~~ has violated or is about to violate section 903
4707.15 of the Revised Code, or any person has violated or is 904
about to violate section 4707.02 of the Revised Code, an 905
injunction, restraining order, or other order as may be 906
appropriate shall be granted by the court. 907

(C) The department may compel by subpoena the attendance 908
of witnesses to testify in relation to any matter over which it 909
has jurisdiction and that is the subject of inquiry and 910
investigation by it, and require the production of any book, 911
paper, or document pertaining to that matter. In case any person 912
fails to file any statement or report, obey any subpoena, give 913
testimony, or produce any books, records, or papers as required 914
by such a subpoena, the court of common pleas of any county in 915
the state, upon application made to it by the department, shall 916

compel obedience by attachment proceedings for contempt, as in 917
the case of disobedience of the requirements of a subpoena 918
issued from that court, or a refusal to testify therein. 919

(D) When the department determines that a person not 920
licensed under this chapter is engaged in or is believed to be 921
engaged in activities for which a license is required under this 922
chapter, the department may issue an order to that person 923
requiring the person to show cause as to why the person should 924
not be subject to licensing under this chapter. If the 925
department, after a hearing, determines that the activities in 926
which the person is engaged are subject to licensing under this 927
chapter, the department may issue a cease-and-desist order that 928
shall describe the person and activities that are subject to the 929
order. A cease-and-desist order issued under this section shall 930
be enforceable in and may be appealed to the common pleas courts 931
of this state under Chapter 119. of the Revised Code. 932

(E) In addition to the remedies provided under this 933
section and irrespective of whether an adequate remedy at law 934
exists, the department may apply to a court of common pleas for 935
a temporary or permanent injunction or other appropriate relief 936
for continued violations of this chapter. For purposes of this 937
division, the court of common pleas shall be the court of common 938
pleas of Licking county or the court of common pleas of the 939
county where the violation occurs. 940

(F) For purposes of this section, investigative costs 941
incurred by the department are recoverable either by the 942
issuance of an administrative order of the department or by an 943
order of a court of competent jurisdiction. 944

Sec. 4707.171. There is hereby created in the state 945
treasury the auction education fund. Seven dollars and fifty 946

cents of each fee collected for an initial or renewed auction 947
firm's ~~or apprentice auctioneer's~~ license shall be credited to 948
the auction education fund. In addition, seven dollars and fifty 949
cents out of each one hundred dollars that is collected as a fee 950
for an initial or renewed auctioneer's license ~~or for a renewed~~ 951
~~special auctioneer's license~~ shall be credited to the fund. All 952
interest earned on moneys deposited in the state treasury to the 953
credit of the auction education fund shall be credited to the 954
fund. 955

The state auctioneers commission shall use any moneys from 956
the auction education fund to advance and underwrite education 957
and research in the auction field for the benefit of those 958
licensed under this chapter and the auctioneering public and to 959
cooperate with associations of auctioneers and other groups for 960
the education of auctioneers and the advancement of the auction 961
profession in this state. 962

Sec. 4707.18. No person engaged in the business of, or 963
acting in the capacity of, an auction firm, or auctioneer, ~~or~~ 964
~~special auctioneer~~ shall bring or maintain any action in the 965
courts of this state for the collection of compensation for any 966
services performed as an auction firm or auctioneer without 967
first alleging and proving that the person was a duly licensed 968
auction firm, or auctioneer, ~~or special auctioneer~~ at the time 969
the alleged cause of action arose. 970

Sec. 4707.19. (A) The director of agriculture may adopt 971
reasonable rules necessary for the implementation of this 972
chapter in accordance with Chapter 119. of the Revised Code. In 973
addition, the director shall adopt rules in accordance with 974
Chapter 119. of the Revised Code that establish the portion of 975
license fees collected under this chapter that are to be 976

deposited into the auction recovery fund under section 4707.25 977
of the Revised Code. 978

No person shall fail to comply with a rule adopted under 979
this chapter. 980

(B) The director shall adopt rules that establish a 981
schedule of civil penalties for violations of this chapter, 982
rules adopted under it, or orders issued under it. The rules 983
shall provide that the civil penalty for the first violation of 984
this chapter, rule, or order shall not exceed five thousand 985
dollars and the civil penalty for each subsequent offense shall 986
not exceed ten thousand dollars. In addition, the director, in 987
establishing the schedule of civil penalties in the rules, shall 988
consider past violations of this chapter and rules adopted under 989
it, the severity of a violation, and the amount of actual or 990
potential damage to the public or the auction profession. 991

(C) The department of agriculture may hear testimony in 992
matters relating to the duties imposed on it, and any person 993
authorized by the director may administer oaths. The department 994
may require other proof of the honesty and truthfulness of any 995
person named in the application for an auction firm's or 996
~~auctioneer's, apprentice auctioneer's, or special auctioneer's~~ 997
license before admitting the applicant to an examination or 998
issuing a license. 999

Sec. 4707.20. (A) Except when conducting an auction under 1000
division (B) (5) (b) of section 4707.02 of the Revised Code, no 1001
person shall act as an auction firm or ~~or auctioneer, or special~~ 1002
~~auctioneer~~ until the person has first entered into a written 1003
contract or agreement in duplicate with the owner or consignee 1004
of any property to be sold, containing the terms and conditions 1005
upon which the licensee receives or accepts the property for 1006

sale at auction. The contracts or agreements shall, for a period 1007
of two years, be kept on file in the office of every person so 1008
licensed. ~~No apprentice auctioneer shall be authorized to enter~~ 1009
~~into such a contract or agreement without the written consent of~~ 1010
~~the apprentice auctioneer's sponsoring auctioneer, and all~~ 1011
~~contracts or agreements shall be made in the name of and on~~ 1012
~~behalf of the sponsoring auctioneer. In addition, an apprentice~~ 1013
~~auctioneer shall not enter into an auction contract for the sale~~ 1014
~~of real property in the name of the sponsoring auctioneer~~ 1015
~~regardless of whether the apprentice auctioneer is licensed as a~~ 1016
~~real estate broker or salesperson.~~ 1017

(B) On all contracts or agreements between an auction 1018
firm, or auctioneer, ~~or special auctioneer~~ and the owner or 1019
consignee, there shall appear a prominent statement indicating 1020
that the auction firm, or auctioneer, ~~or special auctioneer~~ is 1021
licensed by the department of agriculture, and either that the 1022
licensee is bonded in favor of the state or that an aggrieved 1023
person may initiate a claim against the auction recovery fund 1024
created in section 4707.25 of the Revised Code as a result of 1025
the licensee's actions, whichever is applicable. 1026

(C) The auction firm, or auctioneer, ~~or special auctioneer~~ 1027
who contracts with the owner is liable for the settlement of all 1028
money received, including the payment of all expenses incurred 1029
only by the licensee and the distribution of all funds, in 1030
connection with an auction. 1031

(D) For purposes of this section, a contract or agreement 1032
shall specify all of the following: 1033

(1) The owner of the property to be sold or the owner's 1034
agent or the consignee; 1035

(2) The date of the auction or a termination date of the contract or agreement;	1036 1037
(3) The location of the auction;	1038
(4) The terms and conditions of the auction;	1039
(5) All of the fees to be charged by the auctioneer or the auction firm, which shall include commissions, rentals, advertising, and labor;	1040 1041 1042
(6) An explanation of the settlement of the auction that includes the disbursement of interest money, if applicable;	1043 1044
(7) A statement establishing the responsibility for bad checks, debts, and unpaid auction items;	1045 1046
(8) A statement indicating whether the auction is a reserve auction or an absolute auction. In addition, the statement shall include the definition of reserve auction or absolute auction from section 4707.01 of the Revised Code, as applicable.	1047 1048 1049 1050 1051
(9) A statement of the auctioneer's or auction firm's policy regarding absentee bidding;	1052 1053
(10) A brief description of the real or personal property to be sold;	1054 1055
(11) If the sale is of real or personal property at absolute auction, a statement affirming that the seller of the real or personal property has a bona fide intention to transfer ownership of the property to the highest bidder.	1056 1057 1058 1059
(12) If the sale is a multi-parcel auction, a statement between the owner or owners of the real or personal property and the auctioneer, or auction firm, or special auctioneer attesting	1060 1061 1062

that the type of auction will be a multi-parcel auction. 1063

Sec. 4707.21. (A) No auction firm, or auctioneer, 1064
~~apprentice auctioneer, or special auctioneer shall willfully do~~ 1065
any of the following: 1066

(1) Willfully neglect or refuse to furnish the department 1067
of agriculture statistics or other information in the auction 1068
firm's, or auctioneer's, ~~apprentice auctioneer's, or special-~~ 1069
~~auctioneer's~~ possession or under the auction firm's, or 1070
~~auctioneer's, apprentice auctioneer's, or special auctioneer's-~~ 1071
control that the auction firm, or auctioneer, ~~apprentice-~~ 1072
~~auctioneer, or special auctioneer~~ is authorized to collect; ~~nor~~ 1073
~~shall the auction firm, auctioneer, apprentice auctioneer, or~~ 1074
~~special auctioneer neglect~~ 1075

(2) Neglect or refuse, for more than thirty days, to 1076
answer questions submitted on circulars; ~~nor shall the auction-~~ 1077
~~firm, auctioneer, apprentice auctioneer, or special auctioneer~~ 1078
~~knowingly~~ 1079

(3) Knowingly answer any such questions submitted on 1080
circulars specified in division (A) (2) of this section falsely; 1081
~~and nor shall the auction firm, auctioneer, apprentice-~~ 1082
~~auctioneer, or special auctioneer refuse~~ 1083

(4) Refuse to obey subpoenas and give testimony. Licensees 1084

(B) Licensees, as well as charitable, religious, or civic 1085
organizations and schools that sponsor an auction under division 1086
(B) (5) (b) of section 4707.02 of the Revised Code, shall keep 1087
records relative to any auction for at least two years from its 1088
date. These records shall include settlement sheets, written 1089
contracts, and copies of any advertising that lists the items 1090
for auction, as applicable. 1091

Sec. 4707.22. (A) Any person licensed under this chapter 1092
who advertises, by linear advertisements or otherwise, to hold 1093
or conduct an auction shall indicate in the advertisement the 1094
licensee's name or the name registered with the department of 1095
agriculture and that the licensee is an auctioneer ~~or apprentice~~ 1096
~~auctioneer. Any apprentice auctioneer who advertises, as~~ 1097
~~provided in this section, also shall indicate in the~~ 1098
~~apprentice's advertisement the name of the auctioneer under whom~~ 1099
~~the apprentice is licensed. The name of the auctioneer shall be~~ 1100
~~displayed in equal prominence with the name of the apprentice~~ 1101
~~auctioneer in the advertisement.~~ Any such licensee who 1102
advertises in a manner other than as provided in this section is 1103
guilty of violating division (C) of section 4707.15 of the 1104
Revised Code. 1105

(B) An auction firm licensed under this chapter that 1106
advertises, by linear advertisements or otherwise, to solicit or 1107
receive consignments or to provide auction services shall 1108
indicate in the advertisement the name of the auction firm. In 1109
addition, an advertisement of an auction of consignments or an 1110
advertisement by an auction firm of an auction for which the 1111
auction firm will provide auction services shall comply with 1112
divisions (A) and (D) of this section. 1113

(C) If an auction to be advertised is an absolute auction, 1114
all advertisements for the auction shall unequivocally state 1115
that the auction is an absolute auction. 1116

(D) If an advertisement for an auction contains the words 1117
"estate auction," or words to that effect, the person licensed 1118
under this chapter who advertises shall do both of the 1119
following: 1120

(1) Enter into an agreement directly with the executor, 1121

administrator, or court appointed designee of the estate 1122
property; 1123

(2) List prominently in the advertisement the county in 1124
which the estate is located and the probate court case number of 1125
the estate. 1126

(E) All persons licensed under this chapter that conduct 1127
or are involved in an auction jointly are responsible for the 1128
posting of a sign at the auction. The sign shall contain all of 1129
the following: 1130

(1) The name of all licensed persons involved in the 1131
auction; 1132

(2) A statement that the persons are licensed by the 1133
department of agriculture; 1134

(3) The address of the department of agriculture. 1135

The sign shall be posted at the main entrance of the 1136
auction, at the place of registration for the auction, or by the 1137
cashier for the auction. The sign shall be of a size not smaller 1138
than eight and one-half inches by eleven inches. The letters and 1139
numbers on the sign shall be of adequate size to be readily seen 1140
by an individual with normal vision when viewing it. 1141

(F) An advertisement for the sale of real property at 1142
auction shall contain the name of the licensed auctioneer who is 1143
entering into the auction contract and the name of the real 1144
estate broker licensed under Chapter 4735. of the Revised Code 1145
who is involved in the sale. Compliance with this section shall 1146
not require a real estate broker licensed under Chapter 4735. of 1147
the Revised Code to obtain a license under section 4707.073 of 1148
the Revised Code. 1149

(G) If an auction to be advertised is a multi-parcel auction, all advertisements for the auction, excluding road signs, shall state that the auction will be offered in various amalgamations, including as individual parcels or lots, combinations of parcels or lots, and all parcels or lots as a whole.

Sec. 4707.25. (A) The auction recovery fund is hereby created in the state treasury. The fund shall be administered by the director of agriculture. The treasurer of state shall credit all of the following to the fund: ~~any moneys transferred to it from the auctioneers fund created under section 4707.05 of the Revised Code;~~ except as otherwise provided in this section, a portion, in an amount specified in rules adopted under section 4707.19 of the Revised Code, of license fees collected under this chapter; any assessments levied under this section; repayments made to the auction recovery fund under section 4707.30 of the Revised Code by persons licensed under this chapter; and interest earned on the assets of the fund.

Moneys credited to the fund shall be used to make payments to persons in accordance with sections 4707.26 and 4707.31 of the Revised Code and to persons who obtain a final judgment in accordance with section 4707.261 and sections 4707.27 to 4707.30 of the Revised Code in a court of competent jurisdiction against a person licensed under this chapter on the grounds of conduct by the licensee that is described in section 4707.15 of the Revised Code or that otherwise violates this chapter or rules adopted under it and that is associated with an act or transaction that only a licensee lawfully may perform. In the case of a final judgment, the amount of the payments shall be limited to any portion of the final judgment that remains unpaid. In all cases, the amount of the payments is subject to

the dollar limitations established in section 4707.29 of the Revised Code.

(B) The director shall ascertain the balance of the fund on the first day of July each year. If the balance of the fund is greater than two million dollars, the director may utilize, during the fiscal year beginning on that first day of July, the portion of the fund that is greater than two million dollars to sponsor educational programs or to underwrite research that is beneficial to persons licensed under this chapter and to the public. If the balance of the fund is at least four million dollars, the portion of license fees collected under this chapter that otherwise would be credited to the fund under this section shall be credited to the auctioneers fund during the fiscal year beginning on that first day of July.

If the balance of the fund is less than four hundred thousand dollars, the director shall levy an assessment against each person who holds a valid license issued under this chapter. The amount of the assessment shall be determined by subtracting the balance of the fund from five hundred thousand dollars and dividing the resulting total by the number of persons recorded under section 4707.06 of the Revised Code as holding a valid license issued under this chapter. All assessments that are collected shall be credited to the fund.

(C) The director shall collect from the fund a service fee in an amount equal to the interest rate specified in division (A) of section 1343.03 of the Revised Code multiplied by the annual interest earned on the assets of the fund to defray the expenses incurred by the department of agriculture in the administration of the fund.

Sec. 5322.01. As used in sections 5322.01 to 5322.05 of

the Revised Code: 1211

(A) "Self-service storage facility" means any real 1212
property that is designed and used only for the purpose of 1213
renting or leasing individual storage space in the facility 1214
under the following conditions: 1215

(1) The occupants have access to the storage space only 1216
for the purpose of storing and removing personal property. 1217

(2) The owner does not issue a warehouse receipt, bill of 1218
lading, or other document of title, as defined in section 1219
1301.201 of the Revised Code, for the personal property stored 1220
in the storage space. 1221

"Self-service storage facility" does not include any 1222
garage used principally for parking motor vehicles, any garage 1223
or storage area in a private residence, an establishment 1224
licensed pursuant to sections 915.14 to 915.24 of the Revised 1225
Code, or any property of a bank or savings and loan association 1226
that contains vaults, safe deposit boxes, or other receptacles 1227
for the uses, purposes, and benefits of the bank's or savings 1228
and loan association's customers. 1229

(B) "Owner" means a person that is the owner or operator 1230
of a self-service storage facility, the lessor or sublessor of 1231
an entire self-service storage facility, the agent of any of the 1232
foregoing, or any other person authorized by any of the 1233
foregoing to manage the facility or to receive rent from an 1234
occupant pursuant to a rental agreement. 1235

(C) "Occupant" means a person that rents storage space at 1236
a self-service storage facility pursuant to a rental agreement 1237
that the person enters into with the owner. 1238

(D) "Rental agreement" means any written agreement that is 1239

entered into by the owner and the occupant and that establishes 1240
the terms and conditions of the occupant's use of storage space 1241
at a self-service storage facility. 1242

(E) "Personal property" means money and every animate or 1243
inanimate tangible thing that is the subject of ownership, 1244
except anything forming part of a parcel of real estate, as 1245
defined in section 5701.02 of the Revised Code, and except 1246
anything that is an agricultural commodity, as defined in 1247
division (A) of section 926.01 of the Revised Code. 1248

(F) "Late fee" means any fee or charge assessed for an 1249
occupant's failure to pay rent when due. "Late fee" does not 1250
include interest on a debt, reasonable expenses incurred in the 1251
collection of unpaid rent, or costs associated with the 1252
enforcement of any other remedy provided by statute or contract. 1253

(G) "Last known address" means either of the following: 1254

(1) The mailing address ~~or electronic mail address~~ 1255
provided by the occupant in the most recent rental agreement or 1256
the mailing address ~~or electronic mail address~~ provided by the 1257
occupant in a subsequent written notice of a change of address; 1258

(2) The mailing address ~~or electronic mail address~~ of any 1259
of the persons described in division (A) of section 5322.03 of 1260
the Revised Code that is provided by any of those persons to the 1261
owner of a self-service storage facility or that is discovered 1262
by the owner of a self-service storage facility. 1263

Sec. 5322.03. An owner's lien created by division (A) of 1264
section 5322.02 of the Revised Code for a claim that has become 1265
due may be enforced only as follows: 1266

(A) The following persons shall be notified in accordance 1267
with divisions (B) and (C) of this section: 1268

(1) All persons whom the owner has actual knowledge of and 1269
who claim an interest in the personal property; 1270

(2) All persons holding liens on any motor vehicle or 1271
watercraft amongst the property; 1272

(3) All persons who have filed security agreements in the 1273
name of the occupant evidencing a security interest in the 1274
personal property with either the secretary of state or the 1275
county recorder of the county in which the self-service storage 1276
facility is located or the Ohio county of the last known address 1277
of the occupant. 1278

(B) (1) The Except as otherwise provided in division (B) (2) 1279
of this section, the notice shall be delivered in person, sent 1280
by certified mail, ~~sent by electronic mail,~~ or sent by first- 1281
class mail or private delivery service with a certificate or 1282
verification of mailing to the last known address of each person 1283
who is required to be notified by division (A) of this section; 1284

~~(2) If the notice is sent by electronic mail, then the~~ 1285
~~notice shall also be sent via either certified or first class~~ 1286
~~mail to the last known address of each person who is required to~~ 1287
~~be notified by division (A) of this section.~~ (2) (a) The notice may 1288
be sent by electronic mail to the occupant only if both of the 1289
following apply: 1290

(i) The occupant agreed to receive the notice via 1291
electronic mail and provided an electronic mail address to the 1292
owner in the original agreement or in a subsequent amendment to 1293
the agreement. 1294

(ii) The owner sends the notice via electronic mail in 1295
such a way as to establish, with a response or return receipt, 1296
that the message was delivered to the occupant's electronic mail 1297

<u>address.</u>	1298
<u>(b) If it cannot be established in accordance with</u>	1299
<u>division (B) (2) (a) of this section that the notice was</u>	1300
<u>delivered, the owner shall use another method of delivery</u>	1301
<u>authorized by division (B) (1) of this section.</u>	1302
(C) The notice shall include all of the following:	1303
(1) The name and last known address of the occupant who	1304
rented the storage space in which the personal property was	1305
stored;	1306
(2) An itemized statement of the owner's claim showing the	1307
sum due at the time of the notice and the date when the sum	1308
became due;	1309
(3) A brief and general description of the personal	1310
property subject to the lien. The description shall be	1311
reasonably adequate to permit the person notified to identify it	1312
except that any container including, but not limited to, a	1313
trunk, valise, or box that is locked, fastened, sealed, or tied	1314
in a manner that deters immediate access to its contents and	1315
that has not been opened by the owner prior to the date on which	1316
the notice is given may be described as such without describing	1317
its contents.	1318
(4) A notice of denial of access to the personal property,	1319
if a denial of access is permitted under the terms of the rental	1320
agreement, which notice provides the name, street address, and	1321
telephone number of the person whom the person notified may	1322
contact to pay the claim and to either obtain the personal	1323
property or enter into a rental agreement for the storage of the	1324
personal property;	1325
(5) A demand for payment within a specified time not less	1326

than ten days after delivery of the notice; 1327

(6) A conspicuous statement that unless the claim is paid 1328
within that time the personal property will be advertised for 1329
sale and will be sold by auction and that, if no person 1330
purchases the personal property at the auction, the personal 1331
property may be sold at a private sale or destroyed; 1332

(7) The street or internet address of the place at which 1333
the sale will be held, if the sale will be held at a place other 1334
than the self-service storage facility in which the personal 1335
property was stored. 1336

(D) (1) Any notice given pursuant to this section that is 1337
sent by first-class mail or private delivery service with a 1338
certificate or verification of mailing shall be deemed delivered 1339
when it is deposited with the United States postal service or 1340
private delivery service and properly addressed with proper 1341
postage prepaid. 1342

(2) Any notice given pursuant to this section that is sent 1343
by electronic mail to an occupant shall be deemed delivered when 1344
~~it is properly addressed and sent~~ the owner receives a response 1345
or return receipt. 1346

(E) The sale of the personal property shall conform to the 1347
terms of the notice as provided for in this section. 1348

(F) The sale of the personal property may be held at the 1349
self-service storage facility or, if the street or internet 1350
address of the place was included in the notice as required by 1351
division (C) (7) of this section, on the internet or at the 1352
nearest suitable place to the self-service storage facility at 1353
which the personal property is stored. 1354

(G) After the expiration of the time given in the notice, 1355

an advertisement of the sale shall be published once a week for 1356
two consecutive weeks in a newspaper of general circulation in 1357
the county in which the self-service storage facility is located 1358
or any other commercially reasonable manner. The manner of 1359
advertisement shall be deemed commercially reasonable if at 1360
least three independent bidders register for, view, or attend 1361
the sale. The advertisement shall include all of the following: 1362

(1) A brief and general description of the personal 1363
property as required by division (C) (3) of this section, except 1364
that the description shall describe the contents of any trunk, 1365
valise, or box that is locked, fastened, sealed, or tied in a 1366
manner that deters immediate access to its contents, if the 1367
trunk, valise, or box is opened by the owner prior to the date 1368
on which the advertisement of sale is published; 1369

(2) The name and last known address of the occupant who 1370
rented the storage space in which the personal property was 1371
stored; 1372

(3) The street address of the self-service storage 1373
facility; 1374

(4) The time, place, and manner of the sale. 1375

The sale shall take place at least fifteen days after the 1376
first publication. 1377

(H) (1) Any person who has a security interest in, or who 1378
holds a lien against, a motor vehicle or watercraft may pay the 1379
amount necessary to satisfy the lien created by division (A) of 1380
section 5322.02 of the Revised Code and the reasonable expenses 1381
incurred under this section. That person, upon payment of the 1382
amount necessary to satisfy the lien plus expenses, may enter 1383
into a new rental agreement for the storage of the motor vehicle 1384

or watercraft. Any person who presents proof of a security 1385
interest in or lien on a motor vehicle or watercraft or a court 1386
order authorizing the person to take possession of a motor 1387
vehicle or watercraft may immediately remove the motor vehicle 1388
or watercraft from the self-service storage facility without 1389
satisfying the lien or expenses of the owner. 1390

(2) Before any sale of personal property other than a 1391
motor vehicle or watercraft pursuant to this section, any person 1392
who has a legal interest or a security interest in, or who holds 1393
a lien against, any personal property other than a motor vehicle 1394
or watercraft may pay the amount necessary to satisfy the lien 1395
created by division (A) of section 5322.02 of the Revised Code 1396
and the reasonable expenses incurred under this section and 1397
remove the personal property in which the person has the 1398
interest or against which the person holds the lien. After 1399
removal of all the personal property, including any motor 1400
vehicle or watercraft, from the storage space of the self- 1401
service storage facility by any means under this section, the 1402
owner may enter into a rental agreement with a new occupant for 1403
the storage space, and the owner has no obligation to the prior 1404
occupant of that storage space. 1405

(3) Upon receipt of the payment from a person other than 1406
the occupant, the owner may, at the owner's sole discretion, 1407
enter into a new rental agreement for the storage of the 1408
personal property or, if the person meets the conditions set 1409
forth in division (H)(2) of this section, shall permit the 1410
person to remove the personal property from the self-service 1411
storage facility. 1412

(4) If the occupant pays the amount necessary to satisfy 1413
the lien created by division (A) of section 5322.02 of the 1414

Revised Code and the reasonable expenses incurred under this 1415
section, the occupant shall immediately remove all of the 1416
occupant's personal property from the self-service storage 1417
facility, unless the owner of the self-service storage facility 1418
agrees to enter into a new rental agreement for the storage of 1419
the property. 1420

(I) (1) If property on which there is a lien under division 1421
(A) of section 5322.02 of the Revised Code is not sold at 1422
auction, but is claimed under division (H) of this section and 1423
the owner's lien is satisfied, then all legal or security 1424
interest in, or any other liens held against, the property shall 1425
remain intact. 1426

(2) A purchaser at auction in good faith, except an owner 1427
or an owner's agent, of the personal property sold to satisfy an 1428
owner's lien created by division (A) of section 5322.02 of the 1429
Revised Code takes the property free and clear of any rights of 1430
persons against whom the lien was valid, or any persons who had 1431
an interest in, or who held, any other lien against the 1432
property, despite noncompliance by the owner with the 1433
requirements of this section. 1434

(J) The owner may examine any personal property to be sold 1435
pursuant to this section. The examination may include, but is 1436
not limited to, the opening of any trunk, valise, box, or other 1437
container that is locked, fastened, sealed, tied, or otherwise 1438
closed in a manner that deters immediate access to its contents. 1439

(K) (1) If the property upon which ~~the lien created under~~ 1440
~~division (A) of this section is claimed~~ 5322.02 of the Revised 1441
Code creates a lien is a motor vehicle, trailer, or a 1442
watercraft, the owner shall may, at the owner's sole discretion, 1443
have the motor vehicle, trailer, or watercraft towed from the 1444

premises if any of the following circumstances applies: 1445

(a) The notice was delivered or sent pursuant to division 1446
(B) of this section to all persons holding a lien on the motor 1447
vehicle, trailer, or watercraft, and thirty days have elapsed 1448
since the notice was delivered or sent ~~without a response from~~ 1449
~~any of those persons.~~ 1450

(b) Rent and other charges related to the property remain 1451
unpaid or unsatisfied by the occupant for sixty days, and no 1452
lien holders have been identified. 1453

(c) The owner is planning to hold or has held a sale ~~at~~ 1454
~~auction of for~~ the personal property that was stored in the 1455
self-service storage ~~unit space~~ with that motor vehicle, 1456
trailer, or watercraft, in which case the motor vehicle, 1457
trailer, or watercraft ~~shall may,~~ at the owner's sole 1458
discretion, be towed prior to or following the ~~auction~~ sale. 1459

(2) The owner shall not be liable for the motor vehicle, 1460
trailer, or watercraft or any damages to the motor vehicle, 1461
trailer, or watercraft once the ~~tower towing service or storage~~ 1462
facility takes possession of the property. The notice delivered 1463
or sent pursuant to division (B) of this section to all persons 1464
holding a lien on the motor vehicle, trailer, or watercraft 1465
shall include the name of the towing ~~company~~ service or storage 1466
facility. The name and the street address of the towing ~~company~~ 1467
service or storage facility shall also be made available to the 1468
occupant or any lien holder upon the presentation of a document 1469
of title or another document that confirms an interest in the 1470
motor vehicle, trailer, or watercraft. 1471

As used in this division, "towing service or storage 1472
facility" means any for-hire motor carrier that removes a motor 1473

vehicle, trailer, or watercraft from a self-service storage 1474
facility pursuant to this division and any place to which that 1475
for-hire motor carrier delivers the motor vehicle, trailer, or 1476
watercraft. 1477

(L) The owner may satisfy the owner's lien from the 1478
proceeds of any sale held pursuant to this section, but shall 1479
mail the balance, if any, by certified mail, or by first class 1480
mail or private delivery service with a certificate or 1481
verification of mailing, to the occupant at the occupant's last 1482
known mailing address. If the balance is returned to the owner 1483
after the owner mailed the balance by certified mail, first 1484
class mail, or private delivery service to the occupant or if 1485
the mailing address of the occupant is not known, the owner 1486
shall hold the balance for two years after the date of the sale 1487
for delivery on demand to the occupant or to any other person 1488
who would have been entitled to possession of the personal 1489
property. After the expiration of the two-year period, the 1490
balance shall become unclaimed funds, as defined in division (B) 1491
of section 169.01 of the Revised Code, and shall be disposed of 1492
pursuant to Chapter 169. of the Revised Code. 1493

(M) An owner may buy at any public sale held pursuant to 1494
this section. 1495

(N) The rights provided by this section shall be in 1496
addition to all other rights allowed by law to a creditor 1497
against a debtor. 1498

(O) (1) If the owner complies with the requirements for 1499
sale under this section, the owner's liability to persons who 1500
have an interest in the personal property sold is limited to the 1501
balance of the proceeds of the sale after the owner has 1502
satisfied the owner's lien. 1503

(2) The owner is liable for damages caused by the failure 1504
to comply with the requirements for sale under this section and 1505
is liable for conversion for willful violation of the 1506
requirements for sale under this section. 1507

(P) If no person purchases the personal property at the 1508
auction and if the owner has complied with this section, the 1509
owner may do any of the following: 1510

(1) Advertise and sell the personal property pursuant to 1511
divisions (F) to (O) of this section; 1512

(2) Sell the personal property at a private sale; 1513

(3) Dispose of the personal property in any manner 1514
considered appropriate by the owner including, but not limited 1515
to, destroying the personal property. 1516

Section 2. That existing sections 4707.01, 4707.02, 1517
4707.021, 4707.04, 4707.05, 4707.06, 4707.07, 4707.073, 4707.08, 1518
4707.091, 4707.10, 4707.11, 4707.12, 4707.14, 4707.15, 4707.151, 1519
4707.16, 4707.171, 4707.18, 4707.19, 4707.20, 4707.21, 4707.22, 1520
4707.25, 5322.01, and 5322.03 of the Revised Code are hereby 1521
repealed. 1522

Section 3. That sections 4707.071 and 4707.09 of the 1523
Revised Code are hereby repealed. 1524

Section 4. A person that holds a valid special auctioneer 1525
license issued under section 4707.071 of the Revised Code, as 1526
that section existed prior to its repeal by H.B. ___ of the 1527
134th General Assembly, may continue to operate under the 1528
special auctioneer license until an application for an auction 1529
firm license submitted to the Department of Agriculture is 1530
approved or until twelve months after the effective date of this 1531
section has expired, whichever is earliest. 1532

The Director of Agriculture shall adopt any necessary 1533
procedures or requirements for purposes of implementing this 1534
section. 1535

Section 5. A person that holds a valid apprentice 1536
auctioneer license issued under section 4707.09 of the Revised 1537
Code, as that section existed prior to its repeal by H.B. ___ of 1538
the 134th General Assembly, may continue to operate under the 1539
apprentice auctioneer license until an application for an 1540
auctioneer license submitted to the Department of Agriculture is 1541
approved or until twelve months after the effective date of this 1542
section has expired, whichever is earliest. 1543

The Director of Agriculture shall adopt any necessary 1544
procedures or requirements for purposes of implementing this 1545
section. 1546

Section 6. The Director of Agriculture shall establish 1547
procedures to effectuate the transition of the auction firm 1548
license from an annual license to a biennial license under 1549
section 4707.10 of the Revised Code. 1550

Section 7. Sections 4707.02, 4707.07, 4707.15, and 4707.19 1551
of the Revised Code as presented in this act take effect on the 1552
later of October 9, 2021, or the effective date of this section. 1553
October 9, 2021, is the effective date of an earlier amendment 1554
to those sections by H.B. 263 of the 133rd General Assembly. 1555