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Committee**

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Sub. H. B. No. 321

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

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 and to make other revisions 10
to the law governing auctions. 11

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

Section 1. That sections 4707.01, 4707.02, 4707.021, 12
4707.04, 4707.05, 4707.06, 4707.07, 4707.073, 4707.08, 4707.091, 13
4707.10, 4707.11, 4707.12, 4707.14, 4707.15, 4707.151, 4707.16, 14
4707.171, 4707.18, 4707.19, 4707.20, 4707.21, 4707.22, 4707.25, 15

5322.01, and 5322.03 be amended and sections 4707.101 and 16
4707.153 of the Revised Code be enacted to read as follows: 17

Sec. 4707.01. As used in this chapter: 18

~~(A)~~—"Auction" means a method of sale of real or personal 19
property, goods, or chattels, at a predetermined date and time, 20
by means of a verbal exchange, regular mail, telecommunications, 21
the internet, an electronic transmission, or a physical gesture 22
between an auctioneer ~~or apprentice auctioneer~~ and members of 23
the audience or prospective purchasers, the exchanges and 24
gestures consisting of a series of invitations for offers made 25
by the auctioneer and offers by members of the audience or 26
prospective purchasers, with the right to acceptance of offers 27
with the auctioneer ~~or apprentice auctioneer~~. "Auction" includes 28
a sale of real or personal property, goods, or chattels in which 29
there has been a solicitation or invitation by advertisement to 30
the public for an advance in bidding using sealed bidding, 31
provided that the bids are opened and there is a call for an 32
advancement of the bids. 33

~~(B)~~—"Auctioneer" means any person who engages, or who by 34
advertising or otherwise holds the person out as being able to 35
engage, in the calling for, recognition of, and the acceptance 36
of, offers for the purchase of real or personal property, goods, 37
or chattels at auction either directly or through the use of 38
other licensed auctioneers ~~or apprentice auctioneers~~. 39

~~(C)~~ "Apprentice auctioneer" means any individual who is 40
~~sponsored by an auctioneer to deal or engage in any activities~~ 41
~~mentioned in division (A) of this section.~~ 42

~~(D)~~ "Special auctioneer" means any person who currently is 43
~~subject to section 4707.071 of the Revised Code.~~ 44

(E) —"Absolute auction" means an auction of real or	45
personal property to which all of the following apply:	46
(1) The property is sold to the highest bidder without	47
reserve.	48
(2) The auction does not require a minimum bid.	49
(3) The auction does not require competing bids of any	50
type by the seller or an agent of the seller.	51
(4) The seller of the property cannot withdraw the	52
property from auction after the auction is opened and there is	53
public solicitation or calling for bids <u>unless no bid is made</u>	54
<u>within a reasonable time.</u>	55
(F) —"Reserve auction" means an auction in which the seller	56
or an agent of the seller reserves the right to establish a	57
stated minimum bid, the right to reject or accept any or all	58
bids, or the right to withdraw the real or personal property at	59
any time prior to the completion of the auction by the	60
auctioneer.	61
(G) —"Auction mediation company" means a company that	62
provides a forum through the internet for a person to sell the	63
person's real or personal property via the submission of silent	64
bids using a computer or other electronic device.	65
(H) —"Public authority" means any board or commission of	66
the state or any officer of such a board or commission, or any	67
political subdivision of the state.	68
(I) —"Estate auction" means the auction of real or personal	69
property of a deceased person.	70
(J) —"Absentee bidding" means a method by which a potential	71
purchaser authorizes a proxy to place on behalf of the potential	72

purchaser a written or oral bid to an auctioneer or auction firm 73
or an agent of an auctioneer or auction firm. 74

~~(K)~~—"Person" means an individual, sole proprietor, 75
corporation, limited liability company, association, or 76
partnership. 77

~~(L)~~—"Auction firm" means a person who provides auction 78
services for online or live auctions. 79

~~(M)~~—"Auction services" means arranging, managing, and 80
sponsoring a personal property auction. "Auction services" 81
includes the taking and advertising of personal property on 82
consignment to be sold at an online or live auction by a 83
licensed auctioneer for a fee or other consideration. 84

~~(N)~~—"Consignee" means a person or auction firm that, in 85
the regular course of business, takes personal property on 86
consignment to be sold at an online or live auction by a 87
licensed auctioneer. 88

~~(O)~~—"Firm manager" means the individual designated by an 89
auction firm who is responsible for ensuring that the auction 90
firm complies with this chapter. 91

~~(P)~~—"Sealed bidding" means a method of submitting a bid in 92
writing by one or more persons following which the bids are 93
opened at an advertised, predetermined time and place, and, 94
after a review of all the bids received, the real or personal 95
property is awarded to the highest and most responsive bidder. 96

~~(Q)~~—"Multi-parcel auction" means any auction of real or 97
personal property in which multiple parcels or lots are offered 98
for sale in various amalgamations, including as individual 99
parcels or lots, combinations of parcels or lots, and all 100
parcels or lots as a whole. 101

"Live auction" means an auction that is hosted by an 102
auctioneer in real time. 103

"Online auction" means an auction or sale at auction of 104
real or personal property that is conducted via a web site or 105
similar interactive communication media in which the web site or 106
similar interactive communication media accepts and rejects bids 107
and declares items, parcels, or lots sold. 108

Sec. 4707.02. (A) No person shall act as an auction firm,~~—~~ 109
~~or~~ auctioneer, ~~apprentice auctioneer, or special auctioneer—~~ 110
within this state without a license issued by the department of 111
agriculture. No auction shall be conducted in this state except 112
by an auctioneer licensed by the department. 113

Except as provided in division (D) of this section, the 114
department shall not issue or renew a license if the applicant 115
or licensee has been convicted of a felony or crime involving 116
fraud or theft in this or another state at any time during the 117
ten years immediately preceding application or renewal. 118

(B) Division (A) of this section does not apply to any of 119
the following: 120

(1) Sales at auction that either are required by law to be 121
at auction, other than sales pursuant to a judicial order or 122
decree, or are conducted by or under the direction of a public 123
authority; 124

(2) The owner of any real or personal property desiring to 125
sell the property at auction, provided that the property was not 126
acquired for the purpose of resale; 127

(3) An auction mediation company; 128

(4) An auction that is conducted in a course of study for 129

auctioneers that is approved by the state auctioneers commission 130
created under section 4707.03 of the Revised Code for purposes 131
of student training and is supervised by a licensed auctioneer; 132

(5) (a) An auction that is sponsored by a nonprofit or 133
charitable organization that is registered in this state under 134
Chapter 1702. or Chapter 1716. of the Revised Code, 135
respectively, if the auction only involves the property of the 136
members of the organization and the auction is part of a fair 137
that is organized by an agricultural society under Chapter 1711. 138
of the Revised Code or by the Ohio expositions commission under 139
Chapter 991. of the Revised Code at which an auctioneer who is 140
licensed under this chapter physically conducts the auction; 141

(b) Sales at an auction sponsored by a charitable, 142
religious, or civic organization that is tax exempt under 143
subsection 501(c) (3) of the Internal Revenue Code, or by a 144
public school, chartered nonpublic school, or community school, 145
if no person in the business of organizing, arranging, or 146
conducting an auction for compensation and no consignor of 147
consigned items sold at the auction, except such organization or 148
school, receives compensation from the proceeds of the auction. 149
As used in division (B) (5) (b) of this section, "compensation" 150
means money, a thing of value other than participation in a 151
charitable event, or a financial benefit. 152

(c) Sales at an auction sponsored by an organization that 153
is tax exempt under subsection 501(c) (6) of the Internal Revenue 154
Code and that is a part of a national, regional, or state 155
convention or conference that advances or promotes the auction 156
profession in this state when the property to be sold is donated 157
to or is the property of the organization and the proceeds 158
remain within the organization or are donated to a charitable 159

organization that is tax exempt under subsection 501(c)(3) of the Internal Revenue Code.	160 161
(6) A person licensed as a livestock dealer under Chapter 943. of the Revised Code who exclusively sells livestock and uses an auctioneer who is licensed under this chapter to conduct the auction;	162 163 164 165
(7) A person licensed as a motor vehicle auction owner under Chapter 4517. of the Revised Code who exclusively sells motor vehicles to a person licensed under Chapter 4517. of the Revised Code and who uses an auctioneer who is licensed under this chapter to conduct the auction;	166 167 168 169 170
(8) Sales of real or personal property conducted by means of the internet, provided that they are not conducted in conjunction with a live auction;	171 172 173
(9) —A bid calling contest that is approved by the commission and that is conducted for the purposes of the advancement or promotion of the auction profession in this state;	174 175 176 177
(10) — <u>(9)</u> An auction at which the champion of a national or international bid calling contest appears, provided that both of the following apply:	178 179 180
(a) The champion is not paid a commission.	181
(b) The auction is conducted under the direct supervision of an auctioneer licensed under this chapter in order to ensure that the champion complies with this chapter and rules adopted under it.	182 183 184 185
(C) (1) No person shall advertise or hold oneself out as an auction firm, <u>or</u> auctioneer, apprentice auctioneer, or special	186 187

~~auctioneer~~ without a license issued by the department of 188
agriculture. 189

(2) Division (C) (1) of this section does not apply to an 190
individual who is the subject of an advertisement regarding an 191
auction conducted under division (B) (5) (b) of this section. 192

(D) The department shall not refuse to issue a license to 193
an applicant because of a criminal conviction unless the refusal 194
is in accordance with section 9.79 of the Revised Code. 195

Sec. 4707.021. Only an auctioneer who is licensed under 196
this chapter and who is licensed as a real estate broker or a 197
real estate salesperson under Chapter 4735. of the Revised Code 198
shall sign an auction contract for the sale of real property at 199
auction. A real estate broker who is licensed under Chapter 200
4735. of the Revised Code, but who is not licensed as an 201
auctioneer under this chapter shall not sign an auction contract 202
or conduct an auction, but may contract for the sale of real 203
property at auction only if either of the following applies: 204

(A) The auctioneer who signs the auction contract and who 205
conducts the auction is a salesperson licensed under Chapter 206
4735. of the Revised Code and is associated with the real estate 207
broker who contracts for the sale of real property. 208

(B) The real estate broker enters into a cooperative 209
agreement with another real estate broker licensed under Chapter 210
4735. of the Revised Code with whom an auctioneer licensed under 211
this chapter is associated and the auctioneer is solely 212
responsible for signing the auction contract and conducting the 213
auction. 214

~~An apprentice auctioneer who is licensed as a real estate~~ 215
~~broker or real estate salesperson under Chapter 4735. of the~~ 216

~~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 these 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 education provider may reapply for approval within a year of the

disapproval. If at that time the commission approves the 246
institution or continuing education provider, the institution or 247
continuing education provider shall be approved for the 248
remainder of the triennial period. The commission, prior to the 249
triennial review, may place on probationary status or revoke the 250
approval of any institution or continuing education provider 251
that provides a course of study ~~in auctioneering~~ if the 252
institution or continuing education provider fails to comply 253
with the requirements and standards established under ~~this~~ 254
division (B) (1) of this section. 255

~~(C) Members of the commission who are licensed auctioneers~~ 256
~~under this chapter shall administer the oral licensing~~ 257
~~examination required under section 4707.08 of the Revised Code.~~ 258

~~(D)~~ Each commissioner shall receive the commissioner's 259
actual and necessary expenses incurred in the discharge of the 260
commissioner's duties. Each commissioner also shall receive a 261
per diem salary from the auctioneers fund created in section 262
4707.05 of the Revised Code for each meeting attended. The 263
director of agriculture shall adopt rules in accordance with 264
Chapter 119. of the Revised Code establishing the per diem 265
salary. 266

~~(E)~~ (D) The commission may form subcommittees for purposes 267
of research, education, and promotion of the auctioneering 268
profession. If a majority of the members of the commission 269
approves, the members of a subcommittee may be reimbursed from 270
the auction education fund created in section 4707.171 of the 271
Revised Code for the actual and necessary expenses incurred in 272
the discharge of their duties. 273

~~(F)~~ (E) Serving as a member of the commission does not 274
constitute holding a public office or position of employment 275

under the laws of this state and does not constitute grounds for 276
removal of public officers or employees from their offices or 277
positions of employment. 278

~~(G)~~ (F) The commission may advise the director on actions 279
of the director as required under this chapter. 280

Sec. 4707.05. Except as otherwise provided in section 281
4707.25 of the Revised Code, all fees and charges collected by 282
the department of agriculture pursuant to this chapter shall be 283
paid into the state treasury to the credit of the auctioneers 284
fund, which is hereby created. All expenses incurred by the 285
department in administering this chapter shall be paid out of 286
the fund. The total expenses incurred by the department in the 287
administration of this chapter shall not exceed the total fees, 288
charges, fines, and penalties imposed under sections 4707.08, 289
4707.10, and 4707.99 of the Revised Code and paid to the 290
treasurer of state. The department may conduct education 291
programs for the enlightenment and benefit of all auctioneers 292
who have paid fees pursuant to sections 4707.08 and 4707.10 of 293
the Revised Code. 294

~~At the end of each fiscal year, if the balance of the fund is 295
greater than three hundred thousand dollars, the director of 296
agriculture shall request the director of budget and management 297
to, and the director of budget and management shall, transfer 298
twenty five per cent of the balance that is in excess of three 299
hundred thousand dollars to the auction recovery fund created in 300
section 4707.25 of the Revised Code. 301~~

Sec. 4707.06. The department of agriculture shall maintain 302
a record of the names and addresses of all auction firms, and 303
auctioneers, ~~apprentice auctioneers, and special auctioneers~~ 304
licensed by the department. This record shall also include a 305

list of all persons whose licenses have been suspended or 306
revoked as well as any other information relative to the 307
enforcement of this chapter that the department considers of 308
interest to the public. 309

Sec. 4707.07. (A) The department of agriculture may grant 310
~~an auctioneer's licenses~~ license to those individuals who are an 311
individual who is determined to be qualified by the department. 312
Each individual who applies for an auctioneer's license shall 313
furnish to the department, on forms provided by the department, 314
satisfactory proof that the applicant: 315

(1) Has attained the age of at least eighteen years; 316

(2) Has ~~done one of the following:~~ 317

~~(a) Met the apprenticeship requirements set forth in~~ 318
~~section 4707.09 of the Revised Code;~~ 319

~~(b) Met the requirements of section 4707.12 of the Revised~~ 320
~~Code~~ successfully completed a course of study in auctioneering at 321
an institution that is approved by the state auctioneers 322
commission. 323

(3) Has a general knowledge of the following: 324

(a) The requirements of the Revised Code relative to 325
auctioneers; 326

(b) The auction profession; 327

(c) The principles involved in conducting an auction; 328

(d) Any local and federal laws regarding the profession of 329
auctioneering. 330

(4) Has satisfied the financial responsibility 331
requirements established under section 4707.11 of the Revised 332

Code if applicable. 333

~~(B) Auctioneers who served apprenticeships and who hold licenses issued before May 1, 1991, and who seek renewal of their licenses, are not subject to the additional apprenticeship requirements imposed by section 4707.09 of the Revised Code. If the department determines that an application is incomplete, the department shall notify the applicant that the application is incomplete and inform the applicant of the information that is missing from the application. An applicant shall submit the additional information within ninety days after being notified by the department that the application is incomplete. If an applicant fails to submit the required information within that ninety-day period, the department shall deny the application and the applicant shall forfeit the application fee to the department.~~ 334
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(C) A licensee may do business under more than one registered name, but not to exceed three registered names, provided that the names have been approved by the department. The department may reject the application of any person seeking licensure under this chapter if the name or names to be used by the applicant are likely to mislead the public, or if the name or names do not distinguish the applicant from the name or names of any existing person licensed under this chapter. If an applicant applies to the department to do business under three names, the department may charge a fee of ten dollars for the third name. 348
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~~(D) The department, in its discretion, may waive the schooling and apprenticeship requirements for a resident of this state, provided that the resident holds a valid auctioneer's license that was issued by a state with which the department has~~ 359
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~~entered into a reciprocal licensing agreement and the resident— 363
is in good standing with that state. The applicant shall provide— 364
proof that is satisfactory to the department that the applicant— 365
has had two years of experience as an auctioneer immediately— 366
preceding the date of application that includes at a minimum— 367
twelve auctions in which the applicant was a bid caller in the— 368
reciprocal state.— 369~~

Sec. 4707.073. (A) No corporation, limited liability 370
company, general or limited partnership, or unincorporated 371
association shall act or hold itself out as an auctioneer 372
without a valid auctioneer's license issued under this section. 373
~~This section does not apply to a person who is issued a license— 374
under section 4707.071 of the Revised Code.— 375~~

(B) The department of agriculture may grant an 376
auctioneer's license to a corporation, limited liability 377
company, general or limited partnership, or unincorporated 378
association that is determined to be qualified by the 379
department. Every applicant for a license under this section 380
shall furnish to the department, on forms provided by the 381
department, satisfactory proof that the applicant: 382

(1) Is in good standing with the secretary of state if the 383
applicant is a corporation; 384

(2) Is of trustworthy character; 385

(3) Has provided proof of financial responsibility as 386
required in section 4707.11 of the Revised Code; 387

(4) Is registered with the secretary of state or a local 388
authority, as applicable, to do business in this state; 389

(5) Has complied with any other requirement that the 390
director establishes in rules adopted under section 4707.19 of 391

the Revised Code.	392
(C) An application submitted under this section shall list	393
the names of all of the owners, directors, partners, or members	394
of the applicant, as applicable, and shall indicate those that	395
have an auctioneer's license issued under section 4707.07 of the	396
Revised Code.	397
(D) The department shall not issue a license under this	398
section unless one of the following applies, as applicable:	399
(1) If the applicant is a limited liability company or a	400
general or limited partnership, not less than fifty per cent of	401
the members or general partners have a current license issued	402
under section 4707.07 of the Revised Code.	403
(2) If the applicant is a corporation, not less than fifty	404
per cent of the directors and the president or chief executive	405
have a current license issued under section 4707.07 of the	406
Revised Code.	407
(3) If the applicant is an unincorporated association, not	408
less than fifty per cent of the members have a current license	409
issued under section 4707.07 of the Revised Code.	410
Failure of a corporation, limited liability company,	411
partnership, or unincorporated association to maintain the	412
applicable requirements of this division after the issuance of a	413
license under this section may be sufficient cause for the	414
revocation of the license under section 4707.15 of the Revised	415
Code.	416
(E) Upon the issuance of a license under this section, a	417
corporation, limited liability company, partnership, or	418
unincorporated association shall designate an individual from	419
among its directors, partners, or members who is licensed under	420

section 4707.07 of the Revised Code as its agent for purposes of 421
communication with the department. If that individual ceases to 422
be the agent, the corporation, limited liability company, 423
partnership, or unincorporated association shall notify the 424
department not later than ten days after the day on which the 425
individual ceases to be the agent. Upon notification to the 426
department, the license of the corporation, limited liability 427
company, partnership, or unincorporated association, as 428
applicable, immediately shall terminate. If the corporation, 429
limited liability company, partnership, or unincorporated 430
association notifies the department of the designation of a new 431
agent in accordance with the requirements of this division and 432
pays a fee in the amount of ten dollars, the department shall 433
issue the corporation, limited liability company, partnership, 434
or unincorporated association a new license. 435

(F) This section does not preclude a corporation, limited 436
liability company, partnership, or unincorporated association 437
from selling real property at auction, provided that the 438
requirements of this section and section 4707.021 and Chapter 439
4735. of the Revised Code are satisfied. 440

(G) A person licensed as a real estate broker under 441
Chapter 4735. of the Revised Code shall not be required to 442
obtain a license under this section if the person complies with 443
sections 4707.021 and 4707.22 of the Revised Code. 444

Sec. 4707.08. (A) The department of agriculture shall hold 445
written examinations ~~four times each year for the purpose of~~ 446
~~testing the qualifications required for obtaining a license~~ 447
~~under section 4707.07 of the Revised Code and twelve times each~~ 448
year for obtaining a license under section ~~4707.09~~ 4707.07 of 449
the Revised Code and for unlicensed auction firm managers as 450

required under division (D) of section 4707.074 of the Revised Code. The written examination shall be held at the department or at an alternative location determined by the department. ~~In addition to the written examination, auctioneer license applicants shall pass an oral examination administered by the state auctioneers commission on the same date and at the same location as the written examination.~~ An examination shall not be required for the renewal of any license unless the license has been revoked, ~~suspended,~~ or allowed to expire without renewal, in which case the applicant shall take and pass the appropriate ~~examinations~~ examination offered by the department.

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

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

(C) If a court of competent jurisdiction or the department, at an administrative hearing, has found that an applicant conducted an auction, provided auction services, or acted as an auctioneer without a license issued under this chapter, the department may refuse to allow the applicant to take an examination under this section or may deny the issuance of a license to the applicant for a period of two years.

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

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

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

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

(B) If the department accepts the application, an auctioneer ~~or apprentice auctioneer~~ who has a license on deposit with the department under this section shall not act as an auctioneer ~~or apprentice auctioneer~~ while the license is on deposit. In addition, such an auctioneer shall not be required

to pay an assessment under section 4707.25 of the Revised Code. 511

(C) An auctioneer ~~or apprentice auctioneer~~ may reacquire a 512
license on deposit from the department if the auctioneer ~~or~~ 513
~~apprentice auctioneer~~ does all of the following prior to 514
reacquisition: 515

(1) Submits a written request to the department that 516
contains the business address and telephone number of the 517
auctioneer ~~or apprentice auctioneer, as applicable;~~ 518

(2) Pays a reactivation fee for the license in the 519
following amount, ~~as applicable:~~ 520

(a) ~~In the case of an apprentice auctioneer, one hundred~~ 521
~~dollars;~~ 522

~~(b)~~ In the case of an auctioneer whose license is 523
reacquired during the first half of the biennium according to 524
the biennial schedule established in division ~~(B)~~ (A) of section 525
4707.10 of the Revised Code, two hundred dollars; 526

~~(e)~~ (b) In the case of an auctioneer whose license is 527
reacquired during the second half of the biennium according to 528
that biennial schedule, one hundred dollars. 529

(3) Pays the assessment that is levied under section 530
4707.25 of the Revised Code for the current year, if applicable; 531

(4) Provides proof of financial responsibility as required 532
in section 4707.11 of the Revised Code, if applicable; 533

(5) Complies with any other requirement established in 534
rules adopted by the director under section 4707.19 of the 535
Revised Code. 536

(D) If an auctioneer ~~or apprentice auctioneer~~, at the time 537

of placing the auctioneer's ~~or apprentice auctioneer's~~ license 538
on deposit, ~~as applicable,~~ has not maintained proof of financial 539
responsibility for the entire period of time required under 540
section 4707.11 of the Revised Code, the auctioneer ~~or~~ 541
~~apprentice auctioneer,~~ beginning at the time of reacquisition, 542
shall maintain proof of financial responsibility for the 543
remainder of the time required under that section. 544

Sec. 4707.10. (A) ~~The fee for each apprentice auctioneer's~~ 545
~~or auction firm license issued by the department of agriculture~~ 546
~~is one hundred dollars, and the annual renewal fee for any such~~ 547
~~license is one hundred dollars. All licenses expire annually on~~ 548
~~the last day of June of each year and shall be renewed according~~ 549
~~to the standard renewal procedures of Chapter 4745. of the~~ 550
~~Revised Code, or the procedures of this section. Any licensee~~ 551
~~under this chapter who wishes to renew the licensee's license,~~ 552
~~but fails to do so before the first day of July shall reapply~~ 553
~~for licensure in the same manner and pursuant to the same~~ 554
~~requirements as for initial licensure, unless before the first~~ 555
~~day of September of the year of expiration, the former licensee~~ 556
~~pays to the department, in addition to the regular renewal fee,~~ 557
~~a late renewal penalty of one hundred dollars.~~ 558

~~(B)~~(1) Each person to whom the department issues an 559
auctioneer's license or special auctioneer's auction firm 560
license shall pay a licensure fee. Those licenses are biennial 561
and expire in accordance with the schedule established in 562
division ~~(B)(2)~~ (A)(2) of this section. If such a license is 563
issued during the first year of a biennium, the licensee shall 564
pay a fee in the amount of two hundred dollars. If the license 565
is issued during the second year of a biennium, the licensee 566
shall pay a fee in the amount of one hundred dollars. With 567
respect to an auctioneer's license, the fees apply regardless of 568

whether the license is issued to an individual under section 569
4707.07 of the Revised Code or to a corporation, limited 570
liability company, partnership, or association under section 571
4707.073 of the Revised Code. 572

All auctioneer's licenses and ~~special auctioneer's auction~~ 573
firm licenses expire on the last day of June of the biennium. 574
The licenses shall be renewed in accordance with the standard 575
renewal procedures of Chapter 4745. of the Revised Code or the 576
procedures in this section and upon the licensee's payment to 577
the department of a renewal fee of two hundred dollars. A 578
licensee who wishes to renew the licensee's license, but who 579
fails to do so before the first day of July following the 580
license's expiration, shall reapply for licensure in the same 581
manner and pursuant to the same requirements as for the initial 582
licensure unless before the first day of September following the 583
expiration, the former licensee pays to the department, in 584
addition to the regular renewal fee, a late renewal penalty of 585
one hundred dollars. 586

(2) The biennial expiration of an auctioneer's license or 587
~~special auctioneer's auction firm~~ license shall occur in 588
accordance with the following schedule: 589

(a) The license shall expire in odd-numbered years if the 590
business name or last name, as applicable, of the licensee 591
begins with the letters "A" through "J" or with the letters "X" 592
through "Z." 593

(b) The license shall expire in even-numbered years if the 594
business name or last name, as applicable, of the licensee 595
begins with the letters "K" through "W." 596

~~(C)~~ (B) (1) To renew an auctioneer's license, the licensee 597

shall include with a renewal application an affidavit stating 598
that the licensee has completed eight hours of continuing 599
education in accordance with section 4707.101 of the Revised 600
Code during the two years immediately preceding renewal of the 601
licensee's license. 602

(2) To renew an auction firm's license, the auction firm 603
manager of the licensed auction firm shall include with a 604
renewal application an affidavit stating that the auction firm 605
manager has completed eight hours of continuing education in 606
accordance with section 4707.101 of the Revised Code during the 607
two years immediately preceding renewal of the auction firm's 608
license. 609

The director of agriculture shall not renew an auctioneer 610
or auction firm license unless the applicant demonstrates that 611
all continuing education requirements have been completed. 612

(C) Any person who fails to renew the person's license 613
before the first day of July is prohibited from engaging in any 614
activity specified or comprehended in section 4707.01 of the 615
Revised Code until such time as the person's license is renewed 616
or a new license is issued. Renewal of a license between the 617
first day of July and the first day of September does not 618
relieve any person from complying with this division. The 619
department may refuse to renew the license of or issue a new 620
license to any person who violates this division. 621

(D) The department shall prepare and deliver to each 622
licensee a permanent license certificate and an identification 623
card, the appropriate portion of which shall be carried on the 624
person of the licensee at all times when engaged in any type of 625
auction activity, and part of which shall be posted with the 626
permanent certificate in a conspicuous location at the 627

licensee's place of business. 628

(E) Notice in writing shall be given to the department by 629
each auctioneer ~~or apprentice auctioneer~~ licensee of any change 630
of principal business location or any change or addition to the 631
name or names under which business is conducted, whereupon the 632
department shall issue a new license for the unexpired period. 633
Any change of business location or change or addition of names 634
without notification to the department shall automatically 635
cancel any license previously issued. For each new auctioneer's 636
~~or apprentice auctioneer's~~ license issued upon the occasion of a 637
change in business location or a change in or an addition of 638
names under which business is conducted, the department may 639
collect a fee of ten dollars for each change in location, or 640
name or each added name unless the notification of the change 641
occurs concurrently with the renewal application or unless 642
otherwise provided in section 4707.07 of the Revised Code. 643

Sec. 4707.101. (A) A licensed auctioneer shall complete 644
eight hours of continuing education in accordance with this 645
section prior to renewal of the license under section 4707.10 of 646
the Revised Code. The auction firm manager of a licensed auction 647
firm shall complete eight hours of continuing education in 648
accordance with this section prior to the renewal of the auction 649
firm license under section 4707.10 of the Revised Code. 650

(B) (1) Except as provided in division (B) (2) of this 651
section, a licensed auctioneer and an auction firm manager shall 652
complete the eight hours of continuing education as follows: 653

(a) Three of the hours shall include areas of instruction 654
in any of the following areas: an overview of this chapter and 655
rules adopted under it, including any recent amendments to that 656
chapter or rules; contract law; the uniform commercial code; 657

auction ethics; or trust or escrow accounts. 658

(b) Five of the hours shall include areas of instruction 659
in any of the following areas: advertising and marketing; 660
business math and accounting; insurance and liability; federal 661
firearms law; business management; motor vehicle auctions; real 662
estate auctions; or personal property auctions. 663

(2) If a licensed auctioneer has been issued a license 664
with a period of validity of twelve months or less, the 665
auctioneer shall complete four hours of continuing education as 666
follows: 667

(a) One hour in the areas of instruction described in 668
division (B) (1) (a) of this section; 669

(b) Three hours in the areas of instruction described in 670
division (B) (1) (b) of this section. 671

(C) A licensed auctioneer or an auction firm manager of a 672
licensed auction firm may complete an area of instruction for 673
continuing education hours in another state if both of the 674
following apply: 675

(1) The area of instruction has been approved by the 676
appropriate state governing body in the other state. 677

(2) The Ohio auctioneers commission approves the 678
completion of the area of instruction by the auctioneer or an 679
auction firm manager in the other state. 680

Sec. 4707.11. (A) Except as provided in division (B) of 681
this section, each application for a license issued under this 682
chapter shall be accompanied by proof of financial 683
responsibility in the form of either an irrevocable letter of 684
credit or a cash bond or a surety bond in the amount of twenty- 685

five thousand dollars. If the applicant gives a surety bond, the 686
bond shall be executed by a surety company authorized to do 687
business in this state. 688

A bond shall be made payable to the department of 689
agriculture and shall include a condition that requires the 690
applicant to comply with this chapter and rules adopted under 691
it, including a requirement that the person refrain from conduct 692
described in section 4707.15 of the Revised Code. All bonds 693
shall be on a form approved by the director of agriculture. 694

A licensee shall maintain proof of financial 695
responsibility for three years following the date of initial 696
licensure. After the three-year period, a licensee who has not 697
engaged in conduct described in section 4707.15 of the Revised 698
Code and has not otherwise violated this chapter or rules 699
adopted under it during that period shall no longer be required 700
to maintain proof of financial responsibility except as 701
otherwise provided in this section. 702

A licensee whose license expires without being renewed 703
under section 4707.10 of the Revised Code or is suspended under 704
section 4707.15 or 4707.30 of the Revised Code shall give proof 705
of financial responsibility in accordance with this section in 706
order to obtain reinstatement or reactivation of the license. 707

(B) Division (A) of this section does not apply to ~~any~~ 708
either of the following: 709

(1) A licensee whose license was issued prior to July 1, 710
2003, provided that the license continues to be renewed under 711
section 4707.10 of the Revised Code and is not suspended under 712
section 4707.15 or 4707.30 of the Revised Code; 713

(2) ~~An apprentice auctioneer licensee whose license was~~ 714

~~issued under section 4707.09 of the Revised Code prior to July 1, 2003, and who applies for an auctioneer's license under section 4707.07 of the Revised Code on or after July 1, 2003, provided that the apprentice auctioneer's license is not suspended under section 4707.15 or 4707.30 of the Revised Code, and, if necessary, continues to be renewed under section 4707.10 of the Revised Code, prior to the issuance of the auctioneer's license to the applicant;~~

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

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

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

~~This section does not apply to A nonresident auctioneers who do not have a license auctioneer from a state with which the department has not entered into a reciprocal licensing agreement~~

shall not operate as an auctioneer in this state, unless that 745
nonresident auctioneer is issued a license under this chapter. 746

Sec. 4707.14. (A) Each person licensed under this chapter 747
shall have a definite place of business in this state. 748

(B) ~~Except as provided in division (C) of this section, if~~ 749
~~the~~ If a licensee is a nonresident, it is not necessary for the 750
licensee to maintain an active place of business within this 751
state if the licensee maintains such a place of business in the 752
state where the licensee is a resident. 753

~~(C) A nonresident who is licensed as a special auctioneer~~ 754
~~under section 4707.071 of the Revised Code shall have a definite~~ 755
~~place of business within the state and shall not conduct~~ 756
~~auctions anywhere else in the state other than the licensee's~~ 757
~~place of business.~~ 758

Sec. 4707.15. (A) The department of agriculture may deny, 759
refuse to renew, suspend, or revoke the license of any auction 760
firm, or auctioneer, ~~apprentice auctioneer, or special~~ 761
~~auctioneer~~ for any of the following causes: 762

(1) Obtaining a license through false or fraudulent 763
representation; 764

(2) Making any substantial misrepresentation in an 765
application for a license; 766

(3) A continued course of misrepresentation or for making 767
false promises through agents, advertising, or otherwise; 768

(4) Specifying that an auction is a reserve auction, 769
absolute auction, multi-parcel auction, or estate auction, but 770
not conducting the auction as specified; 771

(5) Failing to account for or remit, within a reasonable 772

time, any money or property belonging to others that comes into 773
the licensee's possession, and for commingling funds of others 774
with the licensee's own, or failing to keep funds of others in 775
an escrow or trust account, except that in the case of a 776
transaction involving real estate, such funds shall be 777
maintained in accordance with division (A)(26) of section 778
4735.18 of the Revised Code; 779

(6) Paying valuable consideration to any person who has 780
violated this chapter; 781

(7) Except as provided in division (B) of this section, 782
conviction in a court of competent jurisdiction of this state or 783
any other state of a criminal offense involving fraud, forgery, 784
embezzlement, false pretenses, extortion, conspiracy to defraud, 785
or another similar offense or a felony; 786

(8) Violation of this chapter or rules adopted under it; 787

(9) Failure to furnish voluntarily at the time of 788
execution, copies of all written instruments prepared by the 789
auctioneer or auction firm; 790

(10) Any conduct of a person that is licensed under this 791
chapter that demonstrates bad faith, dishonesty, incompetency, 792
or untruthfulness; 793

(11) Any other conduct of a person that is licensed under 794
this chapter that constitutes improper, fraudulent, or dishonest 795
dealings; 796

(12) Failing prior to the sale at public auction to enter 797
into a written contract with the owner or consignee of any 798
property to be sold, containing the terms and conditions upon 799
which the licensee received the property for auction; 800

(13) The use of any power of attorney to circumvent this chapter;	801 802
(14) Failure to display either of the following:	803
(a) The sign required under section 4707.22 of the Revised Code; or	804 805
(b) A notice conspicuously at the clerk's desk or on a bid card that clearly states the terms and conditions of the auction and, if applicable, an explanation of the multi-parcel auction process.	806 807 808 809
(15) Failure to notify the department of any conviction of a felony or crime involving fraud within fifteen days of conviction;	810 811 812
(16) Aiding an unlicensed person in the performance of services or acts that require a license under this chapter;	813 814
(17) The suspension or revocation of a license to engage in auctioneering or other disciplinary action by the licensing authority of another state;	815 816 817
(18) The refusal or disapproval by the licensing authority of another state of an application for a license to engage in auctioneering;	818 819 820
(19) Failure of a licensee to notify the department of agriculture within fifteen days of a disciplinary action against the licensee by another state's applicable governing authority;	821 822 823
(20) Engaging in auctioneering or providing auction services without a license or during the suspension of a license;	824 825 826
(21) Attempting to cheat or cheating on an auctioneer	827

examination or aiding another to cheat on an examination. 828

(B) The department shall not refuse to issue a license to 829
an applicant because of a criminal conviction unless the refusal 830
is in accordance with section 9.79 of the Revised Code. 831

Sec. 4707.151. (A) No person shall engage in bid rigging. 832

(B) As used in this section, "bid rigging" means a 833
conspiracy between auctioneers, ~~apprentice auctioneers, special-~~ 834
~~auctioneers,~~ any participants in an auction, or any other 835
persons who agree not to bid against each other at an auction or 836
who otherwise conspire to decrease or increase the number or 837
amounts of bids offered at auction. 838

Sec. 4707.153. (A) An auctioneer license or auction firm 839
license is automatically suspended if the following apply, as 840
applicable: 841

(1) The director of agriculture determines that a licensed 842
auctioneer has failed to complete the continuing education 843
requirements established under section 4707.101 of the Revised 844
Code. 845

(2) The director determines the auction firm manager of a 846
licensed auction firm has failed to complete the continuing 847
education requirements established under section 4707.101 of the 848
Revised Code. 849

A license is automatically suspended on the date on which 850
the director makes a determination under division (A) (1) or (2) 851
of this section. The director shall provide the offending 852
licensee with an opportunity for an administrative hearing on 853
the suspension in accordance with Chapter 119. of the Revised 854
Code. 855

(B) If an auctioneer's or auction firm's license is 856
suspended under division (A) of this section, the auctioneer or 857
auction firm manager of the auction firm shall provide proof of 858
completion of the continuing education requirements not later 859
than one hundred eighty days after the date that the suspension 860
is issued. If such an auctioneer or auction firm manager fails 861
to submit the proof of completion of the continuing education 862
requirements within that time period, the license is 863
automatically revoked. The director shall provide the former 864
licensee an opportunity for an administrative hearing on the 865
revocation in accordance with Chapter 119. of the Revised Code. 866

(C) If an auctioneer or auction firm license is revoked 867
under this section, the former licensee shall not apply for a 868
new license under this chapter earlier than one year after the 869
revocation. The applicant shall comply with all requirements 870
under section 4707.07 or 4707.074 of the Revised Code, as 871
applicable. 872

Sec. 4707.16. (A) The department of agriculture may, upon 873
its own motion, and shall, upon the verified written complaint 874
of any person, investigate the actions of any auction firm, ~~or~~ 875
~~auctioneer, apprentice auctioneer, or special auctioneer,~~ any 876
applicant for an auction firm's, ~~or~~ auctioneer's, ~~apprentice~~ 877
~~auctioneer's, or special auctioneer's~~ license, or any person who 878
assumes to act in that capacity, if the complaint, together with 879
other evidence presented in connection with it, makes out a 880
prima-facie case. 881

If the department determines that any such applicant is 882
not entitled to receive a license, a license shall not be 883
granted to the applicant, and if the department determines that 884
any licensee is guilty of a violation of section 4707.14 or 885

4707.15 of the Revised Code, the department may suspend or 886
revoke the license. Any auction firm, or auctioneer, ~~apprentice-~~ 887
~~auctioneer, or special auctioneer~~ who has had the auction 888
firm's, or auctioneer's, ~~apprentice auctioneer's, or special-~~ 889
~~auctioneer's~~ license revoked shall not be issued another such 890
license for a period of two years from the date of revocation. 891

(B) The department may investigate complaints concerning 892
the violation of sections 4707.02 and 4707.15 of the Revised 893
Code and may subpoena witnesses in connection with such 894
investigations as provided in this section. The department may 895
make application to the court of common pleas for an order 896
enjoining the violation of sections 4707.02 and 4707.15 of the 897
Revised Code, and upon a showing by the department that any 898
licensed auction firm, or auctioneer, ~~apprentice auctioneer, or-~~ 899
~~special auctioneer~~ has violated or is about to violate section 900
4707.15 of the Revised Code, or any person has violated or is 901
about to violate section 4707.02 of the Revised Code, an 902
injunction, restraining order, or other order as may be 903
appropriate shall be granted by the court. 904

(C) The department may compel by subpoena the attendance 905
of witnesses to testify in relation to any matter over which it 906
has jurisdiction and that is the subject of inquiry and 907
investigation by it, and require the production of any book, 908
paper, or document pertaining to that matter. In case any person 909
fails to file any statement or report, obey any subpoena, give 910
testimony, or produce any books, records, or papers as required 911
by such a subpoena, the court of common pleas of any county in 912
the state, upon application made to it by the department, shall 913
compel obedience by attachment proceedings for contempt, as in 914
the case of disobedience of the requirements of a subpoena 915
issued from that court, or a refusal to testify therein. 916

(D) When the department determines that a person not 917
licensed under this chapter is engaged in or is believed to be 918
engaged in activities for which a license is required under this 919
chapter, the department may issue an order to that person 920
requiring the person to show cause as to why the person should 921
not be subject to licensing under this chapter. If the 922
department, after a hearing, determines that the activities in 923
which the person is engaged are subject to licensing under this 924
chapter, the department may issue a cease-and-desist order that 925
shall describe the person and activities that are subject to the 926
order. A cease-and-desist order issued under this section shall 927
be enforceable in and may be appealed to the common pleas courts 928
of this state under Chapter 119. of the Revised Code. 929

(E) In addition to the remedies provided under this 930
section and irrespective of whether an adequate remedy at law 931
exists, the department may apply to a court of common pleas for 932
a temporary or permanent injunction or other appropriate relief 933
for continued violations of this chapter. For purposes of this 934
division, the court of common pleas shall be the court of common 935
pleas of Licking county or the court of common pleas of the 936
county where the violation occurs. 937

(F) For purposes of this section, investigative costs 938
incurred by the department are recoverable either by the 939
issuance of an administrative order of the department or by an 940
order of a court of competent jurisdiction. 941

Sec. 4707.171. There is hereby created in the state 942
treasury the auction education fund. Seven dollars and fifty 943
cents of each fee collected for an initial or renewed auction 944
firm's ~~or apprentice auctioneer's~~ license shall be credited to 945
the auction education fund. In addition, seven dollars and fifty 946

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

The state auctioneers commission shall use any moneys from 953
the auction education fund to advance and underwrite education 954
and research in the auction field for the benefit of those 955
licensed under this chapter and the auctioneering public and to 956
cooperate with associations of auctioneers and other groups for 957
the education of auctioneers and the advancement of the auction 958
profession in this state. 959

Sec. 4707.18. No person engaged in the business of, or 960
acting in the capacity of, an auction firm, or auctioneer, ~~or~~ 961
~~special auctioneer~~ shall bring or maintain any action in the 962
courts of this state for the collection of compensation for any 963
services performed as an auction firm or auctioneer without 964
first alleging and proving that the person was a duly licensed 965
auction firm, or auctioneer, ~~or special auctioneer~~ at the time 966
the alleged cause of action arose. 967

Sec. 4707.19. (A) The director of agriculture may adopt 968
reasonable rules necessary for the implementation of this 969
chapter in accordance with Chapter 119. of the Revised Code. In 970
addition, the director shall adopt rules in accordance with 971
Chapter 119. of the Revised Code that establish the portion of 972
license fees collected under this chapter that are to be 973
deposited into the auction recovery fund under section 4707.25 974
of the Revised Code. 975

No person shall fail to comply with a rule adopted under 976

this chapter. 977

(B) The director shall adopt rules that establish a 978
schedule of civil penalties for violations of this chapter, 979
rules adopted under it, or orders issued under it. The rules 980
shall provide that the civil penalty for the first violation of 981
this chapter, rule, or order shall not exceed five thousand 982
dollars and the civil penalty for each subsequent offense shall 983
not exceed ten thousand dollars. In addition, the director, in 984
establishing the schedule of civil penalties in the rules, shall 985
consider past violations of this chapter and rules adopted under 986
it, the severity of a violation, and the amount of actual or 987
potential damage to the public or the auction profession. 988

(C) The department of agriculture may hear testimony in 989
matters relating to the duties imposed on it, and any person 990
authorized by the director may administer oaths. The department 991
may require other proof of the honesty and truthfulness of any 992
person named in the application for an auction firm's, or 993
~~auctioneer's, apprentice auctioneer's, or special auctioneer's~~ 994
license before admitting the applicant to an examination or 995
issuing a license. 996

Sec. 4707.20. (A) Except when conducting an auction under 997
division (B) (5) (b) of section 4707.02 of the Revised Code, no 998
person shall act as an auction firm, or auctioneer, ~~or special~~ 999
~~auctioneer~~ until the person has first entered into a written 1000
contract or agreement in duplicate with the owner or consignee 1001
of any property to be sold, containing the terms and conditions 1002
upon which the licensee receives or accepts the property for 1003
sale at auction. The contracts or agreements shall, for a period 1004
of two years, be kept on file in the office of every person so 1005
licensed. ~~No apprentice auctioneer shall be authorized to enter~~ 1006

~~into such a contract or agreement without the written consent of~~ 1007
~~the apprentice auctioneer's sponsoring auctioneer, and all~~ 1008
~~contracts or agreements shall be made in the name of and on~~ 1009
~~behalf of the sponsoring auctioneer. In addition, an apprentice~~ 1010
~~auctioneer shall not enter into an auction contract for the sale~~ 1011
~~of real property in the name of the sponsoring auctioneer~~ 1012
~~regardless of whether the apprentice auctioneer is licensed as a~~ 1013
~~real estate broker or salesperson.~~ 1014

(B) On all contracts or agreements between an auction 1015
firm, or auctioneer, ~~or special auctioneer~~ and the owner or 1016
consignee, there shall appear a prominent statement indicating 1017
that the auction firm, or auctioneer, ~~or special auctioneer~~ is 1018
licensed by the department of agriculture, and either that the 1019
licensee is bonded in favor of the state or that an aggrieved 1020
person may initiate a claim against the auction recovery fund 1021
created in section 4707.25 of the Revised Code as a result of 1022
the licensee's actions, whichever is applicable. 1023

(C) The auction firm, or auctioneer, ~~or special auctioneer~~ 1024
who contracts with the owner is liable for the settlement of all 1025
money received, including the payment of all expenses incurred 1026
only by the licensee and the distribution of all funds, in 1027
connection with an auction. 1028

(D) For purposes of this section, a contract or agreement 1029
shall specify all of the following: 1030

(1) The owner of the property to be sold or the owner's 1031
agent or the consignee; 1032

(2) The date of the auction or a termination date of the 1033
contract or agreement; 1034

(3) The location of the auction; 1035

(4) The terms and conditions of the auction;	1036
(5) All of the fees to be charged by the auctioneer or the auction firm, which shall include commissions, rentals, advertising, and labor;	1037 1038 1039
(6) An explanation of the settlement of the auction that includes the disbursement of interest money, if applicable;	1040 1041
(7) A statement establishing the responsibility for bad checks, debts, and unpaid auction items;	1042 1043
(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.	1044 1045 1046 1047 1048
(9) A statement of the auctioneer's or auction firm's policy regarding absentee bidding;	1049 1050
(10) A brief description of the real or personal property to be sold;	1051 1052
(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.	1053 1054 1055 1056
(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 that the type of auction will be a multi-parcel auction.	1057 1058 1059 1060
Sec. 4707.21. (A) No auction firm , or auctioneer , or apprentice auctioneer, or special auctioneer shall <u>willfully do any of the following:</u>	1061 1062 1063

(1) Willfully neglect or refuse to furnish the department 1064
of agriculture statistics or other information in the auction 1065
firm's ~~or~~ auctioneer's, ~~apprentice auctioneer's, or special~~
~~auctioneer's~~ possession or under the auction firm's ~~or~~ 1066
auctioneer's, ~~apprentice auctioneer's, or special~~ auctioneer's 1067
control that the auction firm, ~~or~~ auctioneer, ~~apprentice~~
~~auctioneer, or special~~ auctioneer is authorized to collect; ~~nor~~ 1068
~~shall the auction firm, auctioneer, apprentice auctioneer, or~~
~~special auctioneer~~ neglect 1069
1070
1071
1072

(2) Neglect or refuse, for more than thirty days, to 1073
answer questions submitted on circulars; ~~nor shall the auction~~
~~firm, auctioneer, apprentice auctioneer, or special auctioneer~~
~~knowingly~~ 1074
1075
1076

(3) Knowingly answer any ~~such~~ questions submitted on 1077
circulars specified in division (A) (2) of this section falsely; 1078
~~and nor shall the auction firm, auctioneer, apprentice~~
~~auctioneer, or special auctioneer~~ refuse 1079
1080

(4) Refuse to obey subpoenas and give testimony. ~~Licensees~~ 1081

(B) Licensees, as well as charitable, religious, or civic 1082
organizations and schools that sponsor an auction under division 1083
(B) (5) (b) of section 4707.02 of the Revised Code, shall keep 1084
records relative to any auction for at least two years from its 1085
date. These records shall include settlement sheets, written 1086
contracts, and copies of any advertising that lists the items 1087
for auction, as applicable. 1088

Sec. 4707.22. (A) Any person licensed under this chapter 1089
who advertises, by linear advertisements or otherwise, to hold 1090
or conduct an auction shall indicate in the advertisement the 1091
licensee's name or the name registered with the department of 1092

agriculture and that the licensee is an auctioneer ~~or apprentice-~~ 1093
~~auctioneer. Any apprentice auctioneer who advertises, as-~~ 1094
~~provided in this section, also shall indicate in the-~~ 1095
~~apprentice's advertisement the name of the auctioneer under whom-~~ 1096
~~the apprentice is licensed. The name of the auctioneer shall be-~~ 1097
~~displayed in equal prominence with the name of the apprentice-~~ 1098
~~auctioneer in the advertisement.~~ Any such licensee who 1099
advertises in a manner other than as provided in this section is 1100
guilty of violating division (C) of section 4707.15 of the 1101
Revised Code. 1102

(B) An auction firm licensed under this chapter that 1103
advertises, by linear advertisements or otherwise, to solicit or 1104
receive consignments or to provide auction services shall 1105
indicate in the advertisement the name of the auction firm. In 1106
addition, an advertisement of an auction of consignments or an 1107
advertisement by an auction firm of an auction for which the 1108
auction firm will provide auction services shall comply with 1109
divisions (A) and (D) of this section. 1110

(C) If an auction to be advertised is an absolute auction, 1111
all advertisements for the auction shall unequivocally state 1112
that the auction is an absolute auction. 1113

(D) If an advertisement for an auction contains the words 1114
"estate auction," or words to that effect, the person licensed 1115
under this chapter who advertises shall do both of the 1116
following: 1117

(1) Enter into an agreement directly with the executor, 1118
administrator, or court appointed designee of the estate 1119
property; 1120

(2) List prominently in the advertisement the county in 1121

which the estate is located and the probate court case number of 1122
the estate. 1123

(E) All persons licensed under this chapter that conduct 1124
or are involved in an auction jointly are responsible for the 1125
posting of a sign at the auction. The sign shall contain all of 1126
the following: 1127

(1) The name of all licensed persons involved in the 1128
auction; 1129

(2) A statement that the persons are licensed by the 1130
department of agriculture; 1131

(3) The address of the department of agriculture. 1132

The sign shall be posted at the main entrance of the 1133
auction, at the place of registration for the auction, or by the 1134
cashier for the auction. The sign shall be of a size not smaller 1135
than eight and one-half inches by eleven inches. The letters and 1136
numbers on the sign shall be of adequate size to be readily seen 1137
by an individual with normal vision when viewing it. 1138

(F) An advertisement for the sale of real property at 1139
auction shall contain the name of the licensed auctioneer who is 1140
entering into the auction contract and the name of the real 1141
estate broker licensed under Chapter 4735. of the Revised Code 1142
who is involved in the sale. Compliance with this section shall 1143
not require a real estate broker licensed under Chapter 4735. of 1144
the Revised Code to obtain a license under section 4707.073 of 1145
the Revised Code. 1146

(G) If an auction to be advertised is a multi-parcel 1147
auction, all advertisements for the auction, excluding road 1148
signs, shall state that the auction will be offered in various 1149
amalgamations, including as individual parcels or lots, 1150

combinations of parcels or lots, and all parcels or lots as a 1151
whole. 1152

Sec. 4707.25. (A) The auction recovery fund is hereby 1153
created in the state treasury. The fund shall be administered by 1154
the director of agriculture. The treasurer of state shall credit 1155
all of the following to the fund: ~~any moneys transferred to it~~ 1156
~~from the auctioneers fund created under section 4707.05 of the~~ 1157
~~Revised Code;~~ except as otherwise provided in this section, a 1158
portion, in an amount specified in rules adopted under section 1159
4707.19 of the Revised Code, of license fees collected under 1160
this chapter; any assessments levied under this section; 1161
repayments made to the auction recovery fund under section 1162
4707.30 of the Revised Code by persons licensed under this 1163
chapter; and interest earned on the assets of the fund. 1164

Moneys credited to the fund shall be used to make payments 1165
to persons in accordance with sections 4707.26 and 4707.31 of 1166
the Revised Code and to persons who obtain a final judgment in 1167
accordance with section 4707.261 and sections 4707.27 to 4707.30 1168
of the Revised Code in a court of competent jurisdiction against 1169
a person licensed under this chapter on the grounds of conduct 1170
by the licensee that is described in section 4707.15 of the 1171
Revised Code or that otherwise violates this chapter or rules 1172
adopted under it and that is associated with an act or 1173
transaction that only a licensee lawfully may perform. In the 1174
case of a final judgment, the amount of the payments shall be 1175
limited to any portion of the final judgment that remains 1176
unpaid. In all cases, the amount of the payments is subject to 1177
the dollar limitations established in section 4707.29 of the 1178
Revised Code. 1179

(B) The director shall ascertain the balance of the fund 1180

on the first day of July each year. If the balance of the fund 1181
is greater than two million dollars, the director may utilize, 1182
during the fiscal year beginning on that first day of July, the 1183
portion of the fund that is greater than two million dollars to 1184
sponsor educational programs or to underwrite research that is 1185
beneficial to persons licensed under this chapter and to the 1186
public. If the balance of the fund is at least four million 1187
dollars, the portion of license fees collected under this 1188
chapter that otherwise would be credited to the fund under this 1189
section shall be credited to the auctioneers fund during the 1190
fiscal year beginning on that first day of July. 1191

If the balance of the fund is less than four hundred 1192
thousand dollars, the director shall levy an assessment against 1193
each person who holds a valid license issued under this chapter. 1194
The amount of the assessment shall be determined by subtracting 1195
the balance of the fund from five hundred thousand dollars and 1196
dividing the resulting total by the number of persons recorded 1197
under section 4707.06 of the Revised Code as holding a valid 1198
license issued under this chapter. All assessments that are 1199
collected shall be credited to the fund. 1200

(C) The director shall collect from the fund a service fee 1201
in an amount equal to the interest rate specified in division 1202
(A) of section 1343.03 of the Revised Code multiplied by the 1203
annual interest earned on the assets of the fund to defray the 1204
expenses incurred by the department of agriculture in the 1205
administration of the fund. 1206

Sec. 5322.01. As used in sections 5322.01 to 5322.05 of 1207
the Revised Code: 1208

(A) "Self-service storage facility" means any real 1209
property that is designed and used only for the purpose of 1210

renting or leasing individual storage space in the facility 1211
under the following conditions: 1212

(1) The occupants have access to the storage space only 1213
for the purpose of storing and removing personal property. 1214

(2) The owner does not issue a warehouse receipt, bill of 1215
lading, or other document of title, as defined in section 1216
1301.201 of the Revised Code, for the personal property stored 1217
in the storage space. 1218

"Self-service storage facility" does not include any 1219
garage used principally for parking motor vehicles, any garage 1220
or storage area in a private residence, an establishment 1221
licensed pursuant to sections 915.14 to 915.24 of the Revised 1222
Code, or any property of a bank or savings and loan association 1223
that contains vaults, safe deposit boxes, or other receptacles 1224
for the uses, purposes, and benefits of the bank's or savings 1225
and loan association's customers. 1226

(B) "Owner" means a person that is the owner or operator 1227
of a self-service storage facility, the lessor or sublessor of 1228
an entire self-service storage facility, the agent of any of the 1229
foregoing, or any other person authorized by any of the 1230
foregoing to manage the facility or to receive rent from an 1231
occupant pursuant to a rental agreement. 1232

(C) "Occupant" means a person that rents storage space at 1233
a self-service storage facility pursuant to a rental agreement 1234
that the person enters into with the owner. 1235

(D) "Rental agreement" means any written agreement that is 1236
entered into by the owner and the occupant and that establishes 1237
the terms and conditions of the occupant's use of storage space 1238
at a self-service storage facility. 1239

(E) "Personal property" means money and every animate or 1240
inanimate tangible thing that is the subject of ownership, 1241
except anything forming part of a parcel of real estate, as 1242
defined in section 5701.02 of the Revised Code, and except 1243
anything that is an agricultural commodity, as defined in 1244
division (A) of section 926.01 of the Revised Code. 1245

(F) "Late fee" means any fee or charge assessed for an 1246
occupant's failure to pay rent when due. "Late fee" does not 1247
include interest on a debt, reasonable expenses incurred in the 1248
collection of unpaid rent, or costs associated with the 1249
enforcement of any other remedy provided by statute or contract. 1250

(G) "Last known address" means either of the following: 1251

(1) The mailing address ~~or electronic mail address~~ 1252
provided by the occupant in the most recent rental agreement or 1253
the mailing address ~~or electronic mail address~~ provided by the 1254
occupant in a subsequent written notice of a change of address; 1255

(2) The mailing address ~~or electronic mail address~~ of any 1256
of the persons described in division (A) of section 5322.03 of 1257
the Revised Code that is provided by any of those persons to the 1258
owner of a self-service storage facility or that is discovered 1259
by the owner of a self-service storage facility. 1260

Sec. 5322.03. An owner's lien created by division (A) of 1261
section 5322.02 of the Revised Code for a claim that has become 1262
due may be enforced only as follows: 1263

(A) The following persons shall be notified in accordance 1264
with divisions (B) and (C) of this section: 1265

(1) All persons whom the owner has actual knowledge of and 1266
who claim an interest in the personal property; 1267

(2) All persons holding liens on any motor vehicle or 1268
watercraft amongst the property; 1269

(3) All persons who have filed security agreements in the 1270
name of the occupant evidencing a security interest in the 1271
personal property with either the secretary of state or the 1272
county recorder of the county in which the self-service storage 1273
facility is located or the Ohio county of the last known address 1274
of the occupant. 1275

(B) (1) ~~The Except as otherwise provided in division (B) (2)~~ 1276
~~of this section, the notice shall be delivered in person, sent~~ 1277
~~by certified mail, sent by electronic mail, or sent by first-~~ 1278
~~class mail or private delivery service with a certificate or~~ 1279
verification of mailing to the last known address of each person 1280
who is required to be notified by division (A) of this section; 1281

~~(2) If the notice is sent by electronic mail, then the~~ 1282
~~notice shall also be sent via either certified or first class~~ 1283
~~mail to the last known address of each person who is required to~~ 1284
~~be notified by division (A) of this section.~~ (2) (a) The notice may 1285
be sent by electronic mail to the occupant only if both of the 1286
following apply: 1287

(i) The occupant agreed to receive the notice via 1288
electronic mail and provided an electronic mail address to the 1289
owner in the original agreement or in a subsequent amendment to 1290
the agreement. 1291

(ii) The owner sends the notice via electronic mail in 1292
such a way as to establish, with a response or return receipt, 1293
that the message was delivered to the occupant's electronic mail 1294
address. 1295

(b) If it cannot be established in accordance with 1296

division (B) (2) (a) of this section that the notice was 1297
delivered, the owner shall use another method of delivery 1298
authorized by division (B) (1) of this section. 1299

(C) The notice shall include all of the following: 1300

(1) The name and last known address of the occupant who 1301
rented the storage space in which the personal property was 1302
stored; 1303

(2) An itemized statement of the owner's claim showing the 1304
sum due at the time of the notice and the date when the sum 1305
became due; 1306

(3) A brief and general description of the personal 1307
property subject to the lien. The description shall be 1308
reasonably adequate to permit the person notified to identify it 1309
except that any container including, but not limited to, a 1310
trunk, valise, or box that is locked, fastened, sealed, or tied 1311
in a manner that deters immediate access to its contents and 1312
that has not been opened by the owner prior to the date on which 1313
the notice is given may be described as such without describing 1314
its contents. 1315

(4) A notice of denial of access to the personal property, 1316
if a denial of access is permitted under the terms of the rental 1317
agreement, which notice provides the name, street address, and 1318
telephone number of the person whom the person notified may 1319
contact to pay the claim and to either obtain the personal 1320
property or enter into a rental agreement for the storage of the 1321
personal property; 1322

(5) A demand for payment within a specified time not less 1323
than ten days after delivery of the notice; 1324

(6) A conspicuous statement that unless the claim is paid 1325

within that time the personal property will be advertised for 1326
sale and will be sold by auction and that, if no person 1327
purchases the personal property at the auction, the personal 1328
property may be sold at a private sale or destroyed; 1329

(7) The street or internet address of the place at which 1330
the sale will be held, if the sale will be held at a place other 1331
than the self-service storage facility in which the personal 1332
property was stored. 1333

(D) (1) Any notice given pursuant to this section that is 1334
sent by first-class mail or private delivery service with a 1335
certificate or verification of mailing shall be deemed delivered 1336
when it is deposited with the United States postal service or 1337
private delivery service and properly addressed with proper 1338
postage prepaid. 1339

(2) Any notice given pursuant to this section that is sent 1340
by electronic mail to an occupant shall be deemed delivered when 1341
~~it is properly addressed and sent~~the owner receives a response 1342
or return receipt. 1343

(E) The sale of the personal property shall conform to the 1344
terms of the notice as provided for in this section. 1345

(F) The sale of the personal property may be held at the 1346
self-service storage facility or, if the street or internet 1347
address of the place was included in the notice as required by 1348
division (C) (7) of this section, on the internet or at the 1349
nearest suitable place to the self-service storage facility at 1350
which the personal property is stored. 1351

(G) After the expiration of the time given in the notice, 1352
an advertisement of the sale shall be published once a week for 1353
two consecutive weeks in a newspaper of general circulation in 1354

the county in which the self-service storage facility is located 1355
or any other commercially reasonable manner. The manner of 1356
advertisement shall be deemed commercially reasonable if at 1357
least three independent bidders register for, view, or attend 1358
the sale. The advertisement shall include all of the following: 1359

(1) A brief and general description of the personal 1360
property as required by division (C)(3) of this section, except 1361
that the description shall describe the contents of any trunk, 1362
valise, or box that is locked, fastened, sealed, or tied in a 1363
manner that deters immediate access to its contents, if the 1364
trunk, valise, or box is opened by the owner prior to the date 1365
on which the advertisement of sale is published; 1366

(2) The name and last known address of the occupant who 1367
rented the storage space in which the personal property was 1368
stored; 1369

(3) The street address of the self-service storage 1370
facility; 1371

(4) The time, place, and manner of the sale. 1372

The sale shall take place at least fifteen days after the 1373
first publication. 1374

(H) (1) Any person who has a security interest in, or who 1375
holds a lien against, a motor vehicle or watercraft may pay the 1376
amount necessary to satisfy the lien created by division (A) of 1377
section 5322.02 of the Revised Code and the reasonable expenses 1378
incurred under this section. That person, upon payment of the 1379
amount necessary to satisfy the lien plus expenses, may enter 1380
into a new rental agreement for the storage of the motor vehicle 1381
or watercraft. Any person who presents proof of a security 1382
interest in or lien on a motor vehicle or watercraft or a court 1383

order authorizing the person to take possession of a motor 1384
vehicle or watercraft may immediately remove the motor vehicle 1385
or watercraft from the self-service storage facility without 1386
satisfying the lien or expenses of the owner. 1387

(2) Before any sale of personal property other than a 1388
motor vehicle or watercraft pursuant to this section, any person 1389
who has a legal interest or a security interest in, or who holds 1390
a lien against, any personal property other than a motor vehicle 1391
or watercraft may pay the amount necessary to satisfy the lien 1392
created by division (A) of section 5322.02 of the Revised Code 1393
and the reasonable expenses incurred under this section and 1394
remove the personal property in which the person has the 1395
interest or against which the person holds the lien. After 1396
removal of all the personal property, including any motor 1397
vehicle or watercraft, from the storage space of the self- 1398
service storage facility by any means under this section, the 1399
owner may enter into a rental agreement with a new occupant for 1400
the storage space, and the owner has no obligation to the prior 1401
occupant of that storage space. 1402

(3) Upon receipt of the payment from a person other than 1403
the occupant, the owner may, at the owner's sole discretion, 1404
enter into a new rental agreement for the storage of the 1405
personal property or, if the person meets the conditions set 1406
forth in division (H)(2) of this section, shall permit the 1407
person to remove the personal property from the self-service 1408
storage facility. 1409

(4) If the occupant pays the amount necessary to satisfy 1410
the lien created by division (A) of section 5322.02 of the 1411
Revised Code and the reasonable expenses incurred under this 1412
section, the occupant shall immediately remove all of the 1413

occupant's personal property from the self-service storage 1414
facility, unless the owner of the self-service storage facility 1415
agrees to enter into a new rental agreement for the storage of 1416
the property. 1417

(I) (1) If property on which there is a lien under division 1418
(A) of section 5322.02 of the Revised Code is not sold at 1419
auction, but is claimed under division (H) of this section and 1420
the owner's lien is satisfied, then all legal or security 1421
interest in, or any other liens held against, the property shall 1422
remain intact. 1423

(2) A purchaser at auction in good faith, except an owner 1424
or an owner's agent, of the personal property sold to satisfy an 1425
owner's lien created by division (A) of section 5322.02 of the 1426
Revised Code takes the property free and clear of any rights of 1427
persons against whom the lien was valid, or any persons who had 1428
an interest in, or who held, any other lien against the 1429
property, despite noncompliance by the owner with the 1430
requirements of this section. 1431

(J) The owner may examine any personal property to be sold 1432
pursuant to this section. The examination may include, but is 1433
not limited to, the opening of any trunk, valise, box, or other 1434
container that is locked, fastened, sealed, tied, or otherwise 1435
closed in a manner that deters immediate access to its contents. 1436

(K) (1) If the property upon which ~~the lien created under~~ 1437
~~division (A) of this section is claimed~~ 5322.02 of the Revised 1438
Code creates a lien is a motor vehicle, trailer, or a 1439
watercraft, the owner ~~shall may~~, at the owner's sole discretion, 1440
have the motor vehicle, trailer, or watercraft towed from the 1441
premises if any of the following circumstances applies: 1442

(a) The notice was delivered or sent pursuant to division 1443
(B) of this section to all persons holding a lien on the motor 1444
vehicle, trailer, or watercraft, and thirty days have elapsed 1445
since the notice was delivered or sent ~~without a response from~~ 1446
~~any of those persons.~~ 1447

(b) Rent and other charges related to the property remain 1448
unpaid or unsatisfied by the occupant for sixty days, and no 1449
lien holders have been identified. 1450

(c) The owner is planning to hold or has held a sale ~~at~~ 1451
~~auction of for~~ the personal property that was stored in the 1452
self-service storage ~~unit~~ space with that motor vehicle, 1453
trailer, or watercraft, in which case the motor vehicle, 1454
trailer, or watercraft ~~shall~~ may, at the owner's sole 1455
discretion, be towed prior to or following the ~~auction~~ sale. 1456

(2) The owner shall not be liable for the motor vehicle, 1457
trailer, or watercraft or any damages to the motor vehicle, 1458
trailer, or watercraft once the ~~tower~~ towing service or storage 1459
facility takes possession of the property. The notice delivered 1460
or sent pursuant to division (B) of this section to all persons 1461
holding a lien on the motor vehicle, trailer, or watercraft 1462
shall include the name of the towing ~~company~~ service or storage 1463
facility. The name and the street address of the towing ~~company~~ 1464
service or storage facility shall also be made available to the 1465
occupant or any lien holder upon the presentation of a document 1466
of title or another document that confirms an interest in the 1467
motor vehicle, trailer, or watercraft. 1468

As used in this division, "towing service or storage 1469
facility" means any for-hire motor carrier that removes a motor 1470
vehicle, trailer, or watercraft from a self-service storage 1471
facility pursuant to this division and any place to which that 1472

for-hire motor carrier delivers the motor vehicle, trailer, or 1473
watercraft. 1474

(L) The owner may satisfy the owner's lien from the 1475
proceeds of any sale held pursuant to this section, but shall 1476
mail the balance, if any, by certified mail, or by first class 1477
mail or private delivery service with a certificate or 1478
verification of mailing, to the occupant at the occupant's last 1479
known mailing address. If the balance is returned to the owner 1480
after the owner mailed the balance by certified mail, first 1481
class mail, or private delivery service to the occupant or if 1482
the mailing address of the occupant is not known, the owner 1483
shall hold the balance for two years after the date of the sale 1484
for delivery on demand to the occupant or to any other person 1485
who would have been entitled to possession of the personal 1486
property. After the expiration of the two-year period, the 1487
balance shall become unclaimed funds, as defined in division (B) 1488
of section 169.01 of the Revised Code, and shall be disposed of 1489
pursuant to Chapter 169. of the Revised Code. 1490

(M) An owner may buy at any public sale held pursuant to 1491
this section. 1492

(N) The rights provided by this section shall be in 1493
addition to all other rights allowed by law to a creditor 1494
against a debtor. 1495

(O) (1) If the owner complies with the requirements for 1496
sale under this section, the owner's liability to persons who 1497
have an interest in the personal property sold is limited to the 1498
balance of the proceeds of the sale after the owner has 1499
satisfied the owner's lien. 1500

(2) The owner is liable for damages caused by the failure 1501

to comply with the requirements for sale under this section and 1502
is liable for conversion for willful violation of the 1503
requirements for sale under this section. 1504

(P) If no person purchases the personal property at the 1505
auction and if the owner has complied with this section, the 1506
owner may do any of the following: 1507

(1) Advertise and sell the personal property pursuant to 1508
divisions (F) to (O) of this section; 1509

(2) Sell the personal property at a private sale; 1510

(3) Dispose of the personal property in any manner 1511
considered appropriate by the owner including, but not limited 1512
to, destroying the personal property. 1513

Section 2. That existing sections 4707.01, 4707.02, 1514
4707.021, 4707.04, 4707.05, 4707.06, 4707.07, 4707.073, 4707.08, 1515
4707.091, 4707.10, 4707.11, 4707.12, 4707.14, 4707.15, 4707.151, 1516
4707.16, 4707.171, 4707.18, 4707.19, 4707.20, 4707.21, 4707.22, 1517
4707.25, 5322.01, and 5322.03 of the Revised Code are hereby 1518
repealed. 1519

Section 3. That sections 4707.071 and 4707.09 of the 1520
Revised Code are hereby repealed. 1521

Section 4. A person that holds a valid special auctioneer 1522
license issued under section 4707.071 of the Revised Code, as 1523
that section existed prior to its repeal by H.B. ___ of the 1524
134th General Assembly, may continue to operate under the 1525
special auctioneer license until an application for an auction 1526
firm license submitted to the Department of Agriculture is 1527
approved or until twelve months after the effective date of this 1528
section has expired, whichever is earliest. 1529

The Director of Agriculture shall adopt any necessary 1530
procedures or requirements for purposes of implementing this 1531
section. 1532

Section 5. A person that holds a valid apprentice 1533
auctioneer license issued under section 4707.09 of the Revised 1534
Code, as that section existed prior to its repeal by H.B. ___ of 1535
the 134th General Assembly, may continue to operate under the 1536
apprentice auctioneer license until an application for an 1537
auctioneer license submitted to the Department of Agriculture is 1538
approved or until twelve months after the effective date of this 1539
section has expired, whichever is earliest. 1540

The Director of Agriculture shall adopt any necessary 1541
procedures or requirements for purposes of implementing this 1542
section. 1543

Section 6. The Director of Agriculture shall establish 1544
procedures to effectuate the transition of the auction firm 1545
license from an annual license to a biennial license under 1546
section 4707.10 of the Revised Code. 1547

Section 7. Sections 4707.02, 4707.07, 4707.15, and 4707.19 1548
of the Revised Code as presented in this act take effect on the 1549
later of October 9, 2021, or the effective date of this section. 1550
October 9, 2021, is the effective date of an earlier amendment 1551
to those sections by H.B. 263 of the 133rd General Assembly. 1552