

## As Introduced

125th General Assembly  
Regular Session  
2003-2004

H. B. No. 306

Representative Wolpert

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### A BILL

To amend sections 109.572, 307.697, 351.26, 924.51, 1  
1333.83, 2933.41, 4301.07, 4301.10, 4301.19, 2  
4301.20, 4301.22, 4301.24, 4301.29, 4301.30, 3  
4301.39, 4301.41, 4301.424, 4301.99, 4303.03, 4  
4303.07, 4303.09, 4303.203, 4303.204, 4303.231, 5  
4303.24, 4303.25, 4303.27, 4303.271, 4303.292, 6  
4303.293, 4303.30, 4399.02, 4399.04, 4399.07, 7  
4399.08, and 4399.18, to enact section 4301.77, 8  
and to repeal section 4399.01 of the Revised Code 9  
to eliminate the authority of the Division of 10  
Liquor Control to order liquor permit holders to 11  
stop selling intoxicating liquor to certain 12  
persons; to authorize the Division to share social 13  
security numbers with other state agencies for 14  
specific purposes and to seek BCII or FBI criminal 15  
records checks; to modify provisions relating to 16  
the annual permit fees for A-2, B-2, and B-4 17  
permit holders; to change the name of the 18  
out-of-state supplier "consent to import"; to 19  
change the registration fee for agents, 20  
solicitors, and sales persons of beer or 21  
intoxicating liquor manufacturers, suppliers, 22  
brokers, or wholesale distributors to a biennial 23  
fee; to revise the deadline for paying a permit 24  
fee when a person applies for a liquor permit; to 25

change provisions that require the disclosure of 26  
shareholders of or holders of membership interests 27  
in a corporation or limited liability company 28  
applying for a liquor permit; to correct 29  
references to the "Department of Liquor Control" 30  
and "Director of Liquor Control;" to change the 31  
manner in which beer, intoxicating liquor, and 32  
alcohol seized by a law enforcement agency is 33  
disposed of; to revise when duplicate permit fees 34  
are paid; to revise other provisions of the Liquor 35  
Control Law; and to amend the version of section 36  
4301.99 of the Revised Code that is scheduled to 37  
take effect January 1, 2004, to continue the 38  
provisions of this act on and after that effective 39  
date. 40

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

**Section 1.** That sections 109.572, 307.697, 351.26, 924.51, 41  
1333.83, 2933.41, 4301.07, 4301.10, 4301.19, 4301.20, 4301.22, 42  
4301.24, 4301.29, 4301.30, 4301.39, 4301.41, 4301.424, 4301.99, 43  
4303.03, 4303.07, 4303.09, 4303.203, 4303.204, 4303.231, 4303.24, 44  
4303.25, 4303.27, 4303.271, 4303.292, 4303.293, 4303.30, 4399.02, 45  
4399.04, 4399.07, 4399.08, and 4399.18 be amended and section 46  
4301.77 of the Revised Code be enacted to read as follows: 47

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 48  
section 2151.86, 3301.32, 3301.541, 3319.39, 4301.10, 5104.012, 49  
5104.013, or 5153.111 of the Revised Code, a completed form 50  
prescribed pursuant to division (C)(1) of this section, and a set 51  
of fingerprint impressions obtained in the manner described in 52  
division (C)(2) of this section, the superintendent of the bureau 53  
of criminal identification and investigation shall conduct a 54

criminal records check in the manner described in division (B) of 55  
this section to determine whether any information exists that 56  
indicates that the person who is the subject of the request 57  
previously has been convicted of or pleaded guilty to any of the 58  
following: 59

(a) A violation of section 2903.01, 2903.02, 2903.03, 60  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 61  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 62  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 63  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 64  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 65  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 66  
2925.06, or 3716.11 of the Revised Code, felonious sexual 67  
penetration in violation of former section 2907.12 of the Revised 68  
Code, a violation of section 2905.04 of the Revised Code as it 69  
existed prior to July 1, 1996, a violation of section 2919.23 of 70  
the Revised Code that would have been a violation of section 71  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 72  
had the violation been committed prior to that date, or a 73  
violation of section 2925.11 of the Revised Code that is not a 74  
minor drug possession offense; 75

(b) A violation of an existing or former law of this state, 76  
any other state, or the United States that is substantially 77  
equivalent to any of the offenses listed in division (A)(1)(a) of 78  
this section. 79

(2) On receipt of a request pursuant to section 5123.081 of 80  
the Revised Code with respect to an applicant for employment in 81  
any position with the department of mental retardation and 82  
developmental disabilities, pursuant to section 5126.28 of the 83  
Revised Code with respect to an applicant for employment in any 84  
position with a county board of mental retardation and 85

developmental disabilities, or pursuant to section 5126.281 of the Revised Code with respect to an applicant for employment in a direct services position with an entity contracting with a county board for employment, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, or 3716.11 of the Revised Code;

(b) An existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(2)(a) of this section.

(3) On receipt of a request pursuant to section 173.41, 3712.09, 3721.121, or 3722.151 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied

for employment in a position that involves providing direct care 118  
to an older adult. The superintendent shall conduct the criminal 119  
records check in the manner described in division (B) of this 120  
section to determine whether any information exists that indicates 121  
that the person who is the subject of the request previously has 122  
been convicted of or pleaded guilty to any of the following: 123

(a) A violation of section 2903.01, 2903.02, 2903.03, 124  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 125  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 126  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 127  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 128  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 129  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 130  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 131  
2925.22, 2925.23, or 3716.11 of the Revised Code; 132

(b) An existing or former law of this state, any other state, 133  
or the United States that is substantially equivalent to any of 134  
the offenses listed in division (A)(3)(a) of this section. 135

(4) On receipt of a request pursuant to section 3701.881 of 136  
the Revised Code with respect to an applicant for employment with 137  
a home health agency as a person responsible for the care, 138  
custody, or control of a child, a completed form prescribed 139  
pursuant to division (C)(1) of this section, and a set of 140  
fingerprint impressions obtained in the manner described in 141  
division (C)(2) of this section, the superintendent of the bureau 142  
of criminal identification and investigation shall conduct a 143  
criminal records check. The superintendent shall conduct the 144  
criminal records check in the manner described in division (B) of 145  
this section to determine whether any information exists that 146  
indicates that the person who is the subject of the request 147  
previously has been convicted of or pleaded guilty to any of the 148  
following: 149

(a) A violation of section 2903.01, 2903.02, 2903.03, 150  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 151  
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 152  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 153  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 154  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 155  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 156  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 157  
violation of section 2925.11 of the Revised Code that is not a 158  
minor drug possession offense; 159

(b) An existing or former law of this state, any other state, 160  
or the United States that is substantially equivalent to any of 161  
the offenses listed in division (A)(4)(a) of this section. 162

(5) On receipt of a request pursuant to section 5111.95 or 163  
5111.96 of the Revised Code with respect to an applicant for 164  
employment with a waiver agency participating in a department of 165  
job and family services administered home and community-based 166  
waiver program or an independent provider participating in a 167  
department administered home and community-based waiver program in 168  
a position that involves providing home and community-based waiver 169  
services to consumers with disabilities, a completed form 170  
prescribed pursuant to division (C)(1) of this section, and a set 171  
of fingerprint impressions obtained in the manner described in 172  
division (C)(2) of this section, the superintendent of the bureau 173  
of criminal identification and investigation shall conduct a 174  
criminal records check. The superintendent shall conduct the 175  
criminal records check in the manner described in division (B) of 176  
this section to determine whether any information exists that 177  
indicates that the person who is the subject of the request 178  
previously has been convicted of or pleaded guilty to any of the 179  
following: 180

(a) A violation of section 2903.01, 2903.02, 2903.03, 181

2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 182  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 183  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 184  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 185  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 186  
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 187  
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 188  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 189  
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 190  
Revised Code, felonious sexual penetration in violation of former 191  
section 2907.12 of the Revised Code, a violation of section 192  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 193  
violation of section 2919.23 of the Revised Code that would have 194  
been a violation of section 2905.04 of the Revised Code as it 195  
existed prior to July 1, 1996, had the violation been committed 196  
prior to that date; 197

(b) An existing or former law of this state, any other state, 198  
or the United States that is substantially equivalent to any of 199  
the offenses listed in division (A)(5)(a) of this section. 200

(6) On receipt of a request pursuant to section 3701.881 of 201  
the Revised Code with respect to an applicant for employment with 202  
a home health agency in a position that involves providing direct 203  
care to an older adult, a completed form prescribed pursuant to 204  
division (C)(1) of this section, and a set of fingerprint 205  
impressions obtained in the manner described in division (C)(2) of 206  
this section, the superintendent of the bureau of criminal 207  
identification and investigation shall conduct a criminal records 208  
check. The superintendent shall conduct the criminal records check 209  
in the manner described in division (B) of this section to 210  
determine whether any information exists that indicates that the 211  
person who is the subject of the request previously has been 212  
convicted of or pleaded guilty to any of the following: 213

(a) A violation of section 2903.01, 2903.02, 2903.03, 214  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 215  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 216  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 217  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 218  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 219  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 220  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 221  
2925.22, 2925.23, or 3716.11 of the Revised Code; 222

(b) An existing or former law of this state, any other state, 223  
or the United States that is substantially equivalent to any of 224  
the offenses listed in division (A)(6)(a) of this section. 225

(7) When conducting a criminal records check upon a request 226  
pursuant to section 3319.39 of the Revised Code for an applicant 227  
who is a teacher, in addition to the determination made under 228  
division (A)(1) of this section, the superintendent shall 229  
determine whether any information exists that indicates that the 230  
person who is the subject of the request previously has been 231  
convicted of or pleaded guilty to any offense specified in section 232  
3319.31 of the Revised Code. 233

(8) When conducting a criminal records check on a request 234  
pursuant to section 2151.86 of the Revised Code for a person who 235  
is a prospective foster caregiver or who is eighteen years old or 236  
older and resides in the home of a prospective foster caregiver, 237  
the superintendent, in addition to the determination made under 238  
division (A)(1) of this section, shall determine whether any 239  
information exists that indicates that the person has been 240  
convicted of or pleaded guilty to a violation of any of the 241  
following: 242

(a) Section 2909.02 or 2909.03 of the Revised Code; 243

(b) An existing or former law of this state, any other state, 244



or the United States that is substantially equivalent to section 245  
2909.02 or 2909.03 of the Revised Code. 246

(9) Not later than thirty days after the date the 247  
superintendent receives the request, completed form, and 248  
fingerprint impressions, the superintendent shall send the person, 249  
board, or entity that made the request any information, other than 250  
information the dissemination of which is prohibited by federal 251  
law, the superintendent determines exists with respect to the 252  
person who is the subject of the request that indicates that the 253  
person previously has been convicted of or pleaded guilty to any 254  
offense listed or described in division (A)(1), (2), (3), (4), 255  
(5), (6), (7), or (8) of this section, as appropriate. The 256  
superintendent shall send the person, board, or entity that made 257  
the request a copy of the list of offenses specified in division 258  
(A)(1), (2), (3), (4), (5), (6), (7), or (8) of this section, as 259  
appropriate. If the request was made under section 3701.881 of the 260  
Revised Code with regard to an applicant who may be both 261  
responsible for the care, custody, or control of a child and 262  
involved in providing direct care to an older adult, the 263  
superintendent shall provide a list of the offenses specified in 264  
divisions (A)(4) and (6) of this section. 265

(B) The superintendent shall conduct any criminal records 266  
check requested under section 173.41, 2151.86, 3301.32, 3301.541, 267  
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4301.10, 5104.012, 268  
5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 269  
5153.111 of the Revised Code as follows: 270

(1) The superintendent shall review or cause to be reviewed 271  
any relevant information gathered and compiled by the bureau under 272  
division (A) of section 109.57 of the Revised Code that relates to 273  
the person who is the subject of the request, including any 274  
relevant information contained in records that have been sealed 275  
under section 2953.32 of the Revised Code; 276

(2) If the request received by the superintendent asks for information from the federal bureau of investigation, the superintendent shall request from the federal bureau of investigation any information it has with respect to the person who is the subject of the request and shall review or cause to be reviewed any information the superintendent receives from that bureau.

(C)(1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from any person for whom a criminal records check is required by section 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4301.10, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The form that the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is required by section 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4301.10, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. Any person for whom a records check is required by any of those sections shall obtain the fingerprint impressions at a county sheriff's office, municipal police department, or any other entity with the ability to make fingerprint impressions on the standard impression sheets prescribed by the superintendent. The office, department, or entity may charge the person a reasonable fee for making the impressions. The standard impression sheets the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(3) Subject to division (D) of this section, the superintendent shall prescribe and charge a reasonable fee for providing a criminal records check requested under section 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4301.10, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The person making a criminal records request under section 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4301.10, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code shall pay the fee prescribed pursuant to this division. A person making a request under section 3701.881 of the Revised Code for a criminal records check for an applicant who may be both responsible for the care, custody, or control of a child and involved in providing direct care to an older adult shall pay one fee for the request.

(4) The superintendent of the bureau of criminal identification and investigation may prescribe methods of forwarding fingerprint impressions and information necessary to conduct a criminal records check, which methods shall include, but not be limited to, an electronic method.

(D) A determination whether any information exists that indicates that a person previously has been convicted of or pleaded guilty to any offense listed or described in division (A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or (b), (A)(5)(a) or (b), (A)(6), (A)(7)(a) or (b), or (A)(8)(a) or (b) of this section that is made by the superintendent with respect to information considered in a criminal records check in accordance with this section is valid for the person who is the subject of the criminal records check for a period of one year from the date upon which the superintendent makes the determination. During the period in which the determination in regard to a person is valid, if another request under this section

is made for a criminal records check for that person, the 341  
superintendent shall provide the information that is the basis for 342  
the superintendent's initial determination at a lower fee than the 343  
fee prescribed for the initial criminal records check. 344

(E) As used in this section: 345

(1) "Criminal records check" means any criminal records check 346  
conducted by the superintendent of the bureau of criminal 347  
identification and investigation in accordance with division (B) 348  
of this section. 349

(2) "Home and community-based waiver services" and "waiver 350  
agency" have the same meanings as in section 5111.95 of the 351  
Revised Code. 352

(3) "Independent provider" has the same meaning as in section 353  
5111.96 of the Revised Code. 354

(4) "Minor drug possession offense" has the same meaning as 355  
in section 2925.01 of the Revised Code. 356

(5) "Older adult" means a person age sixty or older. 357

**Sec. 307.697.** (A) For the purpose of section 307.696 of the 358  
Revised Code and to pay any or all of the charge the board of 359  
elections makes against the county to hold the election on the 360  
question of levying the tax, or for those purposes and to provide 361  
revenues to the county for permanent improvements, the board of 362  
county commissioners of a county may levy a tax not to exceed 363  
three dollars on each gallon of spirituous liquor sold to or 364  
purchased by liquor permit holders for resale, and sold at retail 365  
by the division of liquor control, in the county. The tax shall be 366  
levied on the number of gallons so sold. The tax may be levied for 367  
any number of years not exceeding twenty. 368

The tax shall be levied pursuant to a resolution of the board 369  
of county commissioners approved by a majority of the electors in 370

the county voting on the question of levying the tax, which 371  
resolution shall specify the rate of the tax, the number of years 372  
the tax will be levied, and the purposes for which the tax is 373  
levied. The election may be held on the date of a general or 374  
special election held not sooner than seventy-five days after the 375  
date the board certifies its resolution to the board of elections. 376  
If approved by the electors, the tax takes effect on the first day 377  
of the month specified in the resolution but not sooner than the 378  
first day of the month that is at least sixty days after the 379  
certification of the election results by the board of elections. A 380  
copy of the resolution levying the tax shall be certified to the 381  
division of liquor control at least sixty days prior to the date 382  
on which the tax is to become effective. 383

(B) A resolution under this section may be joined on the 384  
ballot as a single question with a resolution adopted under 385  
section 4301.421 or 5743.024 of the Revised Code to levy a tax for 386  
the same purposes, and for the purpose of paying the expenses of 387  
administering that tax. 388

(C) The form of the ballot in an election held pursuant to 389  
this section or section 4301.421 or 5743.024 of the Revised Code 390  
shall be as follows or in any other form acceptable to the 391  
secretary of state: 392

"For the purpose of paying not more than one-half of the 393  
costs of providing a public sports facility together with related 394  
redevelopment and economic development projects, shall (an) excise 395  
tax(es) be levied by ..... county at the rate of ..... 396  
(dollars on each gallon of spirituous liquor sold in the county by 397  
the Ohio division of liquor control, cents per gallon on the sale 398  
of beer at wholesale in the county, cents per gallon on the sale 399  
of wine and mixed beverages at wholesale in the county, cents per 400  
gallon on the sale of cider at wholesale in the county, or mills 401  
per cigarette on the sale of cigarettes at wholesale in the 402

county), for ..... years?

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	Yes
	No

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For an election in which questions under this section or section 4301.421 or 5743.024 of the Revised Code are joined as a single question, the form of the ballot shall be as above, except each of the proposed taxes shall be listed.

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(D) The board of county commissioners of a county in which a tax is imposed under this section on ~~the effective date of this amendment~~ July 19, 1995, may levy a tax for the purpose of section 307.673 of the Revised Code regardless of whether or not the cooperative agreement authorized under that section has been entered into prior to the day the resolution adopted under division (D)(1) or (2) of this section is adopted, and for the purpose of reimbursing a county for costs incurred in the construction of a sports facility pursuant to an agreement entered into by the county under section 307.696 of the Revised Code. The tax shall be levied and approved in one of the manners prescribed by division (D)(1) or (2) of this section.

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(1) The tax may be levied pursuant to a resolution adopted by a majority of the members of the board of county commissioners not later than forty-five days after ~~the effective date of this amendment~~ July 19, 1995. A board of county commissioners approving a tax under division (D)(1) of this section may approve a tax under division (B)(1) of section 4301.421 or division (C)(1) of section 5743.024 of the Revised Code at the same time. Subject to the resolution being submitted to a referendum under sections 305.31 to 305.41 of the Revised Code, the resolution shall take effect immediately, but the tax levied pursuant to the resolution

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shall not be levied prior to the day following the last day the 434  
tax levied pursuant to divisions (A), (B), and (C) of this section 435  
may be levied. 436

(2) The tax may be levied pursuant to a resolution adopted by 437  
a majority of the members of the board of county commissioners not 438  
later than forty-five days after ~~the effective date of this~~ 439  
~~amendment July 19, 1995,~~ and approved by a majority of the 440  
electors of the county voting on the question of levying the tax 441  
at the next succeeding general election following ~~the effective~~ 442  
~~date of this amendment July 19, 1995.~~ The board of county 443  
commissioners shall certify a copy of the resolution to the board 444  
of elections immediately upon adopting a resolution under division 445  
(D)(2) of this section, and the board of elections shall place the 446  
question of levying the tax on the ballot at that election. The 447  
form of the ballot shall be as prescribed by division (C) of this 448  
section, except that the phrase "paying not more than one-half of 449  
the costs of providing a sports facility together with related 450  
redevelopment and economic development projects" shall be replaced 451  
by the phrase "paying the costs of constructing or renovating a 452  
sports facility and reimbursing a county for costs incurred by the 453  
county in the construction of a sports facility," and the phrase 454  
, beginning ..... (here insert the earliest date the tax 455  
would take effect)" shall be appended after "years." A board of 456  
county commissioners submitting the question of a tax under 457  
division (D)(2) of this section may submit the question of a tax 458  
under division (B)(2) of section 4301.421 or division (C)(2) of 459  
section 5743.024 of the Revised Code as a single question, and the 460  
form of the ballot shall include each of the proposed taxes. 461

If approved by a majority of electors voting on the question, 462  
the tax shall take effect on the day specified on the ballot, 463  
which shall not be earlier than the day following the last day the 464  
tax levied pursuant to divisions (A), (B), and (C) of this section 465

may be levied. 466

The rate of a tax levied pursuant to division (D)(1) or (2) 467  
of this section shall not exceed the rate specified in division 468  
(A) of this section. A tax levied pursuant to division (D)(1) or 469  
(2) of this section may be levied for any number of years not 470  
exceeding twenty. 471

A board of county commissioners adopting a resolution under 472  
division (D)(1) or (2) of this section shall certify a copy of the 473  
resolution to the ~~department~~ division of liquor control 474  
immediately upon adoption of the resolution. 475

**Sec. 351.26.** (A) The board of directors of a convention 476  
facilities authority may adopt a resolution requesting the board 477  
of county commissioners of the county in which the convention 478  
facilities authority has its territory to propose the question of 479  
a tax to be levied pursuant to this section and section 4301.424 480  
or sections 5743.026 and 5743.324 of the Revised Code for the 481  
purpose of construction or renovation of a sports facility. The 482  
board of directors shall certify a copy of the resolution to the 483  
board of county commissioners not later than ninety days prior to 484  
the day of the election at which the board of directors requests 485  
the board of county commissioners to submit the question of the 486  
tax. The resolution shall state the rate at which the tax would be 487  
levied, the purpose for which the tax would be levied, the number 488  
of years the tax would be levied, the section of the Revised Code 489  
under which the tax would be levied, and the date of the election 490  
at which the board of directors requests the board of county 491  
commissioners to submit the question of the tax, all of which are 492  
subject to the limitations of this section and section 4301.424 or 493  
sections 5743.026 and 5743.324 of the Revised Code. 494

Upon receiving a copy of such a resolution from the board of 495  
directors, the board of county commissioners shall adopt a 496



resolution either approving or rejecting the proposal, and certify 497  
a copy of its resolution to the board of directors. If the board 498  
of county commissioners approves the proposal, the board of county 499  
commissioners shall propose the question of levying a tax pursuant 500  
to section 4301.424 of the Revised Code or pursuant to sections 501  
5743.026 and 5743.324 of the Revised Code, as specified in the 502  
board of directors' resolution, for the purpose of construction or 503  
renovation of a sports facility. 504

(B) The form of the ballot in an election held on the 505  
question of levying a tax proposed pursuant to section 4301.424 or 506  
5743.026 of the Revised Code shall be as follows or in any other 507  
form acceptable to the secretary of state: 508

"For the purpose of paying the costs of ..... 509  
(constructing or renovating) a sports facility, shall (an) excise 510  
tax(es) be levied by the ..... county for the convention 511  
facilities authority of ..... county at the rate of ..... 512  
(dollars on each gallon of spirituous liquor sold in the county by 513  
the Ohio ~~department~~ division of liquor control, cents per gallon 514  
on the sale of beer at wholesale in the county, cents per gallon 515  
on the sale of wine and mixed beverages at wholesale in the 516  
county, or mills per cigarette on the sale of cigarettes at 517  
wholesale in the county), for ..... years? 518

	Yes	520
	No	521

" 519  
522  
For an election in which questions under section 4301.424 or 523  
5743.026 of the Revised Code are joined as a single question, the 524  
form of the ballot shall be as above, except each of the proposed 525  
taxes shall be listed. 526

**Sec. 924.51.** (A) There is hereby created the Ohio grape 527  
industries committee consisting of nine members. The members shall 528  
be the director of agriculture or the director's designee, who 529  
shall chair the committee, the ~~director~~ superintendent of liquor 530  
control or the ~~director's superintendent's~~ designee, the chief of 531  
the division of markets of the department of agriculture, the 532  
viticulture extension specialist of the Ohio agricultural research 533  
and development center, who shall be a nonvoting member, and five 534  
members who shall be appointed by the director of agriculture. 535

(B) Of the five members of the committee appointed by the 536  
director of agriculture, two shall be persons who receive the 537  
major portion of their income from the production of grapes. The 538  
term of one of these members shall begin January 1, 1982, and end 539  
December 31, 1982, and the second member's term shall begin 540  
January 1, 1982, and end December 31, 1983. Two members shall be 541  
persons who receive the major portion of their income from the 542  
production of wine from raw grape or fruit products in either raw 543  
fruit or fresh juice form. The term of one of these members shall 544  
begin January 1, 1982, and end December 31, 1982, and the second 545  
member's term shall begin January 1, 1982, and end December 31, 546  
1983. One member shall be a person the major portion of whose 547  
income is from the production of grape products other than wine, 548  
such as juice, jams, or jellies; that member's term shall begin 549  
January 1, 1982, and end December 31, 1984. Thereafter, the terms 550  
for each appointed member of the committee shall be for three 551  
years, commencing on the first day of January and ending on the 552  
thirty-first day of December. No appointed member shall serve more 553  
than two consecutive terms. The director may remove any appointed 554  
member for cause. 555

(C) Members shall be appointed to fill vacancies caused by 556  
death, resignation, or removal in the same manner prescribed for 557

regular appointment to the committee. Any member appointed to fill 558  
a vacancy occurring prior to the expiration of the term for which 559  
the member's predecessor was appointed shall hold office for the 560  
remainder of the term. Any member shall continue in office 561  
subsequent to the expiration date of that member's term until that 562  
member's successor takes office, or until a period of sixty days 563  
has elapsed, whichever occurs first. 564

(D) All members of the committee are entitled to their actual 565  
and necessary expenses incurred in the performance of their duties 566  
as members, payable from moneys received from the Ohio grape 567  
industries fund created under section 924.54 of the Revised Code. 568

(E) A majority of the committee constitutes a quorum. 569

**Sec. 1333.83.** Every manufacturer of alcoholic beverages shall 570  
contract with or offer in good faith to its distributors a written 571  
franchise providing for, and specifying the rights and duties of 572  
both parties in effecting, the sale of the specified brands or 573  
products of the manufacturer. Any provision of a franchise 574  
agreement that waives any of the prohibitions of, or fails to 575  
comply with, sections 1333.82 to 1333.87 of the Revised Code is 576  
void and unenforceable. Any notice or acceptance required to be 577  
given or made by either party to the franchise shall be in writing 578  
and signed by the authorized representative of the parties. Any 579  
breach, actual or claimed, of a franchise made pursuant to this 580  
section shall not be grounds for suspension or revocation of any 581  
permit or ~~consent to import~~ supplier registration issued by the 582  
division of liquor control. When a distributor of beer or wine for 583  
a manufacturer, or the successors or assigns of the manufacturer, 584  
distributes the beer or wine for ninety days or more without a 585  
written contract, a franchise relationship is established between 586  
the parties, and sections 1333.82 to 1333.87 of the Revised Code 587  
apply to the manufacturer, its successor or assigns, and the 588

distributor. 589

**Sec. 2933.41.** (A)(1) Any property, other than contraband that 590  
is subject to the provisions of section 2913.34 or 2933.43 of the 591  
Revised Code, other than property that is subject to section 592  
3719.141 of the Revised Code, other than property that is 593  
forfeited under sections 2923.44 to 2923.47 or 2925.41 to 2925.45 594  
of the Revised Code, other than a vehicle that is criminally 595  
forfeited under an order issued under section 4503.233 or 4503.234 596  
of the Revised Code and that is to be disposed of under section 597  
4503.234 of the Revised Code, other than property that has been 598  
lawfully seized under sections 2933.71 to 2933.75 of the Revised 599  
Code in relation to a medicaid fraud offense, and other than 600  
property that has been lawfully seized in relation to a violation 601  
of section 2923.32 of the Revised Code, that has been lost, 602  
abandoned, stolen, seized pursuant to a search warrant, or 603  
otherwise lawfully seized or forfeited, and that is in the custody 604  
of a law enforcement agency shall be kept safely pending the time 605  
it no longer is needed as evidence and shall be disposed of 606  
pursuant to this section. Each law enforcement agency that has 607  
custody of any property that is subject to this section shall 608  
adopt a written internal control policy that addresses the keeping 609  
of detailed records as to the amount of property taken in by the 610  
agency, that addresses the agency's disposition of the property 611  
under this section, that provides for the keeping of detailed 612  
records of the disposition of the property, and that provides for 613  
the keeping of detailed financial records of the amount and 614  
disposition of any proceeds of a sale of the property under 615  
division (D)(8) of this section and of the general types of 616  
expenditures made out of the proceeds retained by the agency and 617  
the specific amount expended on each general type of expenditure. 618  
The policy shall not provide for or permit the identification of 619

any specific expenditure that is made in an ongoing investigation. 620  
The policy is a public record open for inspection under section 621  
149.43 of the Revised Code. 622

(2)(a) Every law enforcement agency that has any lost, 623  
abandoned, stolen, seized, or forfeited property as described in 624  
division (A)(1) of this section in its custody shall comply with 625  
its written internal control policy adopted under that division 626  
relative to the property. Each agency that has any such property 627  
in its custody, except for property to be disposed of under 628  
division (D)(4) of this section, shall maintain an accurate 629  
record, in accordance with its written internal control policy, of 630  
each item of the property. The record shall include the date on 631  
which each item of property came into the agency's custody, the 632  
manner in which it was disposed of, the date of its disposition, 633  
the name of the person who received the property if it was not 634  
destroyed, and all other information required by the agency's 635  
written internal control policy; however, the record shall not 636  
identify or enable the identification of the individual officer 637  
who seized any item of property. The record of any property that 638  
no longer is needed as evidence, and all financial records of the 639  
amount and disposition of any proceeds of a sale under division 640  
(D)(8) of this section and of the general types of expenditures 641  
made out of the proceeds retained by the agency and the specific 642  
amount of each general type of expenditure, shall be open to 643  
public inspection during the agency's regular business hours. 644

Each law enforcement agency that, during any calendar year, 645  
has any seized or forfeited property as described in division 646  
(A)(1) of this section in its custody shall prepare a report 647  
covering the calendar year that cumulates all of the information 648  
contained in all of the records kept by the agency pursuant to 649  
this division for that calendar year and shall send a copy of the 650  
cumulative report, no later than the first day of March in the 651

calendar year following the calendar year covered by the report, 652  
to the attorney general. Each report received by the attorney 653  
general is a public record open for inspection under section 654  
149.43 of the Revised Code. 655

(b) Each law enforcement agency that receives in any calendar 656  
year any proceeds of a sale under division (D)(8) of this section 657  
shall prepare a report covering the calendar year that cumulates 658  
all of the information contained in all of the public financial 659  
records kept by the agency pursuant to division (D)(2)(a) of this 660  
section for that calendar year and shall send a copy of the 661  
cumulative report, no later than the first day of March in the 662  
calendar year following the calendar year covered by the report, 663  
to the attorney general. Each report received by the attorney 664  
general is a public record open for inspection under section 665  
149.43 of the Revised Code. 666

(c) Not later than the fifteenth day of April in the calendar 667  
year in which reports are sent to the attorney general under 668  
divisions (A)(2)(a) and (b) of this section, the attorney general 669  
shall send to the president of the senate and the speaker of the 670  
house of representatives a written notification that does all of 671  
the following: 672

(i) Indicates that the attorney general has received from law 673  
enforcement agencies reports of the type described in division 674  
(A)(2)(a), (A)(2)(b), or both (A)(2)(a) and (b) of this section, 675  
whichever is applicable, that cover the previous calendar year and 676  
indicates that the reports were received under division (A)(2)(a), 677  
(A)(2)(b), or both (A)(2)(a) and (b) of this section, whichever is 678  
applicable; 679

(ii) Indicates that the reports are open for inspection under 680  
section 149.43 of the Revised Code; 681

(iii) Indicates that the attorney general will provide a copy 682

of any or all of the reports to the president of the senate or the 683  
speaker of the house of representatives upon request. 684

(B) A law enforcement agency that has property in its 685  
possession that is required to be disposed of pursuant to this 686  
section shall make a reasonable effort to locate the persons 687  
entitled to possession of the property in its custody, to notify 688  
them of when and where it may be claimed, and to return the 689  
property to them at the earliest possible time. In the absence of 690  
evidence identifying persons entitled to possession, it is 691  
sufficient notice to advertise in a newspaper of general 692  
circulation in the county, briefly describing the nature of the 693  
property in custody and inviting persons to view and establish 694  
their right to it. 695

(C) A person loses any right that the person may have to the 696  
possession, or the possession and ownership, of property if any of 697  
the following applies: 698

(1) The property was the subject, or was used in a conspiracy 699  
or attempt to commit, or in the commission, of an offense other 700  
than a traffic offense, and the person is a conspirator, 701  
accomplice, or offender with respect to the offense. 702

(2) A court determines that the property should be forfeited 703  
because, in light of the nature of the property or the 704  
circumstances of the person, it is unlawful for the person to 705  
acquire or possess the property. 706

(D) Unclaimed or forfeited property in the custody of a law 707  
enforcement agency, other than contraband that is subject to the 708  
provisions of section 2913.34 or 2933.43 of the Revised Code, 709  
other than property forfeited under sections 2923.44 to 2923.47 or 710  
2925.41 to 2925.45 of the Revised Code, and other than property 711  
that has been lawfully seized in relation to a violation of 712  
section 2923.32 of the Revised Code, shall be disposed of on 713

application to and order of any court of record that has 714  
territorial jurisdiction over the political subdivision in which 715  
the law enforcement agency has jurisdiction to engage in law 716  
enforcement activities, as follows: 717

(1) Drugs shall be disposed of pursuant to section 3719.11 of 718  
the Revised Code or placed in the custody of the secretary of the 719  
treasury of the United States for disposal or use for medical or 720  
scientific purposes under applicable federal law. 721

(2) Firearms and dangerous ordnance suitable for police work 722  
may be given to a law enforcement agency for that purpose. 723  
Firearms suitable for sporting use or as museum pieces or 724  
collectors' items may be sold at public auction pursuant to 725  
division (D)(8) of this section. Other firearms and dangerous 726  
ordnance shall be destroyed by the agency or shall be sent to the 727  
bureau of criminal identification and investigation for 728  
destruction by the bureau. 729

(3) Obscene materials shall be destroyed. 730

(4) ~~Beer, Except as otherwise provided in division (D)(4) of~~ 731  
~~this section, beer or intoxicating liquor, or alcohol seized from~~ 732  
~~by a person who is not the holder of a permit issued under~~ 733  
~~Chapters 4301. and 4303. of the Revised Code or is an offender and~~ 734  
~~forfeited to the state under section 4301.45 or 4301.53 of the~~ 735  
~~Revised Code either law enforcement agency shall be sold by the~~ 736  
~~division of liquor control, if the division determines that the~~ 737  
~~beer, intoxicating liquor, or alcohol is fit for sale, or shall be~~ 738  
~~placed in the custody of destroyed. However, intoxicating liquor~~ 739  
~~seized by the investigations unit in the department of public~~ 740  
~~safety and may be used distributed for training relating to its~~ 741  
~~law enforcement activities. The department, with the assistance of~~ 742  
~~the division of liquor control, shall adopt Additionally, pursuant~~ 743  
~~to rules the department adopts in accordance with Chapter 119. of~~ 744  
~~the Revised Code to, the department shall provide for the~~ 745



~~distribution of such beer, seized intoxicating liquor, or alcohol 746  
that is not distributed for training relating to its law 747  
enforcement activities, to state or local law enforcement agencies 748  
upon their request. If any tax imposed under Title XLIII of the 749  
Revised Code has not been paid in relation to the beer, 750  
intoxicating liquor, or alcohol, the proceeds of the sale shall 751  
first be used to pay the tax. All other money collected under 752  
division (D)(4) of this section shall be paid into the state 753  
treasury. Any such beer, intoxicating liquor, or alcohol that the 754  
division determines to be unfit for sale shall be destroyed. 755~~

(5) Money received by an inmate of a correctional institution 756  
from an unauthorized source or in an unauthorized manner shall be 757  
returned to the sender, if known, or deposited in the inmates' 758  
industrial and entertainment fund if the sender is not known. 759

(6) Vehicles and vehicle parts forfeited under sections 760  
4549.61 to 4549.63 of the Revised Code may be given to a law 761  
enforcement agency for use in the performance of its duties. Those 762  
parts may be incorporated into any other official vehicle. Parts 763  
that do not bear vehicle identification numbers or derivatives of 764  
them may be sold or disposed of as provided by rules of the 765  
director of public safety. Parts from which a vehicle 766  
identification number or derivative of it has been removed, 767  
defaced, covered, altered, or destroyed and that are not suitable 768  
for police work or incorporation into an official vehicle shall be 769  
destroyed and sold as junk or scrap. 770

(7)(a) Computers, computer networks, computer systems, and 771  
computer software suitable for police work may be given to a law 772  
enforcement agency for that purpose. Other computers, computer 773  
networks, computer systems, and computer software shall be 774  
disposed of pursuant to division (D)(8) of this section. 775

(b) As used in this section, "computers," "computer 776  
networks," "computer systems," and "computer software" have the 777

same meanings as in section 2913.01 of the Revised Code. 778

(8) Other unclaimed or forfeited property, including personal 779  
property that is abandoned or relinquished by an inmate of a state 780  
correctional institution, with the approval of the court, may be 781  
used by the law enforcement agency that has possession of it. If 782  
the other unclaimed or forfeited property is not used by the law 783  
enforcement agency, it may be sold, without appraisal, at a public 784  
auction to the highest bidder for cash, or, in the case of other 785  
unclaimed or forfeited moneys, disposed of in another manner that 786  
the court considers proper in the circumstances. 787

(E)(1)(a) If the property was in the possession of the law 788  
enforcement agency in relation to a delinquent child proceeding in 789  
a juvenile court, ten per cent of the proceeds from property 790  
disposed of pursuant to this section shall be applied to one or 791  
more alcohol and drug addiction treatment programs that are 792  
certified by the department of alcohol and drug addiction services 793  
under section 3793.06 of the Revised Code and that are specified 794  
by the court in its order issued under division (D) of this 795  
section. A juvenile court shall not specify an alcohol or drug 796  
addiction treatment program in the order unless the program is a 797  
certified alcohol and drug addiction treatment program and, except 798  
as provided in division (E)(1)(a) of this section, unless the 799  
program is located in the county in which the court that issues 800  
the orders is located or in a contiguous county. If no certified 801  
alcohol and drug addiction treatment program is located in any of 802  
those counties, the juvenile court may specify in the order a 803  
certified alcohol and drug addiction treatment program located 804  
anywhere within this state. The remaining ninety per cent of the 805  
proceeds shall be applied as provided in division (E)(1)(b) of 806  
this section. 807

If the property was in the possession of the law enforcement 808  
agency other than in relation to a delinquent child proceeding in 809

a juvenile court, all of the proceeds from property disposed of 810  
pursuant to this section shall be applied as provided in division 811  
(E)(1)(b) of this section. 812

(b) Except as provided in divisions (D)(4), (5), and (E)(2) 813  
of this section and after compliance with division (E)(1)(a) of 814  
this section when that division is applicable, the proceeds from 815  
property disposed of pursuant to this section shall be placed in 816  
the general fund of the state, the county, the township, or the 817  
municipal corporation, of which the law enforcement agency 818  
involved is an agency. 819

(2) Each board of county commissioners that recognizes a 820  
citizens' reward program as provided in section 9.92 of the 821  
Revised Code shall notify each law enforcement agency of that 822  
county and each law enforcement agency of a township or municipal 823  
corporation wholly located in that county of the official 824  
recognition of the citizens' reward program by filing a copy of 825  
its resolution conferring that recognition with each of those law 826  
enforcement agencies. When the board of county commissioners of a 827  
county recognizes a citizens' reward program and the county 828  
includes a part, but not all, of the territory of a municipal 829  
corporation, the board shall so notify the law enforcement agency 830  
of that municipal corporation of the official recognition of the 831  
citizens' reward program only if the county contains the highest 832  
percentage of the municipal corporation's population. Upon receipt 833  
of a notice described in this division, each law enforcement 834  
agency shall pay twenty-five per cent of the proceeds from each 835  
sale of property disposed of pursuant to this section to the 836  
citizens' reward program for use exclusively for the payment of 837  
rewards. No part of those funds may be used to pay for the 838  
administrative expenses or any other expenses associated with a 839  
citizens' reward program. If a citizens' reward program that 840  
operates in more than one county or in another state or states in 841

addition to this state receives funds pursuant to this section, 842  
the funds shall be used to pay rewards only for tips and 843  
information to law enforcement agencies concerning felonies, 844  
offenses of violence, or misdemeanors that have been committed in 845  
the county from which the funds were received. 846

(F) This section does not apply to the collection, storage, 847  
or disposal of abandoned junk motor vehicles. This section shall 848  
not be construed to rescind or restrict the authority of a 849  
municipal law enforcement agency to keep and dispose of lost, 850  
abandoned, stolen, seized, or forfeited property under an 851  
ordinance of the municipal corporation or under sections 737.29 to 852  
737.33 of the Revised Code, provided that, when a municipal 853  
corporation that has received notice as provided in division 854  
(E)(2) of this section disposes of property under an ordinance, it 855  
shall pay twenty-five per cent of the proceeds from any sale or 856  
auction to the citizens' reward program as provided under that 857  
division. 858

(G) The receipt of funds by a citizens' reward program 859  
pursuant to division (E) of this section does not make it a 860  
governmental unit for purposes of section 149.43 of the Revised 861  
Code and does not subject it to the disclosure provisions of that 862  
section. 863

(H) This section does not apply to the disposal of stolen or 864  
other property recovered by township law enforcement agencies 865  
pursuant to sections 505.105 to 505.109 of the Revised Code. 866

(I)(1) Subject to divisions (D)(1) to (7) of this section, 867  
and otherwise notwithstanding the provisions of this section, 868  
personal property that is subject to this section and that is 869  
abandoned or relinquished by an inmate of a state correctional 870  
institution may be destroyed or used by order of the warden of the 871  
institution, if either of the following apply: 872

(a) The value of the item is one hundred dollars or less, the state correctional institution has attempted to contact or identify the owner of the personal property, and those attempts have been unsuccessful.

(b) The inmate who owns the personal property agrees in writing to the disposal of the personal property in question.

(2) The department of rehabilitation and correction shall record the seizure and disposition of any personal property pursuant to division (I)(1) of this section, any attempts to contact or identify the owner of the personal property pursuant to division (I)(1)(a) of this section, and any agreement made pursuant to division (I)(1)(b) of this section.

(J) For purposes of this section, "law enforcement agency" includes correctional institutions, and "citizens' reward program" has the same meaning as in section 9.92 of the Revised Code. As used in division (H) of this section, "township law enforcement agencies" means an organized police department of a township, a township police district, a joint township police district, or the office of a township constable.

**Sec. 4301.07.** Each member of the liquor control commission shall devote ~~his~~ the member's entire time to the duties of ~~his~~ office and shall hold no other public position of trust or profit. No member of the commission, nor the ~~director~~ superintendent of liquor control, nor any of the ~~appointees or~~ employees of the commission or of the ~~department~~ division of liquor control, shall have any direct financial interest, ~~directly or indirectly,~~ in, or any interest otherwise prohibited by Chapter 102. or section 2921.42 or 2921.43 of the Revised Code in, the manufacture, distribution, or sale of beer or intoxicating liquor.

Each member of the commission, ~~and the chairman~~ chairperson

shall receive a salary fixed pursuant to division (J) of section 903  
124.15 of the Revised Code. In addition ~~thereto~~ to that salary, 904  
each member shall receive ~~the~~ actual and necessary travel expenses 905  
in connection with commission hearings and business. The ~~chairman~~ 906  
chairperson shall be an attorney at law who has had five years of 907  
active law practice. 908

**Sec. 4301.10.** (A) The division of liquor control shall do all 909  
of the following: 910

(1) Control the traffic in beer and intoxicating liquor in 911  
this state, including the manufacture, importation, and sale of 912  
beer and intoxicating liquor; 913

(2) Grant or refuse permits for the manufacture, 914  
distribution, transportation, and sale of beer and intoxicating 915  
liquor and the sale of alcohol, as authorized or required by this 916  
chapter and Chapter 4303. of the Revised Code; ~~and a. A~~ 917  
certificate, signed by the superintendent of liquor control and to 918  
which is affixed the official seal of the division, stating that 919  
it appears from the records of the division that no permit has 920  
been issued to the person specified in the certificate, or that a 921  
permit, if issued, has been revoked, canceled, or suspended, shall 922  
be received as prima-facie evidence of the facts recited in the 923  
certificate in any court, or before any officer of this state; 924

(3) Put into operation, manage, and control a system of state 925  
liquor stores for the sale of spirituous liquor at retail and to 926  
holders of permits authorizing the sale of spirituous liquor; 927  
however, the division shall not establish any drive-in state 928  
liquor stores; and by means of those types of stores, and any 929  
manufacturing plants, distributing and bottling plants, 930  
warehouses, and other facilities that it considers expedient, 931  
establish and maintain a state monopoly of the distribution of 932  
spirituous liquor and its sale in packages or containers; and for 933

that purpose manufacture, buy, import, possess, and sell 934  
spirituous liquors as provided in this chapter and Chapter 4303. 935  
of the Revised Code, and in the rules promulgated by the 936  
superintendent of liquor control pursuant to those chapters; 937  
lease, or in any manner acquire the use of any land or building 938  
required for any of those purposes; purchase any equipment that is 939  
required; and borrow money to carry on its business, and issue, 940  
sign, endorse, and accept notes, checks, and bills of exchange; 941  
but all obligations of the division created under authority of 942  
this division shall be a charge only upon the moneys received by 943  
the division from the sale of spirituous liquor and its other 944  
business transactions in connection with the sale of spirituous 945  
liquor, and shall not be general obligations of the state; 946

(4) Enforce the administrative provisions of this chapter and 947  
Chapter 4303. of the Revised Code, and the rules and orders of the 948  
liquor control commission and the superintendent relating to the 949  
manufacture, importation, transportation, distribution, and sale 950  
of beer and intoxicating liquors; ~~and the~~. The attorney general, 951  
any prosecuting attorney, and any prosecuting officer of a 952  
municipal corporation or a municipal court shall, at the request 953  
of the division of liquor control or the department of public 954  
safety, prosecute any person charged with the violation of any 955  
provision in those chapters or of any section of the Revised Code 956  
relating to the manufacture, importation, transportation, 957  
distribution, and sale of beer and intoxicating liquor; ~~and~~. 958

(5) Determine the locations of all state liquor stores and 959  
manufacturing, distributing, and bottling plants required in 960  
connection ~~therewith~~ with those stores, subject to this chapter 961  
and Chapter 4303. of the Revised Code; 962

(6) Conduct inspections of liquor permit premises to 963  
determine compliance with the administrative provisions of this 964  
chapter and Chapter 4303. of the Revised Code and the rules 965

adopted under those provisions by the liquor control commission. 966

Except as otherwise provided in division (A)(6) of this 967  
section, those inspections may be conducted only during those 968  
hours in which the permit holder is open for business and only by 969  
authorized agents or employees of the division or by any peace 970  
officer, as defined in section 2935.01 of the Revised Code. 971  
Inspections may be conducted at other hours only to determine 972  
compliance with laws or commission rules that regulate the hours 973  
of sale of beer and intoxicating liquor and only if the 974  
investigator has reasonable cause to believe that those laws or 975  
rules are being violated. Any inspection conducted pursuant to 976  
division (A)(6) of this section is subject to all of the following 977  
requirements: 978

(a) The only property that may be confiscated is contraband, 979  
as defined in section 2901.01 of the Revised Code, or property 980  
that is otherwise necessary for evidentiary purposes. 981

(b) A complete inventory of all property confiscated from the 982  
premises shall be given to the permit holder or the permit 983  
holder's agent or employee by the confiscating agent or officer at 984  
the conclusion of the inspection. At that time, the inventory 985  
shall be signed by the confiscating agent or officer, and the 986  
agent or officer shall give the permit holder or the permit 987  
holder's agent or employee the opportunity to sign the inventory. 988

(c) Inspections conducted pursuant to division (A)(6) of this 989  
section shall be conducted in a reasonable manner. A finding by 990  
any court of competent jurisdiction that the inspection was not 991  
conducted in a reasonable manner in accordance with this section 992  
or any rules promulgated by the commission may be considered 993  
grounds for suppression of evidence. A finding by the liquor 994  
control commission that the inspection was not conducted in a 995  
reasonable manner in accordance with this section or any rules 996  
promulgated by the commission may be considered grounds for 997



dismissal of the commission case. 998

If any court of competent jurisdiction finds that property 999  
confiscated as the result of an administrative inspection is not 1000  
necessary for evidentiary purposes and is not contraband, as 1001  
defined in section 2901.01 of the Revised Code, the court shall 1002  
order the immediate return of the confiscated property, provided 1003  
that property is not otherwise subject to forfeiture, to the 1004  
permit holder. However, the return of this property is not grounds 1005  
for dismissal of the case. The commission likewise may order the 1006  
return of confiscated property if no criminal prosecution is 1007  
pending or anticipated. 1008

(7) Delegate to any of its agents or employees any power of 1009  
investigation that the division possesses with respect to the 1010  
enforcement of any of the administrative laws relating to beer and 1011  
intoxicating liquor, provided that this division does not 1012  
authorize the division to designate any agent or employee to serve 1013  
as an enforcement agent. The employment and designation of 1014  
enforcement agents shall be within the exclusive authority of the 1015  
director of public safety pursuant to sections 5502.13 to 5502.19 1016  
of the Revised Code. 1017

(8) ~~Except as otherwise provided in division (A)(8) of this~~ 1018  
~~section, collect~~ Collect the following fees: 1019

(a) ~~An annual twenty five~~ A biennial fifty dollar 1020  
registration fee for each ~~representative agent, solicitor, or~~ 1021  
salesperson, registered pursuant to section 4303.25 of the Revised 1022  
Code, of a beer or intoxicating liquor manufacturer, supplier, 1023  
broker, or wholesale distributor doing business in this state; 1024

(b) A fifty-dollar product registration fee for each new beer 1025  
or intoxicating liquor product sold in this state. The product 1026  
registration fee shall be accompanied by a copy of the federal 1027  
label and product approval for the new product. 1028

(c) An annual three-hundred-dollar ~~out-of-state~~ supplier  
consent to import registration fee from each manufacturer or  
supplier ~~not subject to division (A)(8)(c) of this section that~~  
produces and ships into this state, or ships into this state,  
intoxicating liquor or beer, in addition to an initial application  
fee of one hundred dollars; 1029  
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~~(d) An annual twenty-five-dollar registration fee for coil  
cleaners of beer dispensing equipment doing business in this  
state.~~ 1035  
1036  
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~~(e) An annual one-hundred-dollar out-of-state  
consent to import fee, in addition to an initial application fee  
of one hundred dollars, from any manufacturer or out-of-state  
supplier that produced or shipped into this state in the  
immediately preceding calendar year a total of five hundred or  
fewer cases of seven-hundred-fifty milliliter equivalent of  
intoxicating liquor and twelve-ounce equivalent of beer.~~ 1038  
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Each ~~consent to import, representative's~~ supplier, agent,  
solicitor, or salesperson registration, ~~and coil cleaner  
registration~~ issued under this division (A)(8) ~~of this section~~  
authorizes shall authorize the person named to carry on the  
activity specified in the registration. Each agent, solicitor, or  
salesperson registration is valid for two years or for the  
unexpired portion of a two-year registration period. Each supplier  
registration is valid for one year, ~~or for the unexpired portion~~  
of ~~the a one-year, ending~~ registration period. Registrations shall  
end on the their respective uniform expiration date ~~for each,~~  
which shall be designated by the division, and ~~is~~ are subject to  
suspension, revocation, cancellation, or fine as authorized by  
this chapter and Chapter 4303. of the Revised Code. 1045  
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(9) Establish a system of electronic data interchange within 1058  
the division and regulate the electronic transfer of information 1059

and funds among persons and governmental entities engaged in the 1060  
manufacture, distribution, and retail sale of alcoholic beverages; 1061

(10) Exercise all other powers expressly or by necessary 1062  
implication conferred upon the division by this chapter and 1063  
Chapter 4303. of the Revised Code, and all powers necessary for 1064  
the exercise or discharge of any power, duty, or function 1065  
expressly conferred or imposed upon the division by those 1066  
chapters. 1067

(B) The division may do all of the following: 1068

(1) Sue, but may be sued only in connection with the 1069  
execution of leases of real estate and the purchases and contracts 1070  
necessary for the operation of the state liquor stores that are 1071  
made under this chapter and Chapter 4303. of the Revised Code; 1072

(2) Enter into leases and contracts of all descriptions and 1073  
acquire and transfer title to personal property with regard to the 1074  
sale, distribution, and storage of spirituous liquor within the 1075  
state; 1076

(3) Terminate at will any lease entered into pursuant to 1077  
division (B)(2) of this section upon first giving ninety days' 1078  
notice in writing to the lessor of its intention to do so; 1079

(4) Fix the wholesale and retail prices at which the various 1080  
classes, varieties, and brands of spirituous liquor shall be sold 1081  
by the division. Those retail prices shall be the same at all 1082  
state liquor stores, except to the extent that a price 1083  
differential is required to collect a county sales tax levied 1084  
pursuant to section 5739.021 of the Revised Code and for which tax 1085  
the tax commissioner has authorized prepayment pursuant to section 1086  
5739.05 of the Revised Code. In fixing selling prices, the 1087  
division shall compute an anticipated gross profit at least 1088  
sufficient to provide in each calendar year all costs and expenses 1089  
of the division and also an adequate working capital reserve for 1090

the division. The gross profit shall not exceed forty per cent of 1091  
the retail selling price based on costs of the division, and in 1092  
addition the sum required by section 4301.12 of the Revised Code 1093  
to be paid into the state treasury. An amount equal to one and 1094  
one-half per cent of that gross profit shall be paid into the 1095  
statewide treatment and prevention fund created by section 4301.30 1096  
of the Revised Code and be appropriated by the general assembly 1097  
from the fund to the department of alcohol and drug addiction 1098  
services as provided in section 4301.30 of the Revised Code. 1099

On spirituous liquor manufactured in ~~Ohio~~ this state from the 1100  
juice of grapes or fruits grown in ~~Ohio~~ this state, the division 1101  
shall compute an anticipated gross profit of not to exceed ten per 1102  
cent. The wholesale prices shall be at a discount of not less than 1103  
twelve and one-half per cent of the retail selling prices as 1104  
determined by the division in accordance with this section. 1105

(5) Request from the bureau of criminal identification and 1106  
investigation pursuant to section 109.572 of the Revised Code, or 1107  
coordinate with appropriate federal, state, and local government 1108  
agencies to accomplish, criminal records checks for the persons 1109  
whose identities are required to be disclosed by an applicant for 1110  
the issuance or transfer of ownership of a liquor permit by 1111  
division (A) of section 4303.293 of the Revised Code. At or before 1112  
the time of making a request for a criminal records check, the 1113  
division may require any person whose identity is required to be 1114  
disclosed by an applicant for the issuance or transfer of 1115  
ownership of a liquor permit by division (A) of section 4303.293 1116  
of the Revised Code to submit to the division valid fingerprint 1117  
impressions in a format and by any media or means acceptable to 1118  
the bureau of criminal identification and investigation and, when 1119  
applicable, the federal bureau of investigation. The division may 1120  
cause the bureau of criminal identification and investigation to 1121  
conduct a criminal records check through the federal bureau of 1122

investigation only if the person for whom the criminal records 1123  
check would be conducted resides or works outside of this state or 1124  
has resided or worked outside of this state during the preceding 1125  
five years, or if a criminal records check conducted by the bureau 1126  
of criminal identification and investigation within this state 1127  
indicates that the person may have a criminal record outside of 1128  
this state. 1129

In the case of a criminal records check under section 109.572 1130  
of the Revised Code, the division shall forward to the bureau of 1131  
criminal identification and investigation the requisite form, 1132  
fingerprint impressions, and fee described in division (C) of that 1133  
section. When requested by the division in accordance with this 1134  
section, the bureau of criminal identification and investigation 1135  
shall request from the federal bureau of investigation any 1136  
information it has with respect to the person who is the subject 1137  
of the requested criminal records check and shall forward the 1138  
requisite fingerprint impressions and information to the federal 1139  
bureau of investigation for that criminal records check. After 1140  
conducting a criminal records check or receiving the results of a 1141  
criminal records check from the federal bureau of investigation, 1142  
the bureau of criminal identification and investigation shall 1143  
provide the results to the division. 1144

The division may require any person about whom a criminal 1145  
records check is requested to pay to the division the amount 1146  
necessary to cover the fee charged to the division by the bureau 1147  
of criminal identification and investigation under division (C)(3) 1148  
of section 109.572 of the Revised Code, including, when 1149  
applicable, any fee for a criminal records check conducted by the 1150  
federal bureau of investigation. 1151

(C) The division may approve the expansion or diminution of a 1152  
premises to which a liquor permit has been issued and may adopt 1153  
standards governing such an expansion or diminution. 1154

**Sec. 4301.19.** The division of liquor control shall sell 1155  
spirituous liquor only, whether from a warehouse or from a state 1156  
liquor store or agency store. All sales shall be in sealed 1157  
containers and for resale as authorized by this chapter and 1158  
Chapter 4303. of the Revised Code or for consumption off the 1159  
premises only. Except as otherwise provided in this section, sale 1160  
of containers holding one-half pint or less of spirituous liquor 1161  
by the division shall be made at retail only, and not for the 1162  
purpose of resale by any purchaser, by special order placed with a 1163  
state ~~retail~~ liquor store or agency store and subject to rules 1164  
established by the superintendent of liquor control. The division 1165  
may sell at wholesale spirituous liquor in fifty milliliter sealed 1166  
containers to any holder of a permit issued under Chapter 4303. of 1167  
the Revised Code that authorizes the sale of spirituous liquor for 1168  
consumption on the premises where sold. A person appointed by the 1169  
division to act as an agent for the sale of spirituous liquor 1170  
pursuant to section 4301.17 of the Revised Code may provide and 1171  
accept gift certificates and may accept credit cards and debit 1172  
cards for the retail purchase of spirituous liquor. Deliveries 1173  
shall be made in the manner the superintendent determines by rule. 1174

If any person desires to purchase any variety or brand of 1175  
spirituous liquor which is not in stock at the state liquor store 1176  
or agency store where the variety or brand is ordered, the 1177  
division shall immediately procure the variety or brand ~~after a~~ 1178  
~~reasonable deposit is made by the purchaser in such proportion of~~ 1179  
~~the approximate cost of the order as is prescribed by the rules of~~ 1180  
~~the superintendent.~~ The purchaser shall be immediately notified 1181  
upon the arrival of the spirituous liquor at the store at which it 1182  
was ordered. Unless the purchaser pays for the variety or brand 1183  
and accepts delivery within five days after the giving of the 1184  
notice, the division may place the spirituous liquor in stock for 1185  
general sale, ~~and the deposit of the purchaser shall be forfeited.~~ 1186

<b>Sec. 4301.20.</b> <del>Chapters 4301.</del> <u>This chapter</u> and <u>Chapter</u> 4303.	1187
of the Revised Code do not prevent <u>the following</u> :	1188
(A) The storage of intoxicating liquor in bonded warehouses,	1189
established in accordance with the acts of congress and under the	1190
regulation of the United States, located in this state, or the	1191
transportation of intoxicating liquor to or from bonded warehouses	1192
of the United States wherever located;	1193
(B) A bona fide resident of this state who is the owner of a	1194
warehouse receipt from obtaining or transporting to the <del>person's</del>	1195
resident's residence for the <del>person's</del> resident's own consumption	1196
and not for resale spirituous liquor stored in a government bonded	1197
warehouse in this state or in another state prior to December,	1198
1933, subject to such terms as are prescribed by the division of	1199
liquor control;	1200
(C) The manufacture of cider from fruit for the purpose of	1201
making vinegar, and nonintoxicating cider and fruit juices for use	1202
and sale;	1203
(D) A licensed physician or dentist from administering or	1204
dispensing intoxicating liquor or alcohol to a patient in good	1205
faith in the actual course of the practice of the physician's or	1206
dentist's profession;	1207
(E) The sale of alcohol to physicians, dentists, druggists,	1208
veterinary surgeons, manufacturers, hospitals, infirmaries, or	1209
medical or educational institutions using the <del>same</del> <u>alcohol</u> for	1210
medicinal, mechanical, chemical, or scientific purposes;	1211
(F) The sale, gift, or keeping for sale by druggists and	1212
others of any of the medicinal preparations manufactured in	1213
accordance with the formulas prescribed by the United States	1214
Pharmacopoeia and National Formulary, patent or proprietary	1215
preparations, and other bona fide medicinal and technical	1216

preparations, which contain no more alcohol than is necessary to 1217  
hold the medicinal agents in solution and to preserve the same, 1218  
which are manufactured and sold as medicine and not as beverages, 1219  
are unfit for use for beverage purposes, and the sale of which 1220  
does not require the payment of a United States liquor dealer's 1221  
tax; 1222

(G) The manufacture and sale of tinctures or of toilet, 1223  
medicinal, and antiseptic preparations and solutions not intended 1224  
for internal human use nor to be sold as beverages, and which are 1225  
unfit for beverage purposes, if upon the outside of each bottle, 1226  
box, or package of which there is printed in the English language, 1227  
conspicuously and legibly, the quantity by volume of alcohol in 1228  
~~such~~ the preparation or solution; 1229

(H) The manufacture and keeping for sale of the food products 1230  
known as flavoring extracts when manufactured and sold for 1231  
cooking, culinary, or flavoring purposes, and which are unfit for 1232  
use for beverage purposes; 1233

(I) The lawful sale of wood alcohol or of ethyl alcohol for 1234  
external use when combined with ~~such~~ other substances as to make 1235  
it unfit for internal use; 1236

(J) The purchase and importation into this state of 1237  
intoxicating liquor for use in manufacturing processes of 1238  
nonbeverage food products under ~~such~~ terms ~~as are~~ prescribed by 1239  
the division, provided that the terms prescribed by the division 1240  
shall not increase the cost of ~~such the~~ intoxicating ~~liquors~~ 1241  
liquor to any person, firm, or corporation purchasing and 1242  
importing ~~the same~~ it into this state for ~~any such~~ that use; 1243

(K) Any resident of this state or any member of the armed 1244  
forces of the United States, who has attained the age of 1245  
twenty-one years, from bringing into this state, for personal use 1246  
and not for resale, not more than one liter of spirituous liquor 1247



in any thirty-day period, and the same is free of any tax consent 1248  
fee when ~~such~~ the resident or member of the armed forces 1249  
physically possesses and accompanies ~~such~~ the spirituous liquor on 1250  
returning from a foreign country, another state, or an insular 1251  
possession of the United States; 1252

(L) Persons, at least twenty-one years of age, who collect 1253  
ceramic commemorative bottles containing spirituous liquor which 1254  
have unbroken federal tax stamps ~~thereon~~ on them from selling or 1255  
trading ~~such~~ the bottles to other collectors. ~~Such~~ The bottles 1256  
must originally have been purchased at retail from the division, 1257  
legally imported under division (K) of this section, or legally 1258  
imported pursuant to a ~~consent to import~~ supplier registration 1259  
issued by the division. ~~Such~~ The sales shall be for the purpose of 1260  
exchanging a ceramic commemorative bottle between private 1261  
collectors and shall not be for the purpose of selling the 1262  
spirituous liquor for personal consumption. The sale or exchange 1263  
authorized by this division shall not occur on the premises of any 1264  
permit holder, shall not be made in connection with the business 1265  
of any permit holder, and shall not be made in connection with any 1266  
mercantile business. 1267

**Sec. 4301.22.** Sales of beer and intoxicating liquor under all 1268  
classes of permits and from state liquor stores are subject to the 1269  
following restrictions, in addition to those imposed by the rules 1270  
or orders of the division of liquor control: 1271

(A)(1) Except as otherwise provided in this chapter, no beer 1272  
or intoxicating liquor shall be sold to any person under 1273  
twenty-one years of age. 1274

(2) No low-alcohol beverage shall be sold to any person under 1275  
eighteen years of age. No permit issued by the division shall be 1276  
suspended, revoked, or canceled because of a violation of division 1277  
(A)(2) of this section. 1278

(3) No intoxicating liquor shall be handled by any person 1279  
under twenty-one years of age, except that a person eighteen years 1280  
of age or older employed by a permit holder may handle or sell 1281  
beer or intoxicating liquor in sealed containers in connection 1282  
with wholesale or retail sales, and any person nineteen years of 1283  
age or older employed by a permit holder may handle intoxicating 1284  
liquor in open containers when acting in the capacity of a server 1285  
in a hotel, restaurant, club, or night club, as defined in 1286  
division (B) of section 4301.01 of the Revised Code, or in the 1287  
premises of a D-7 permit holder. This section does not authorize 1288  
persons under twenty-one years of age to sell intoxicating liquor 1289  
across a bar. Any person employed by a permit holder may handle 1290  
beer or intoxicating liquor in sealed containers in connection 1291  
with manufacturing, storage, warehousing, placement, stocking, 1292  
bagging, loading, or unloading, and may handle beer or 1293  
intoxicating liquor in open containers in connection with cleaning 1294  
tables or handling empty bottles or glasses. 1295

(B) No permit holder and no agent or employee of a permit 1296  
holder shall sell or furnish beer or intoxicating liquor to an 1297  
intoxicated person. 1298

~~(C) No intoxicating liquor shall be sold to any individual 1299  
who habitually drinks intoxicating liquor to excess, or to whom 1300  
the division has, after investigation, determined to prohibit the 1301  
sale of such intoxicating liquor, because of cause shown by the 1302  
husband, wife, father, mother, brother, sister, or other person 1303  
dependent upon, or in charge of such individual, or by the mayor 1304  
of any municipal corporation, or a township trustee of any 1305  
township in which the individual resides. The order of the 1306  
division in such case shall remain in effect until revoked by the 1307  
division. 1308~~

~~(D)~~ No sales of intoxicating liquor shall be made after 1309  
two-thirty a.m. on Sunday, except that intoxicating liquor may be 1310

sold on Sunday under authority of a permit ~~which~~ that authorizes 1311  
Sunday sale. 1312

This section does not prevent a municipal corporation from 1313  
adopting a closing hour for the sale of intoxicating liquor 1314  
earlier than two-thirty a.m. on Sunday or to provide that no 1315  
intoxicating liquor may be sold prior to that hour on Sunday. 1316

~~(E)~~(D) No holder of a permit shall give away any beer or 1317  
intoxicating liquor of any kind at any time in connection with 1318  
permit holder's business. 1319

~~(F)~~(E) Except as otherwise provided in this division, no 1320  
retail permit holder shall display or permit the display on the 1321  
outside of any licensed retail premises, or on any lot of ground 1322  
on which the licensed premises are situated, or on the exterior of 1323  
any building of which ~~said~~ the licensed premises are a part, any 1324  
sign, illustration, or advertisement bearing the name, brand name, 1325  
trade name, trade-mark, designation, or other emblem of or 1326  
indicating the manufacturer, producer, distributor, place of 1327  
manufacture, production, or distribution of any beer or 1328  
intoxicating liquor. Signs, illustrations, or advertisements 1329  
bearing the name, brand name, trade name, trade-mark, designation, 1330  
or other emblem of or indicating the manufacturer, producer, 1331  
distributor, place of manufacture, production, or distribution of 1332  
beer or intoxicating liquor may be displayed and permitted to be 1333  
displayed on the interior or in the show windows of any licensed 1334  
premises, if the particular brand or type of product so advertised 1335  
is actually available for sale on the premises at the time of ~~such~~ 1336  
that display. The liquor control commission shall determine by 1337  
rule the size and character of ~~such~~ those signs, illustrations, or 1338  
advertisements. 1339

~~(G)~~(F) No retail permit holder shall possess on the licensed 1340  
premises any barrel or other container from which beer is drawn, 1341  
unless there is attached to the spigot or other dispensing 1342

apparatus the name of the manufacturer of the product contained 1343  
therein in the barrel or other container, provided that ~~where~~ 1344  
~~such, if the~~ beer is served at a bar, the manufacturer's name or 1345  
brand must appear in full view of the purchaser. The commission 1346  
shall regulate the size and character of the devices provided for 1347  
in this section. 1348

~~(H)~~(G) Except as otherwise provided in this division, no sale 1349  
of any gift certificate shall be permitted whereby beer or 1350  
intoxicating liquor of any kind is to be exchanged for ~~such the~~ 1351  
certificate, unless the gift certificate can be exchanged only for 1352  
food, and beer or intoxicating liquor, for on-premises consumption 1353  
and the value of the beer or intoxicating liquor for which the 1354  
certificate can be exchanged does not exceed more than thirty per 1355  
cent of the total value of the gift certificate. The sale of gift 1356  
certificates for the purchase of beer, wine, or mixed beverages 1357  
shall be permitted for the purchase of beer, wine, or mixed 1358  
beverages for off-premises consumption. Limitations on the use of 1359  
a gift certificate for the purchase of beer, wine, or mixed 1360  
beverages for off-premises consumption may be expressed by clearly 1361  
stamping or typing on the face of the certificate that the 1362  
certificate may not be used for the purchase of beer, wine, or 1363  
mixed beverages. 1364

**Sec. 4301.24.** No manufacturer shall aid or assist the holder 1365  
of any permit for sale at wholesale, and no manufacturer or 1366  
wholesale distributor shall aid or assist the holder of any permit 1367  
for sale at retail, by gift or loan of any money or property of 1368  
any description or other valuable thing, or by giving premiums or 1369  
rebates. No holder of any such permit shall accept the same, 1370  
provided that the manufacturer or wholesale distributor may 1371  
furnish to a retail permittee the inside signs or advertising and 1372  
the tap signs or devices authorized by divisions (E) and (F) ~~and~~ 1373  
~~(G)~~ of section 4301.22 of the Revised Code. 1374

No manufacturer shall have any financial interest, directly 1375  
or indirectly, by stock ownership, or through interlocking 1376  
directors in a corporation, or otherwise, in the establishment, 1377  
maintenance, or promotion in the business of any wholesale 1378  
distributor. No retail permit holder shall have any interest, 1379  
directly or indirectly, in the operation of, or any ownership in, 1380  
the business of any wholesale distributor or manufacturer. 1381

No manufacturer shall, except as authorized by section 1382  
4303.021 of the Revised Code, have any financial interest, 1383  
directly or indirectly, by stock ownership, or through 1384  
interlocking directors in a corporation, or otherwise, in the 1385  
establishment, maintenance, or promotion of the business of any 1386  
retail dealer. No wholesale distributor or employee of a wholesale 1387  
distributor shall have any financial interest, directly or 1388  
indirectly, by stock ownership, interlocking directors in a 1389  
corporation, or otherwise, in the establishment, maintenance, or 1390  
promotion of the business of any retail dealer. No manufacturer or 1391  
wholesale distributor or any stockholder of a manufacturer or 1392  
wholesale distributor shall acquire, by ownership in fee, 1393  
leasehold, mortgage, or otherwise, directly or indirectly, any 1394  
interest in the premises on which the business of any other person 1395  
engaged in the business of trafficking in beer or intoxicating 1396  
liquor is conducted. All contracts, covenants, conditions, and 1397  
limitations whereby any person engaged or proposing to engage in 1398  
the sale of beer or intoxicating liquors promises to confine the 1399  
person's sales of a particular kind or quality of beer or 1400  
intoxicating liquor to one or more products, or the products of a 1401  
specified manufacturer or wholesale distributor, or to give 1402  
preference to those products, shall to the extent of that promise 1403  
be void. The making of a promise in any such form shall be cause 1404  
for the revocation or suspension of any permit issued to any 1405  
party. This section does not prevent the holder of an A permit 1406

from securing and holding a wholesale distributor's permit or 1407  
permits and operating as a wholesale distributor. 1408

No manufacturer shall sell or offer to sell to any wholesale 1409  
distributor or retail permit holder, no wholesale distributor 1410  
shall sell or offer to sell to any retail permit holder, and no 1411  
wholesale distributor or retail permit holder shall purchase or 1412  
receive from any manufacturer or wholesale distributor, any beer, 1413  
brewed beverages, or wine manufactured in the United States except 1414  
for cash. No right of action shall exist to collect any claims for 1415  
credit extended contrary to this section. This section does not 1416  
prohibit a licensee from crediting to a purchaser the actual 1417  
prices charged for packages or containers returned by the original 1418  
purchaser as a credit on any sale or from refunding to any 1419  
purchaser the amount paid by that purchaser for containers or as a 1420  
deposit on containers when title is retained by the vendor, if 1421  
those containers or packages have been returned to the 1422  
manufacturer or distributor. This section does not prohibit a 1423  
manufacturer from extending usual and customary credit for beer, 1424  
brewed beverages, or wine manufactured in the United States and 1425  
sold to customers who live or maintain places of business outside 1426  
this state when the beverages so sold are actually transported and 1427  
delivered to points outside this state. No wholesale or retail 1428  
permit shall be issued to an applicant unless the applicant has 1429  
paid in full all accounts for beer or wine, manufactured in the 1430  
United States, outstanding as of September 6, 1939. No beer or 1431  
wine manufactured in the United States shall be imported into the 1432  
state unless the beer or wine has been paid for in cash, and no 1433  
~~consent to import~~ supplier registration for any such beer or wine 1434  
manufactured in the United States shall be issued by the division 1435  
of liquor control until the A-2, B-1, or B-5 permit holder 1436  
establishes to the satisfaction of the division that the beer or 1437  
wine has been paid for in cash. 1438

This section does not prevent a manufacturer from securing 1439  
and holding any financial interest, directly or indirectly, by 1440  
stock ownership or through interlocking directors in a 1441  
corporation, or otherwise, in the establishment, maintenance, or 1442  
promotion of the business or premises of any C or D permit holder, 1443  
provided that the following conditions are met: 1444

(A) Either the manufacturer or one of its parent companies is 1445  
listed on a national securities exchange. 1446

(B) All purchases of alcoholic beverages by the C or D permit 1447  
holder are made from wholesale distributors in this state or 1448  
agency stores licensed by the division of liquor control. 1449

(C) If the C or D permit holder sells brands of alcoholic 1450  
beverages that are produced or distributed by the manufacturer 1451  
that holds the financial interest, the C or D permit holder also 1452  
sells other competing brands of alcoholic beverages produced by 1453  
other manufacturers, no preference is given to the products of the 1454  
manufacturer, and there is no exclusion, in whole or in part, of 1455  
products sold or offered for sale by other manufacturers, 1456  
suppliers, or importers of alcoholic beverages that constitutes a 1457  
substantial impairment of commerce. 1458

(D) The primary purpose of the C or D permit premises is a 1459  
purpose other than to sell alcoholic beverages, and the sale of 1460  
other goods and services exceeds fifty per cent of the total gross 1461  
receipts of the C or D permit holder at its premises. 1462

This section does not prevent a manufacturer from giving 1463  
financial assistance to the holder of a B permit for the purpose 1464  
of the holder purchasing an ownership interest in the business, 1465  
existing inventory and equipment, or property of another B permit 1466  
holder, including, but not limited to, participation in a limited 1467  
liability partnership, limited liability company, or any other 1468  
legal entity authorized to do business in this state. This section 1469

does not permit a manufacturer to give financial assistance to the 1470  
holder of a B permit to purchase inventory or equipment used in 1471  
the daily operation of a B permit holder. 1472

**Sec. 4301.29.** (A) Whenever the department of public safety 1473  
seizes beer, or intoxicating liquor, ~~or alcohol pursuant to~~ 1474  
~~Chapters 4301. and 4303. of the Revised Code,~~ the department shall 1475  
~~forthwith~~ destroy any or distribute the beer, or intoxicating 1476  
liquor, ~~or alcohol,~~ unless it is determined to be fit for sale. If 1477  
the beer, intoxicating liquor, or alcohol is determined to be fit 1478  
for sale, ~~it shall be transferred to the department or, beginning~~ 1479  
~~on July 1, 1997, the division of liquor control for disposition~~ 1480  
under in accordance with division (D)(4) of section 2933.41 of the 1481  
Revised Code. 1482

(B)(1) In case of any seizure of beer, or intoxicating 1483  
liquor, ~~or alcohol~~ under execution of any judgment rendered 1484  
against the holder of a permit, ~~or in case of relation to the~~ 1485  
foreclosure of any lien on any beer, or intoxicating liquor, ~~or~~ 1486  
~~alcohol~~ belonging to ~~any such a holder of a permit,~~ ~~or in case of~~ 1487  
relation to the insolvency or bankruptcy of such a holder of a 1488  
permit, or in any other case in which judicial process is employed 1489  
to subject any beer, or intoxicating liquor, ~~or alcohol~~ belonging 1490  
to or in the possession of the holder of a permit to any ~~claims~~ 1491  
~~whatsoever~~ claim, the ~~officer~~ person seizing ~~such the~~ beer, or 1492  
intoxicating liquor, ~~or alcohol or taking possession thereof~~ 1493  
~~pursuant to such process shall deliver to the department or~~ 1494  
~~division all beer, intoxicating liquor, or alcohol found in the~~ 1495  
~~possession of the judgment debtor, bankrupt, or person for whom~~ 1496  
~~the officer has been appointed as a receiver. Thereupon the~~ 1497  
~~department or division shall sell such beer, intoxicating liquor,~~ 1498  
~~or alcohol and pay the proceeds of the sale thereof to the officer~~ 1499  
~~holding the process to be disposed of by the officer according to~~ 1500  
or the person's designee may sell it, subject to division (B)(2) 1501



of this section, after obtaining the written consent of the 1502  
division of liquor control. Proceeds from the sale of the beer or 1503  
intoxicating liquor shall be paid in accordance with the 1504  
applicable law and the orders of the court issuing ~~such~~ the 1505  
process. 1506

(2) Beer or intoxicating liquor that is sold under division 1507  
(B)(1) of this section shall not be sold to or purchased by the 1508  
holder of a liquor permit, an applicant for a liquor permit, or 1509  
any other business. 1510

**Sec. 4301.30.** All fees collected by the division of liquor 1511  
control shall be deposited in the state treasury to the credit of 1512  
the undivided liquor permit fund, which is hereby created, at the 1513  
time prescribed under section 4301.12 of the Revised Code. Each 1514  
payment shall be accompanied by a statement showing separately the 1515  
amount collected for each class of permits in each municipal 1516  
corporation and in each township outside the limits of any 1517  
municipal corporation in such township. An amount equal to 1518  
forty-five per cent of the fund shall be paid from the fund into 1519  
the general revenue fund. 1520

Twenty per cent of the undivided liquor permit fund shall be 1521  
paid into the statewide treatment and prevention fund, which is 1522  
hereby created in the state treasury. This amount shall be 1523  
appropriated by the general assembly, together with an amount 1524  
equal to one and one-half per cent of the gross profit of the 1525  
division of liquor control derived under division (B)(4) of 1526  
section 4301.10 of the Revised Code, to the department of alcohol 1527  
and drug addiction services. In planning for the allocation of and 1528  
in allocating these amounts for the purposes of Chapter 3793. of 1529  
the Revised Code, the department of alcohol and drug addiction 1530  
services shall comply with the nondiscrimination provisions of 1531  
Title VI of the Civil Rights Act of 1964, and any rules adopted 1532

under that act. 1533

Thirty-five per cent of the undivided liquor permit fund 1534  
shall be distributed by the superintendent of liquor control at 1535  
quarterly calendar periods as follows: 1536

(A) To each municipal corporation, the aggregate amount shown 1537  
by the statements to have been collected from permits in the 1538  
municipal corporation, for the use of the general fund of the 1539  
municipal corporation; 1540

(B) To each township, the aggregate amount shown by the 1541  
statements to have been collected from permits in its territory, 1542  
outside the limits of any municipal corporation located in the 1543  
township, for the use of the general fund of the township, or for 1544  
fire protection purposes, including buildings and equipment in the 1545  
township or in an established fire district within the township, 1546  
to the extent that the funds are derived from liquor permits 1547  
within the territory comprising such fire district. 1548

For the purpose of the distribution required by this section, 1549  
E, H, and D permits covering boats or vessels are deemed to have 1550  
been issued in the municipal corporation or township wherein the 1551  
owner or operator of the vehicle, boat, vessel, or dining car 1552  
equipment to which the permit relates has the owner's or 1553  
operator's principal office or place of business within the state. 1554

~~Such distributions are subject to diminutions for refunds as~~ 1555  
~~prescribed in section 4301.41 of the Revised Code.~~ If the liquor 1556  
control commission ~~is of the opinion~~ determines that the police or 1557  
other officers of any municipal corporation or township entitled 1558  
to share in such ~~a distribution~~ distributions are refusing or 1559  
culpably neglecting to enforce this chapter and Chapter 4303. of 1560  
the Revised Code, or the penal laws of this state relating to the 1561  
manufacture, importation, transportation, distribution, and sale 1562  
of beer and intoxicating liquors, or if the prosecuting officer of 1563

a municipal corporation or a municipal court fails to comply with 1564  
the request of the commission authorized by division (A)(4) of 1565  
section 4301.10 of the Revised Code, the commission, by certified 1566  
mail, may notify the chief executive officer of the municipal 1567  
corporation or the board of township trustees of the township of 1568  
the failure and require the immediate cooperation of the 1569  
responsible officers of the municipal corporation or township with 1570  
the division of liquor control in the enforcement of those 1571  
chapters and penal laws. Within thirty days after the notice is 1572  
served, the commission shall determine whether the requirement has 1573  
been complied with. If the commission determines that the 1574  
requirement has not been complied with, it may issue an order to 1575  
the superintendent to withhold the distributive share of the 1576  
municipal corporation or township until further order of the 1577  
commission. This action of the commission is reviewable within 1578  
thirty days thereafter in the court of common pleas of Franklin 1579  
county. 1580

**Sec. 4301.39.** (A) When the board of elections of any county 1581  
determines that a petition for a local option election, presented 1582  
pursuant to section 4301.33, 4301.331, 4301.332, 4301.333, 1583  
4303.29, or 4305.14 of the Revised Code is sufficient, it shall 1584  
forthwith, by mail, notify the division of liquor control of the 1585  
fact that ~~such a~~ the petition has been filed and approved by it. 1586  
Upon the determination of the results of any such election, the 1587  
board shall forthwith notify the division by mail of the result 1588  
and shall forward with the notice a plat of the precinct in which 1589  
the election was held and, if applicable, shall separately 1590  
identify the portion of the precinct affected by the election. 1591

(B) On the plat of a precinct, forwarded with the results of 1592  
an election that was held under section 4301.35, 4301.351, 1593  
4301.353, 4301.354, or 4303.29 of the Revised Code, the board 1594  
shall show and designate all of the streets and highways in the 1595

precinct or relevant portion ~~thereof~~ of the precinct. 1596

(C) On the plat of a precinct, forwarded with the results of 1597  
an election that was held under section 4301.352 of the Revised 1598  
Code, the board shall show and designate all of the following: 1599

(1) All of the streets and highways in the precinct; 1600

(2) The permit premises designated in the petition that was 1601  
filed under section 4301.331 of the Revised Code; 1602

(3) A class C or D permit holder's personal or corporate 1603  
name, and, if it is different from the permit holder's personal or 1604  
corporate name, the name of the business conducted by the permit 1605  
holder on the designated premises; 1606

(4) The address of the designated premises. 1607

(D) On the plat of a precinct, forwarded with the results of 1608  
an election that was held under section 4301.355 of the Revised 1609  
Code, the board shall show and designate all of the following: 1610

(1) All streets and highways in the precinct; 1611

(2) The address of the particular location within the 1612  
precinct to which the election results will apply as designated in 1613  
the petition that was filed under section 4301.333 of the Revised 1614  
Code; 1615

(3) The name of the applicant for the issuance or transfer of 1616  
the liquor permit, ~~or~~ of the holder of the liquor permit, ~~or name~~ 1617  
of the liquor agency store, including any trade or fictitious 1618  
names under which the applicant, holder, or operator intends to, 1619  
or does, do business at the particular location, as designated in 1620  
the petition that was filed under section 4301.333 of the Revised 1621  
Code. 1622

(E) With the results of an election that was held under 1623  
section 4301.356 of the Revised Code, the board shall designate 1624  
both of the following: 1625

(1) Each permit premises designated in the petition; 1626

(2) Each class C or D permit holder's personal or corporate 1627  
name and, if it is different from the personal or corporate name, 1628  
the name of the business conducted by the permit holder on the 1629  
designated premises. 1630

(F) If an application for recount is filed with the board ~~of~~ 1631  
~~elections~~ pursuant to section 3515.02 of the Revised Code or if an 1632  
election contest is commenced pursuant to section 3515.09 of the 1633  
Revised Code, the board ~~of elections~~ shall send written notice of 1634  
the recount or contest, by certified mail, to the superintendent 1635  
of liquor control within two days from the date of the filing of 1636  
the application for recount or the commencement of an election 1637  
contest. Upon the final determination of an election recount or 1638  
contest, the board ~~of elections~~ shall send notice of the final 1639  
determination, by certified mail, to the superintendent and the 1640  
liquor control commission. 1641

(G) If, as the result of a local option election held 1642  
pursuant to section 4301.35, 4301.351, 4301.353, 4301.354, 1643  
4303.29, or 4305.14 of the Revised Code, the use of a permit is 1644  
made partially unlawful, the division shall, within thirty days 1645  
after receipt of the final notice of the result of the election, 1646  
pick up ~~and the permit,~~ amend ~~the permit~~ it by inserting 1647  
appropriate restrictions on ~~the permit~~ it, and forthwith reissue 1648  
~~the permit~~ it without charge or refund to the permit holder, 1649  
unless, prior to thirty days after receipt of the final notice of 1650  
the result of ~~such~~ the election, both of the following occur: 1651

(1) A petition is filed with the board ~~of elections~~ pursuant 1652  
to section 4301.333 of the Revised Code; 1653

(2) A copy of the petition filed with the board ~~of elections~~ 1654  
pursuant to section 4301.333 of the Revised Code, bearing the file 1655  
stamp of the board ~~of elections~~, is filed with the superintendent 1656

of ~~the division of~~ liquor control. 1657

If both of those conditions are met, the results of the 1658  
election held pursuant to section 4301.35, 4301.351, 4301.353, 1659  
4301.354, 4303.29, or 4305.14 of the Revised Code shall not take 1660  
effect as to the liquor permit holder specified in the petition 1661  
filed pursuant to section 4301.333 of the Revised Code until the 1662  
earlier of a determination by the board ~~of elections~~ and receipt 1663  
of notification ~~of~~ by the superintendent of ~~the division of~~ liquor 1664  
control of notice that the petition is invalid or receipt by the 1665  
superintendent of final notice of the result of an election held 1666  
pursuant to section 4301.355 of the Revised Code concerning the 1667  
holder of the liquor permit that resulted in a majority "no" vote. 1668

(H) If, as the result of a local option election, except a 1669  
local option election held pursuant to section 4301.352 of the 1670  
Revised Code, the use of a permit is made wholly unlawful, the 1671  
permit holder may, within thirty days after the certification of 1672  
~~such~~ that final result by the board ~~of elections~~ to the division, 1673  
deliver the permit holder's permit to the division for safekeeping 1674  
as provided in section 4303.272 of the Revised Code, or the permit 1675  
holder may avail itself of the remedy set forth in divisions 1676  
(G)(1) and (2) of this section. In such event, the results of the 1677  
election shall not take effect as to the liquor permit holder 1678  
specified in the petition pursuant to section 4301.333 of the 1679  
Revised Code until the earlier of a determination by the board ~~of~~ 1680  
~~elections~~ and receipt by the superintendent of ~~the division of~~ 1681  
liquor control of notice that the petition is invalid or receipt 1682  
by the superintendent of the final notice of the result of an 1683  
election held pursuant to section 4301.355 of the Revised Code 1684  
concerning the holder of the liquor permit that resulted in a 1685  
majority "no" vote. 1686

~~(I) If a municipal corporation or township has been paid all 1687  
the moneys due it from permit fees under section 4301.30 of the 1688~~

~~Revised Code, it shall refund to the division ninety per cent of  
the money attributed to the unexpired portion of all permits which  
are still in force at the time of a local option election that  
makes use of the permits unlawful, except that no refund shall be  
made for the unexpired portion of a license year that is less than  
thirty days. Failure of the municipal corporation or township to  
refund the amount due entitles the permit holders to operate under  
their permits until the refund has been made.~~

~~(J) If a municipal corporation or township has been paid all  
the money due it from permit fees under section 4301.30 of the  
Revised Code, it shall refund to the division ninety per cent of  
the money attributable to the unexpired portion of a permit at the  
time a local option election under section 4301.352 of the Revised  
Code makes use of the permit unlawful, except that no refund shall  
be made for the unexpired portion of a license year that is less  
than thirty days. Failure of the municipal corporation or township  
to refund the amount due entitles the permit holder to operate  
under the permit until the refund has been made.~~

~~**Sec. 4301.41.** Whenever the division of liquor control cancels  
a permit, the division shall refund to its holder, or to the  
holder's executors, administrators, receivers, or trustees in  
bankruptcy, or to an assignee for the benefit of the holder's  
creditors, a proportionate amount representing the unexpired  
portion of the holder's permit year, except that such refund shall  
in no event be more than ninety per cent of such fee, and if the  
unexpired portion of the license year is less than thirty days, no  
refund shall be made. When the superintendent of liquor control  
considers it advisable to cancel the unexpired portion of an  
outstanding a permit in order that such the permit or permits,  
held by the permittee, may be issued on a uniform expiration date  
designated by the superintendent, the division may credit or~~

~~refund~~ the unexpired portion of permit fees outstanding or collect 1720  
any additional amounts due resulting from the uniform expiration 1721  
date so fixed. Notice of ~~such a~~ change of ~~the~~ expiration date and 1722  
~~such of a~~ credit, ~~refund~~, or additional amounts to be ~~credited~~, 1723  
~~refunded~~, or paid shall be given by the division to the ~~permittee~~ 1724  
holder of the permit at least thirty days prior to the due date. 1725  
~~Such refund shall be made subject to the order of the division,~~ 1726  
~~and at the next distribution of permit fee revenues, the amount~~ 1727  
~~refunded shall be withheld from the moneys due to the subdivision~~ 1728  
~~which received the original permit fee.~~ 1729

**Sec. 4301.424.** (A) For the purpose of section 351.26 of the 1730  
Revised Code and to pay any or all of the charge the board of 1731  
elections makes against the county to hold the election on the 1732  
question of levying the tax, the board of county commissioners, in 1733  
the manner prescribed by division (A) of section 351.26 of the 1734  
Revised Code, may levy a tax on each gallon of spirituous liquor; 1735  
on the sale of beer; and on the sale of wine and mixed beverages. 1736  
The tax on spirituous liquor shall be imposed on spirituous liquor 1737  
sold to or purchased by liquor permit holders for resale, and sold 1738  
at retail by the ~~department~~ division of liquor control, in the 1739  
county at a rate not greater than three dollars per gallon; the 1740  
tax on beer, wine, and mixed beverages shall be imposed on all 1741  
beer, wine, and mixed beverages sold for resale at retail in the 1742  
county, and on all beer, wine, and mixed beverages sold at retail 1743  
in the county by the manufacturer, bottler, importer, or other 1744  
person and upon which the tax has not been paid. The rate of the 1745  
tax on beer shall not exceed sixteen cents per gallon, and the 1746  
rate of the tax on wine and mixed beverages shall not exceed 1747  
thirty-two cents per gallon. Only one sale of the same article 1748  
shall be used in computing, reporting, and paying the amount of 1749  
tax due. The tax may be levied for any number of years not 1750



exceeding twenty. 1751

The tax shall be levied pursuant to a resolution of the board 1752  
of county commissioners adopted as prescribed by division (A) of 1753  
section 351.26 of the Revised Code and approved by a majority of 1754  
the electors in the county voting on the question of levying the 1755  
tax. The resolution shall specify the rates of the tax, the number 1756  
of years the tax will be levied, and the purposes for which the 1757  
tax is levied. Such election may be held on the date of a general 1758  
or special election held not sooner than seventy-five days after 1759  
the date the board certifies its resolution to the board of 1760  
elections. If approved by the electors, the tax takes effect on 1761  
the first day of the month specified in the resolution but not 1762  
sooner than the first day of the month that is at least sixty days 1763  
after the certification of the election results by the board of 1764  
elections. A copy of the resolution levying the tax shall be 1765  
certified to the ~~department~~ division of liquor control and the tax 1766  
commissioner at least sixty days prior to the date on which the 1767  
tax is to become effective. 1768

(B) A resolution under this section may be joined on the 1769  
ballot as a single question with a resolution adopted under 1770  
section 5743.026 of the Revised Code to levy a tax for the same 1771  
purposes, and for the purpose of paying the expenses of 1772  
administering that tax. 1773

(C) The form of the ballot in an election held on the 1774  
question of levying a tax proposed pursuant to this section shall 1775  
be as prescribed by section 351.26 of the Revised Code. 1776

Sec. 4301.77. The division of liquor control may provide the 1777  
social security number of an individual that the division 1778  
possesses to the department of public safety, department of 1779  
taxation, office of the attorney general, or any other state 1780

agency if the department, office, or agency requests the social 1781  
security number from the division to conduct an investigation, 1782  
implement an enforcement action, or collect taxes. 1783

**Sec. 4301.99.** (A) Whoever violates section 4301.47, 4301.48, 1784  
4301.49, 4301.62, or 4301.70 or division (B) of section 4301.691 1785  
of the Revised Code is guilty of a minor misdemeanor. 1786

(B) Whoever violates section 4301.15, division (A)(2) or 1787  
~~(D)~~(C) of section 4301.22, division (C), (D), (E), (F), (G), (H), 1788  
or (I) of section 4301.631, or section 4301.64 or 4301.67 of the 1789  
Revised Code is guilty of a misdemeanor of the fourth degree. 1790

If an offender who violates section 4301.64 of the Revised 1791  
Code was under the age of eighteen years at the time of the 1792  
offense, the court, in addition to any other penalties it imposes 1793  
upon the offender, shall suspend the offender's temporary 1794  
instruction permit, probationary driver's license, or driver's 1795  
license for a period of six months. If the offender is fifteen 1796  
years and six months of age or older and has not been issued a 1797  
temporary instruction permit or probationary driver's license, the 1798  
offender shall not be eligible to be issued such a license or 1799  
permit for a period of six months. If the offender has not 1800  
attained the age of fifteen years and six months, the offender 1801  
shall not be eligible to be issued a temporary instruction permit 1802  
until the offender attains the age of sixteen years. 1803

(C) Whoever violates division (D) of section 4301.21, ~~or~~ 1804  
section 4301.251, 4301.58, 4301.59, 4301.60, 4301.633, 4301.66, 1805  
4301.68, or 4301.74, division (B), (C), (D), (E)(1), or (F) of 1806  
section 4301.69 ~~of the Revised Code~~, or division (C), (D), (E), 1807  
(F), (G), or (I) of section 4301.691 of the Revised Code is guilty 1808  
of a misdemeanor of the first degree. 1809

If an offender who violates division (E)(1) of section 1810

4301.69 of the Revised Code was under the age of eighteen years at 1811  
the time of the offense and the offense occurred while the 1812  
offender was the operator of or a passenger in a motor vehicle, 1813  
the court, in addition to any other penalties it imposes upon the 1814  
offender, shall suspend the offender's temporary instruction 1815  
permit or probationary driver's license for a period of six 1816  
months. If the offender is fifteen years and six months of age or 1817  
older and has not been issued a temporary instruction permit or 1818  
probationary driver's license, the offender shall not be eligible 1819  
to be issued such a license or permit for a period of six months. 1820  
If the offender has not attained the age of fifteen years and six 1821  
months, the offender shall not be eligible to be issued a 1822  
temporary instruction permit until the offender attains the age of 1823  
sixteen years. 1824

(D) Whoever violates division (B) of section 4301.14, or 1825  
division (A)(1) or (3), or (B), ~~or (C)~~ of section 4301.22 of the 1826  
Revised Code is guilty of a misdemeanor of the third degree. 1827

(E) Whoever violates section 4301.63 or division (B) of 1828  
section 4301.631 of the Revised Code shall be fined not less than 1829  
twenty-five nor more than one hundred dollars. The court imposing 1830  
a fine for a violation of section 4301.63 or division (B) of 1831  
section 4301.631 of the Revised Code may order that the fine be 1832  
paid by the performance of public work at a reasonable hourly rate 1833  
established by the court. The court shall designate the time 1834  
within which the public work shall be completed. 1835

(F)(1) Whoever violates section 4301.634 of the Revised Code 1836  
is guilty of a misdemeanor of the first degree. If, in committing 1837  
a first violation of that section, the offender presented to the 1838  
permit holder or the permit holder's employee or agent a false, 1839  
fictitious, or altered identification card, a false or fictitious 1840  
driver's license purportedly issued by any state, or a driver's 1841  
license issued by any state that has been altered, the offender is 1842

guilty of a misdemeanor of the first degree and shall be fined not 1843  
less than two hundred fifty and not more than one thousand 1844  
dollars, and may be sentenced to a term of imprisonment of not 1845  
more than six months. 1846

(2) On a second violation in which, for the second time, the 1847  
offender presented to the permit holder or the permit holder's 1848  
employee or agent a false, fictitious, or altered identification 1849  
card, a false or fictitious driver's license purportedly issued by 1850  
any state, or a driver's license issued by any state that has been 1851  
altered, the offender is guilty of a misdemeanor of the first 1852  
degree and shall be fined not less than five hundred nor more than 1853  
one thousand dollars, and may be sentenced to a term of 1854  
imprisonment of not more than six months. The court also may 1855  
suspend the offender's driver's or commercial driver's license or 1856  
permit or nonresident operating privilege or deny the offender the 1857  
opportunity to be issued a driver's or commercial driver's license 1858  
for a period not exceeding sixty days. 1859

(3) On a third or subsequent violation in which, for the 1860  
third or subsequent time, the offender presented to the permit 1861  
holder or the permit holder's employee or agent a false, 1862  
fictitious, or altered identification card, a false or fictitious 1863  
driver's license purportedly issued by any state, or a driver's 1864  
license issued by any state that has been altered, the offender is 1865  
guilty of a misdemeanor of the first degree and shall be fined not 1866  
less than five hundred nor more than one thousand dollars, and may 1867  
be sentenced to a term of imprisonment of not more than six 1868  
months. The court also shall suspend the offender's driver's or 1869  
commercial driver's license or permit or nonresident operating 1870  
privilege or deny the offender the opportunity to be issued a 1871  
driver's or commercial driver's license for a period of ninety 1872  
days, and the court may order that the suspension or denial remain 1873  
in effect until the offender attains the age of twenty-one years. 1874

The court also may order the offender to perform a determinate 1875  
number of hours of community service, with the court determining 1876  
the actual number of hours and the nature of the community service 1877  
the offender shall perform. 1878

(G) Whoever violates section 4301.636 of the Revised Code is 1879  
guilty of a felony of the fifth degree. 1880

(H) Whoever violates division (A)(1) of section 4301.22 of 1881  
the Revised Code is guilty of a misdemeanor, shall be fined not 1882  
less than five hundred and not more than one thousand dollars, 1883  
and, in addition to the fine, may be imprisoned for a definite 1884  
term of not more than sixty days. 1885

(I) Whoever violates division (A) of section 4301.69 or 1886  
division (H) of section 4301.691 of the Revised Code is guilty of 1887  
a misdemeanor, shall be fined not less than five hundred and not 1888  
more than one thousand dollars, and, in addition to the fine, may 1889  
be imprisoned for a definite term of not more than six months. 1890

**Sec. 4303.03.** Permit A-2 may be issued to a manufacturer to 1891  
manufacture wine from grapes or other fruits ~~grown in the state,~~ 1892  
~~if obtainable, otherwise to import such fruits after submitting an~~ 1893  
~~affidavit of nonavailability to the division of liquor control;~~ to 1894  
import and purchase wine in bond for blending purposes, the total 1895  
amount of wine so imported during the year covered by the permit 1896  
not to exceed forty per cent of all the wine manufactured and 1897  
imported; to manufacture, purchase, and import brandy for 1898  
fortifying purposes; and to sell ~~such~~ those products either in 1899  
glass or container for consumption on the premises where 1900  
manufactured, for home use, and to retail and wholesale permit 1901  
holders under ~~such~~ the rules ~~as are~~ adopted by the division. 1902

The fee for this permit is one hundred twenty-six dollars for 1903  
each plant ~~producing one hundred wine barrels, of fifty gallons~~ 1904  
~~each, or less annually. This initial fee shall be increased at the~~ 1905

~~rate of ten cents per such barrel for all wine manufactured in  
excess of one hundred barrels during the year covered by the to  
which this permit is issued.~~ 1906  
1907  
1908

**Sec. 4303.07.** Permit B-2 may be issued to a wholesale 1909  
distributor of wine to purchase from holders of A-2 and B-5 1910  
permits and distribute or sell ~~such~~ that product, in the original 1911  
container in which it was placed by the B-5 permit holder or 1912  
manufacturer at the place where manufactured, to A-1-A, C-2, D-2, 1913  
D-3, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, 1914  
D-5h, D-5i, D-5j, D-5k, and E permit holders, and for home use. 1915  
The fee for this permit is five hundred dollars for each 1916  
distributing plant or warehouse. ~~The initial fee shall be~~ 1917  
~~increased ten cents per wine barrel of fifty gallons for all wine~~ 1918  
~~distributed and sold in this state in excess of twelve hundred~~ 1919  
~~fifty such barrels during the year covered by the permit.~~ 1920

**Sec. 4303.09.** Permit B-4 may be issued to a wholesale 1921  
distributor to purchase from the holders of A-4 permits and to 1922  
import, distribute, and sell prepared and bottled highballs, 1923  
cocktails, cordials, and other mixed beverages containing not less 1924  
than four per cent of alcohol by volume and not more than 1925  
twenty-one per cent of alcohol by volume to retail permit holders, 1926  
and for home use, under rules adopted by the division of liquor 1927  
control. The formula and samples of all ~~such~~ of those beverages to 1928  
be handled by the permit holder shall be submitted to the division 1929  
for its analysis and ~~the approval of the division~~ before ~~such~~ 1930  
those beverages may be sold and distributed in this state. All 1931  
labels and advertising matter used by the holders of this permit 1932  
shall be approved by the division before they may be used in this 1933  
state. The fee for this permit ~~shall be computed on the basis of~~ 1934  
~~annual sales, and the initial fee~~ is five hundred dollars for each 1935  
distributing plant or warehouse. ~~The initial fee shall be~~ 1936

~~increased at the rate of ten cents per wine barrel of fifty 1937  
gallons for all such beverages distributed and sold in this state 1938  
in excess of one thousand such barrels during the year covered by 1939  
the permit. 1940~~

**Sec. 4303.203.** (A) As used in this section: 1941

(1) "Convention facility" and "nonprofit corporation" have 1942  
the same meanings as in section 4303.201 of the Revised Code. 1943

(2) "Hotel" means a hotel described in section 3731.01 of the 1944  
Revised Code that has at least fifty rooms for registered 1945  
transient guests and that is required to be licensed pursuant to 1946  
section 3731.03 of the Revised Code. 1947

(B) An F-3 permit may be issued to an organization whose 1948  
primary purpose is to support, promote, and educate members of the 1949  
beer, wine, or mixed beverage industries, to allow the 1950  
organization to bring beer, wine, or mixed beverages in their 1951  
original packages or containers into a convention facility or 1952  
hotel for consumption in the facility or hotel, if all of the 1953  
following requirements are met: 1954

(1) The superintendent of liquor control is satisfied that 1955  
the organization is a nonprofit organization and that the 1956  
organization's membership is in excess of two hundred fifty 1957  
persons. 1958

(2) The general manager or the equivalent officer of the 1959  
convention facility or hotel provides a written consent for the 1960  
use of a portion of the facility or hotel by the organization and 1961  
a written statement that the facility's or hotel's permit 1962  
privileges will be suspended in the portion of the facility or 1963  
hotel in which the F-3 permit is in force. 1964

(3) The organization provides a written description that 1965  
clearly sets forth the portion of the convention facility or hotel 1966

in which the F-3 permit will be used. 1967

(4) The organization provides a written statement as to its 1968  
primary purpose and the purpose of its event at the convention 1969  
facility or hotel. 1970

(5) Division (C) of this section does not apply. 1971

(C) No F-3 permit shall be issued to any nonprofit 1972  
organization that is created by or for a specific manufacturer, 1973  
supplier, distributor, or retailer of beer, wine, or mixed 1974  
beverages. 1975

(D) Notwithstanding division ~~(E)~~(D) of section 4301.22 of the 1976  
Revised Code, a holder of an F-3 permit may obtain by donation 1977  
beer, wine, or mixed beverages from any manufacturer or producer 1978  
of beer, wine, or mixed beverages. 1979

(E) Nothing in this chapter prohibits the holder of an F-3 1980  
permit from bringing into the portion of the convention facility 1981  
or hotel covered by the permit beer, wine, or mixed beverages 1982  
otherwise not approved for sale in this state. 1983

(F) Notwithstanding division ~~(E)~~(D) of section 4301.22 of the 1984  
Revised Code, no holder of an F-3 permit shall make any charge for 1985  
any beer, wine, or mixed beverage served by the drink, or in its 1986  
original package or container, in connection with the use of the 1987  
portion of the convention facility or hotel covered by the permit. 1988

(G) The division of liquor control shall prepare and make 1989  
available an F-3 permit application form and may require 1990  
applicants for the permit to provide information, in addition to 1991  
that required by this section, that is necessary for the 1992  
administration of this section. 1993

(H) An F-3 permit shall be effective for a period not to 1994  
exceed five consecutive days. The division of liquor control shall 1995  
not issue more than three F-3 permits per calendar year to the 1996



same nonprofit organization. The fee for an F-3 permit is three hundred dollars. 1997  
1998

**Sec. 4303.204.** (A) The division of liquor control may issue an F-4 permit to an association or corporation organized not-for-profit in this state to conduct an event that includes the introduction, showcasing, or promotion of Ohio wines, if the event has all of the following characteristics: 1999  
2000  
2001  
2002  
2003

(1) It is coordinated by that association or corporation, and the association or corporation is responsible for the activities at it. 2004  
2005  
2006

(2) It has as one of its purposes the intent to introduce, showcase, or promote Ohio wines to persons who attend it. 2007  
2008

(3) It includes the sale of food for consumption on the premises where sold. 2009  
2010

(4) It features at least three A-2 permit holders who sell Ohio wine at it. 2011  
2012

(B) The holder of an F-4 permit may furnish, without charge, wine that it has obtained from the A-2 permit holders that are participating in the event for which the F-4 permit is issued, in two-ounce samples for consumption on the premises where furnished and may sell such wine by the glass for consumption on the premises where sold. The holder of an A-2 permit that is participating in the event for which the F-4 permit is issued may sell wine that it has manufactured, in sealed containers for consumption off the premises where sold. Wine may be furnished or sold on the premises of the event for which the F-4 permit is issued only where and when the sale of wine is otherwise permitted by law. 2013  
2014  
2015  
2016  
2017  
2018  
2019  
2020  
2021  
2022  
2023  
2024

(C) The premises of the event for which the F-4 permit is issued shall be clearly defined and sufficiently restricted to 2025  
2026

allow proper enforcement of the permit by state and local law enforcement officers. If an F-4 permit is issued for all or a portion of the same premises for which another class of permit is issued, that permit holder's privileges will be suspended in that portion of the premises in which the F-4 permit is in effect.

(D) No F-4 permit shall be effective for more than seventy-two consecutive hours. No sales or furnishing of wine shall take place under an F-4 permit after one a.m.

(E) The division shall not issue more than six F-4 permits to the same not-for-profit association or corporation in any one calendar year.

(F) An applicant for an F-4 permit shall apply for the permit not later than thirty days prior to the first day of the event for which the permit is sought. The application for the permit shall list all of the A-2 permit holders that will participate in the event for which the F-4 permit is sought. The fee for the F-4 permit is sixty dollars per day.

The division shall prepare and make available an F-4 permit application form and may require applicants for and holders of the F-4 permit to provide information that is in addition to that required by this section and that is necessary for the administration of this section.

(G)(1) The holder of an F-4 permit is responsible for, and is subject to penalties for, any violations of this chapter or Chapter 4301. of the Revised Code or the rules adopted under this and that chapter.

(2) An F-4 permit holder shall not allow an A-2 permit holder to participate in the event for which the F-4 permit is issued if the A-2 or A-1-A permit of that A-2 permit holder is under suspension.

(3) The division may refuse to issue an F-4 permit to an

applicant who has violated any provision of this chapter or 2058  
Chapter 4301. of the Revised Code during the applicant's previous 2059  
operation under an F-4 permit, for a period of up to two years 2060  
after the date of the violation. 2061

(H)(1) Notwithstanding division ~~(E)~~(D) of section 4301.22 of 2062  
the Revised Code, an A-2 permit holder that participates in an 2063  
event for which an F-4 permit is issued may donate wine that it 2064  
has manufactured to the holder of that F-4 permit. The holder of 2065  
an F-4 permit may return unused and sealed containers of wine to 2066  
the A-2 permit holder that donated the wine at the conclusion of 2067  
the event for which the F-4 permit was issued. 2068

(2) The participation by an A-2 permit holder or its 2069  
employees in an event for which an F-4 permit is issued does not 2070  
violate section 4301.24 of the Revised Code. 2071

**Sec. 4303.231.** Permit W may be issued to a manufacturer or 2072  
supplier of beer or intoxicating liquor to operate a warehouse for 2073  
the storage of beer or intoxicating liquor within this state and 2074  
to sell those products from the warehouse only to holders of B 2075  
permits in this state and to other customers outside this state 2076  
under rules ~~promulgated~~ adopted by the liquor control commission. 2077  
Each holder of a B permit with a ~~consent to import~~ supplier 2078  
registration on file with the division of liquor control may 2079  
purchase beer or intoxicating liquor if designated by the permit 2080  
to make those purchases, from the holder of a W permit. The fee 2081  
for a W permit is one thousand five hundred sixty-three dollars 2082  
for each warehouse during the year covered by the permit. 2083

**Sec. 4303.24.** All ~~initial application~~ fees prescribed by 2084  
~~sections 4303.02 to 4303.23 of the Revised Code,~~ shall be remitted 2085  
to the division of liquor control when applications are filed. The 2086  
pendency, priority, or validity of an application for a permit or 2087

~~duplicate permit~~ received by the division ~~prior to or after~~ 2088  
~~January 1, 1948~~ shall not be affected because the division did not 2089  
issue the permit applied for or the applicant failed to appeal to 2090  
the liquor control commission. ~~If a permit is not issued within~~ 2091  
~~one hundred twenty days from the date of such remittance, such~~ 2092  
~~initial fee shall be returned to the applicant. Such return shall~~ 2093  
~~not affect the priority of the application in the municipal~~ 2094  
~~corporation or unincorporated area of a county exclusive of any~~ 2095  
~~municipal corporation, wherein the proposed permit premises are~~ 2096  
~~located. The~~ 2097

The division, prior to the granting of ~~the~~ a permit or 2098  
duplicate permit applied for, shall notify, by certified mail, the 2099  
applicant or the applicant's authorized agent; ~~and the~~. The 2100  
applicant or the applicant's authorized agent ~~shall~~, within thirty 2101  
days after the mailing of ~~such~~ that notice, ~~redeposit the required~~ 2102  
~~fee, which shall include any fee increases that have occurred~~ 2103  
~~since the initial remission of the fee, with~~ shall pay to the 2104  
division the entire amount of the requisite permit fee required by 2105  
sections 4303.02 to 4303.231 or, in the case of a duplicate 2106  
permit, section 4303.30 of the Revised Code, if the permit or 2107  
duplicate permit is issued during the first six months of the year 2108  
the permit or duplicate permit covers, or one-half of the amount 2109  
of the requisite permit fee, if the permit or duplicate permit is 2110  
issued during the last six months of the year the permit or 2111  
duplicate permit covers. If ~~such~~ the applicant fails to ~~make such~~ 2112  
~~redeposit~~ pay the applicable amount of that requisite permit fee 2113  
within those thirty days, the division shall cancel the 2114  
applicant's application ~~shall be canceled~~. The procedure 2115  
~~prescribed in this section for return of permit fees shall not~~ 2116  
~~apply to an application for renewal of a permit~~ All. 2117

All other fees shall be paid at ~~such~~ the time and in ~~such~~ the 2118  
manner ~~as is~~ prescribed by the division. The liquor control 2119

commission may ~~promulgate~~ adopt rules requiring reports or returns 2120  
for the purpose of determining the amounts of additional permit 2121  
fees. 2122

**Sec. 4303.25.** No person ~~by himself or herself~~ personally or 2123  
by the person's clerk, agent, or employee shall manufacture, 2124  
manufacture for sale, offer, keep, or possess for sale, furnish or 2125  
sell, or solicit the purchase or sale of any beer or intoxicating 2126  
liquor in this state, or transport, ~~or~~ import, or cause to be 2127  
transported or imported any beer, intoxicating liquor, or alcohol 2128  
in or into this state for delivery, use, or sale, unless ~~such the~~ 2129  
person has fully complied with ~~Chapters~~ this chapter and Chapter 2130  
4301. ~~and 4303.~~ of the Revised Code or is the holder of a permit 2131  
issued by the division of liquor control and in force at the time. 2132

The superintendent of liquor control may adopt rules 2133  
requiring ~~persons~~ a person acting ~~in capacities only as sales~~ 2134  
~~representatives~~ as an agent, solicitor, or salesperson for a 2135  
manufacturer, supplier, broker, or wholesale distributor, who 2136  
~~solicit~~ solicits permit holders authorized to deal in beer and 2137  
intoxicating ~~liquors~~ liquor, to be registered with the division 2138  
and may cite ~~for revocation such the~~ the registrant to the liquor 2139  
control commission for a violation of ~~such chapters~~ this chapter, 2140  
Chapter 4301. of the Revised Code, or ~~of~~ the rules adopted by the 2141  
commission or superintendent. 2142

**Sec. 4303.27.** Each permit issued under sections 4303.02 to 2143  
4303.23 of the Revised Code, shall authorize the person named to 2144  
carry on the business specified at the place or in the boat, 2145  
vessel, or classes of dining car equipment described, and shall be 2146  
issued for one year, or part ~~thereof~~ of one year, commencing on 2147  
the day after the uniform expiration dates designated by the 2148  
division of liquor control, or for the unexpired portion of such 2149  
year, and no longer, subject to suspension, revocation, or 2150

cancellation as authorized or required by ~~Chapters~~ this chapter or 2151  
Chapter 4301. ~~and 4303.~~ of the Revised Code. Upon application by a 2152  
permit holder, the superintendent of liquor control may expand 2153  
during specified seasons of the year the premises for which the 2154  
permit holder's permit was issued to include a premises 2155  
immediately adjacent to the premises for which the permit was 2156  
issued, so long as the immediately adjacent premises is under the 2157  
permit holder's ownership and control and is located in an area 2158  
where sales under the permit are not prohibited because of a local 2159  
option election. Whenever the superintendent considers it 2160  
advisable to cancel the unexpired portion of an outstanding permit 2161  
in order that the permit may be issued on one of the uniform 2162  
expiration dates designated by the superintendent, the 2163  
superintendent shall ~~refund~~ credit to the holder a proportionate 2164  
amount representing the unexpired portion of the permit year 2165  
pursuant to section 4301.41 of the Revised Code. Such permit does 2166  
not authorize the person named to carry on the business specified 2167  
at any place or in any vehicle, boat, vessel, or class of dining 2168  
car equipment other than that named, nor does it authorize any 2169  
person other than the one named in such permit to carry on ~~such~~ 2170  
that business at the place or in the vehicle, boat, vessel, or 2171  
class of dining car equipment named, except pursuant to compliance 2172  
with the rules and orders of the division governing the assignment 2173  
and transfer of permits, and with the consent of the division. The 2174  
holder of a G permit may substitute the name of another licensed 2175  
pharmacist for that entered on the permit, subject to rules of the 2176  
division. 2177

~~Chapters~~ This chapter and Chapter 4301. ~~and 4303.~~ of the 2178  
Revised Code do not prohibit the holder of an A, B, C, or D permit 2179  
from making deliveries of beer or intoxicating liquor containing 2180  
not more than twenty-one per cent of alcohol by volume, or 2181  
prohibit the holder of an A or B permit from selling or 2182

distributing beer or intoxicating liquor to a person at a place 2183  
outside this state, or prohibit the holder of any such a permit, 2184  
or an H permit, from delivering any beer or intoxicating liquor so 2185  
sold from a point in this state to a point outside this state. 2186

**Sec. 4303.271.** (A) Except as provided in divisions (B) and 2187  
(D) of this section, the holder of a permit issued under sections 2188  
4303.02 to 4303.23 of the Revised Code, who files an application 2189  
for the renewal of the same class of permit for the same premises, 2190  
shall be entitled to the renewal of the permit. The division of 2191  
liquor control shall renew the permit unless the division rejects 2192  
for good cause any renewal application, subject to the right of 2193  
the applicant to appeal the rejection to the liquor control 2194  
commission. 2195

(B) The legislative authority of the municipal corporation, 2196  
the board of township trustees, or the board of county 2197  
commissioners of the county in which a permit premises is located 2198  
may object to the renewal of a permit issued under sections 2199  
4303.11 to 4303.183 of the Revised Code for any of the reasons 2200  
contained in division (A) of section 4303.292 of the Revised Code. 2201  
Any objection shall be made no later than thirty days prior to the 2202  
expiration of the permit, and the ~~department~~ division shall accept 2203  
the objection if it is postmarked no later than thirty days prior 2204  
to the expiration of the permit. The objection shall be made by a 2205  
resolution specifying the reasons for objecting to the renewal and 2206  
requesting a hearing, but no objection shall be based upon 2207  
noncompliance of the permit premises with local zoning regulations 2208  
~~which~~ that prohibit the sale of beer or intoxicating liquor in an 2209  
area zoned for commercial or industrial uses, for a permit 2210  
premises that would otherwise qualify for a proper permit issued 2211  
by the division. The resolution shall be accompanied by a 2212  
statement by the chief legal officer of the political subdivision 2213  
that, in the chief legal officer's opinion, the objection is based 2214

upon substantial legal grounds within the meaning and intent of 2215  
division (A) of section 4303.292 of the Revised Code. 2216

Upon receipt of a resolution of a legislative authority or 2217  
board objecting to the renewal of a permit and a statement from 2218  
the chief legal officer, the division shall set a time for the 2219  
hearing and send by certified mail to the permit holder, at the 2220  
permit holder's usual place of business, a copy of the resolution 2221  
and notice of the hearing. The division shall then hold a hearing 2222  
in the central office of the division, except that, upon written 2223  
request of the legislative authority or board, the hearing shall 2224  
be held in the county seat of the county in which the permit 2225  
premises is located, to determine whether the renewal shall be 2226  
denied for any of the reasons contained in division (A) of section 2227  
4303.292 of the Revised Code. Only the reasons for refusal 2228  
contained in division (A) of section 4303.292 of the Revised Code 2229  
and specified in the resolution of objection shall be considered 2230  
at the hearing. 2231

The permit holder and the objecting legislative authority or 2232  
board shall be parties to the proceedings under this section and 2233  
shall have the right to be present, to be represented by counsel, 2234  
to offer evidence, to require the attendance of witnesses, and to 2235  
cross-examine witnesses at the hearing. 2236

(C) An application for renewal of a permit shall be filed 2237  
with the division at least fifteen days prior to the expiration of 2238  
an existing permit, and the existing permit shall continue in 2239  
effect as provided in section 119.06 of the Revised Code until the 2240  
application is approved or rejected by the division. Any holder of 2241  
a permit, which has expired through failure to be renewed as 2242  
provided in this section, shall obtain a renewal of the permit, 2243  
upon filing an application for renewal with the division, at any 2244  
time within thirty days from the date of the expired permit. A 2245  
penalty of ten per cent of the permit fee shall be paid by the 2246



permit holder if the application for renewal is not filed at least 2247  
fifteen days prior to the expiration of the permit. 2248

(D)(1) Annually, ~~beginning in 1988~~, the tax commissioner 2249  
shall cause the sales and withholding tax records in the 2250  
department of taxation for each holder of a permit issued under 2251  
sections 4303.02 to 4303.23 of the Revised Code to be examined to 2252  
determine if the permit holder is delinquent in filing any sales 2253  
or withholding tax returns or has any outstanding liability for 2254  
sales or withholding tax, penalties, or interest imposed pursuant 2255  
to Chapter 5739. or sections 5747.06 and 5747.07 of the Revised 2256  
Code. If any delinquency or liability exists, the commissioner 2257  
shall send a notice of that fact by certified mail, return receipt 2258  
requested, to the permit holder at the mailing address shown in 2259  
the records of the department. The notice shall specify, in as 2260  
much detail as is possible, the periods for which returns have not 2261  
been filed and the nature and amount of unpaid assessments and 2262  
other liabilities and shall be sent on or before the first day of 2263  
the third month preceding the month in which the permit expires. 2264  
The commissioner also shall notify the division of liquor control 2265  
of the delinquency or liability, identifying the permit holder by 2266  
name and permit number. 2267

(2)(a) Except as provided in division (D)(4) of this section, 2268  
the division of liquor control shall not renew the permit of any 2269  
permit holder the tax commissioner has identified as being 2270  
delinquent in filing any sales or withholding tax returns or as 2271  
being liable for outstanding sales or withholding tax, penalties, 2272  
or interest as of the first day of the sixth month preceding the 2273  
month in which the permit expires, or of any permit holder the 2274  
commissioner has identified as having been assessed by the 2275  
department on or before the first day of the third month preceding 2276  
the month in which the permit expires, until the division is 2277  
notified by the tax commissioner that the delinquency, liability, 2278

or assessment has been resolved. 2279

(b)(i) Within ninety days after the date on which the permit 2280  
expires, any permit holder whose permit is not renewed under this 2281  
division may file an appeal with the liquor control commission. 2282  
The commission shall notify the tax commissioner regarding the 2283  
filing of any such appeal. During the period in which the appeal 2284  
is pending, the permit shall not be renewed by the division. The 2285  
permit shall be reinstated if the permit holder and the tax 2286  
commissioner or the attorney general demonstrate to the liquor 2287  
control commission that the commissioner's notification of a 2288  
delinquency or assessment was in error or that the issue of the 2289  
delinquency or assessment has been resolved. 2290

(ii) A permit holder who has filed an appeal under division 2291  
(D)(2)(b)(i) of this section may file a motion to withdraw the 2292  
appeal. The division of liquor control may renew a permit holder's 2293  
permit if the permit holder has withdrawn such an appeal and the 2294  
division receives written certification from the tax commissioner 2295  
that the permit holder's delinquency or assessment has been 2296  
resolved. 2297

(3) A permit holder notified of delinquency or liability 2298  
under this section may protest the notification to the tax 2299  
commissioner on the basis that no returns are delinquent and no 2300  
tax, penalties, or interest is outstanding. The commissioner shall 2301  
expeditiously consider any evidence submitted by the permit holder 2302  
and, if it is determined that the notification was in error, 2303  
immediately shall inform the division of liquor control that the 2304  
renewal application may be granted. The renewal shall not be 2305  
denied if the delinquency or unreported liability is the subject 2306  
of a bona fide dispute pursuant to section 5717.02, 5717.04, 2307  
5739.13, or 5747.13 of the Revised Code. 2308

(4) If the commissioner concludes that under the 2309  
circumstances the permit holder's delinquency or liability has 2310

been conditionally resolved, the commissioner shall allow the 2311  
permit to be renewed, conditioned upon the permit holder's 2312  
continuing performance in satisfying the delinquency and 2313  
liability. The conditional nature of the renewal shall be 2314  
specified in the notification given to the division of liquor 2315  
control under division (D)(1) of this section. Upon receipt of 2316  
notice of the resolution, the division shall issue a conditional 2317  
renewal. If the taxpayer defaults on any agreement to pay the 2318  
delinquency or liability or fails to keep subsequent tax payments 2319  
current, the liquor control commission, upon request and proof of 2320  
the default or failure to keep subsequent tax payments current, 2321  
shall indefinitely suspend the permit holder's permit until all 2322  
taxes and interest due are paid. 2323

(5) The commissioner may adopt rules to assist in 2324  
administering the duties imposed by this section. 2325

**Sec. 4303.292.** (A) The division of liquor control may refuse 2326  
to issue, transfer the ownership of, or renew, and shall refuse to 2327  
transfer the location of, any retail permit issued under this 2328  
chapter if it finds either of the following: 2329

(1) That the applicant, or any partner, member, officer, 2330  
director, or manager thereof of the applicant, or, if the 2331  
applicant is a corporation or limited liability company, any 2332  
shareholder owning ~~ten~~ five per cent or more of ~~its~~ the 2333  
applicant's capital stock in the corporation or any member owning 2334  
five per cent or more of either the voting interests or membership 2335  
interests in the limited liability company: 2336

(a) Has been convicted at any time of a crime ~~which~~ that 2337  
relates to fitness to operate a liquor establishment; 2338

(b) Has operated liquor permit businesses in a manner that 2339  
demonstrates a disregard for the laws, regulations, or local 2340  
ordinances of this state or any other state; 2341

(c) Has misrepresented a material fact in applying to the 2342  
division for a permit; or 2343

(d) Is in the habit of using alcoholic beverages or dangerous 2344  
drugs to excess, or is addicted to the use of narcotics. 2345

(2) That the place for which the permit is sought: 2346

(a) Does not conform to the building, safety, or health 2347  
requirements of the governing body of the county or ~~municipality~~ 2348  
municipal corporation in which the place is located. As used in 2349  
division (A)(2)(a) of this section, "building, safety, or health 2350  
requirements" does not include local zoning ordinances. The 2351  
validity of local zoning regulations shall not be affected by this 2352  
section. 2353

(b) Is so constructed or arranged that law enforcement 2354  
officers and duly authorized agents of the division are prevented 2355  
from reasonable access to rooms within which beer or intoxicating 2356  
liquor is to be sold or consumed; i 2357

(c) Is so located with respect to the neighborhood that 2358  
substantial interference with public decency, sobriety, peace, or 2359  
good order would result from the issuance, renewal, transfer of 2360  
location, or transfer of ownership of the permit and operation 2361  
~~thereunder~~ under it by the applicant; or 2362

(d) Has been declared a nuisance pursuant to Chapter 3767. of 2363  
the Revised Code since the time of the most recent issuance, 2364  
renewal, or transfer of ownership or location of the liquor 2365  
permit. 2366

(B) The division of liquor control may refuse to issue or 2367  
transfer the ownership of, and shall refuse to transfer the 2368  
location of, any retail permit issued under this chapter if it 2369  
finds either of the following: 2370

(1) That the place for which the permit is sought is so 2371

situated with respect to any school, church, library, public 2372  
playground, or hospital that the operation of the liquor 2373  
establishment will substantially and adversely affect or interfere 2374  
with the normal, orderly conduct of the affairs of those 2375  
facilities or institutions; 2376

(2) That the number of permits already existent in the 2377  
neighborhood is such that the issuance or transfer of location of 2378  
a permit would be detrimental to and substantially interfere with 2379  
the morals, safety, or welfare of the public, ~~and, in.~~ In reaching 2380  
a conclusion in this respect, the division shall consider, in 2381  
light of the purposes of this chapter and Chapters 4301., ~~4303.,~~ 2382  
and 4399. of the Revised Code, the character and population of the 2383  
neighborhood, the number and location of similar permits in the 2384  
neighborhood, the number and location of all other permits in the 2385  
neighborhood, and the effect the issuance or transfer of location 2386  
of a permit would have on the neighborhood. 2387

(C) The division of liquor control shall not transfer the 2388  
location or transfer the ownership and location of a permit under 2389  
division (B)(3)(b) of section 4303.29 of the Revised Code unless 2390  
the permit is transferred to an economic development project. 2391

(D) The division of liquor control shall refuse to issue, 2392  
renew, transfer the ownership of, or transfer the location of a 2393  
retail permit under this chapter if the applicant is or has been 2394  
convicted of a violation of division (C)(1) of section 2913.46 of 2395  
the Revised Code. 2396

(E) The division of liquor control shall refuse to transfer 2397  
the ownership of or transfer the location of a retail permit under 2398  
this chapter while criminal proceedings are pending against the 2399  
holder of the permit for a violation of division (C)(1) of section 2400  
2913.46 of the Revised Code. The department of ~~job and family~~ 2401  
~~services~~ public safety shall notify the division of ~~liquor control~~ 2402  
whenever criminal proceedings have commenced for a violation of 2403

division (C)(1) of section 2913.46 of the Revised Code. 2404

(F) The division of liquor control shall refuse to issue, 2405  
renew, or transfer the ownership or location of a retail permit 2406  
under this chapter if the applicant has been found to be 2407  
maintaining a nuisance under section 3767.05 of the Revised Code 2408  
at the premises for which the issuance, renewal, or transfer of 2409  
ownership or location of the retail permit is sought. 2410

**Sec. 4303.293.** (A) Any person making application concerning a 2411  
permit to conduct a business for which a permit is required under 2412  
this chapter shall list on the application the name and address of 2413  
each person having a legal or beneficial interest in the ownership 2414  
of the business, including contracts for purchase on an 2415  
installment basis. If any person is a corporation or limited 2416  
liability company, the applicant shall list the names of each 2417  
officer of the corporation ~~and;~~ the names of each officer of the 2418  
limited liability company, if the limited liability company has 2419  
officers, and the names of the managing members of the company or 2420  
the managers of the company, if the management of the company is 2421  
not reserved to its members; the names of each person owning or 2422  
controlling ~~ten~~ five per cent or more of the capital stock of the 2423  
corporation; ~~if~~ and the names of each person owning or controlling 2424  
five per cent or more of either the voting interests or membership 2425  
interests in the limited liability company. If any person is a 2426  
partnership or association, the applicant shall list the names of 2427  
each partner or member of the association. Any person having a 2428  
legal or beneficial interest in the ownership of the business, 2429  
other than a bank as defined in section 1101.01 of the Revised 2430  
Code or a building and loan association as defined in section 2431  
1151.01 of the Revised Code, shall notify the division of liquor 2432  
control of the interest ~~in such ownership~~, including contracts for 2433  
purchase on an installment basis, occurring after the application 2434  
for, or the issuance of, the permit. ~~Such~~ The notification shall 2435

be given within fifteen days of the change. Whenever the person to 2436  
whom a permit has been issued is a corporation or limited 2437  
liability company and any transfer of that corporation's stock or 2438  
that limited liability company's membership interests is proposed 2439  
such that, following the transfer, the owner of the majority or 2440  
plurality of shares of stock in the corporation would change or 2441  
the owner of the majority or plurality of the limited liability 2442  
company's membership interests would change, ~~such~~ the proposed 2443  
transfer of stock or membership interests shall be considered a 2444  
proposed transfer of ownership of the permit, and application 2445  
shall be made to the division of liquor control for a transfer of 2446  
ownership. The application shall be subject to the notice and 2447  
hearing requirements of section 4303.26 of the Revised Code and to 2448  
the restrictions imposed by section 4303.29 and division (A)(1) of 2449  
section 4303.292 of the Revised Code. 2450

(B) Whoever violates this section is guilty of a misdemeanor 2451  
of the first degree. 2452

**Sec. 4303.30.** The rights granted by any D-2, D-3, D-3a, D-4, 2453  
D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 2454  
or D-6 permit shall be exercised at not more than two fixed 2455  
counters, commonly known as bars, in rooms or places on the permit 2456  
premises, where beer, mixed beverages, wine, or spirituous liquor 2457  
is sold to the public for consumption on the premises. For each 2458  
additional fixed counter on the permit premises where those 2459  
beverages are sold for consumption on the premises, the permit 2460  
holder shall obtain a duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, 2461  
D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, or D-6 2462  
permit. 2463

The holder of any D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, 2464  
D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, or D-6 permit shall be 2465  
granted, upon application to the division of liquor control, a 2466

duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, 2467  
D-5g, D-5h, D-5i, D-5j, D-5k, or D-6 permit for each additional 2468  
fixed counter on the permit premises at which beer, mixed 2469  
beverages, wine, or spirituous liquor is sold for consumption on 2470  
the premises, provided the application is made in the same manner 2471  
as an application for an original permit. The application shall be 2472  
identified with DUPLICATE printed on the permit application form 2473  
furnished by the department, in boldface type. The application 2474  
shall identify by name, or otherwise amply describe, the room or 2475  
place on the premises where the duplicate permit is to be 2476  
operative. Each duplicate permit shall be issued only to the same 2477  
individual, firm, or corporation as that of the original permit 2478  
and shall be an exact duplicate in size and word content as the 2479  
original permit, except that it shall show on it the name or other 2480  
ample identification of the room, or place, for which it is issued 2481  
and shall have DUPLICATE printed on it in boldface type. A 2482  
duplicate permit shall bear the same number as the original 2483  
permit. The fee for a duplicate permit is: D-1, one hundred 2484  
dollars; D-2, one hundred dollars; D-3, four hundred dollars; 2485  
D-3a, four hundred dollars; D-4, two hundred dollars; D-5, one 2486  
thousand dollars; D-5a, one thousand dollars; D-5b, one thousand 2487  
dollars; D-5c, four hundred dollars; D-5e, six hundred fifty 2488  
dollars; D-5f, one thousand dollars; D-6, one hundred dollars when 2489  
issued to the holder of a D-4a permit; and in all other cases one 2490  
hundred dollars or an amount which is twenty per cent of the fees 2491  
payable for the A-1-A, D-2, D-3, D-3a, D-4, D-5, D-5a, D-5b, D-5e, 2492  
D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, and D-6 permits issued to the 2493  
same premises, whichever is higher. Application for a duplicate 2494  
permit may be filed any time during the life of an original 2495  
permit. The fee for each duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, 2496  
D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, or D-6 2497  
permit shall ~~accompany the application for each such duplicate~~ 2498  
permit be paid in accordance with section 4303.24 of the Revised 2499



Code. 2500

**Sec. 4399.02.** The owner of a building or premises, and the 2501  
person renting or leasing them ~~who know, if the owner or person~~ 2502  
knows that intoxicating liquors are to be sold ~~therein in the~~ 2503  
building or premises in violation of law, ~~or, having leased them~~ 2504  
~~for other purposes, who knowingly permit intoxicating liquors to~~ 2505  
~~be sold therein which cause the intoxication, in whole or in part,~~ 2506  
~~of a person described in section 4399.01 of the Revised Code,~~ 2507  
~~shall be liable~~ is severally or jointly liable with the person 2508  
~~selling or giving such~~ the intoxicating liquors for all damages 2509  
sustained, as well as exemplary damages. 2510

**Sec. 4399.04.** Fines, costs, and damages assessed against a 2511  
person in consequence of the sale of intoxicating liquors, as 2512  
provided in sections ~~4399.01~~ 4399.02 to 4399.08 of the Revised 2513  
Code, and the penal statutes relating ~~thereto~~ to the sale, shall 2514  
be a lien upon the real estate of the person. The real estate and 2515  
personal property of the person shall be liable to execution for 2516  
the fines, costs, and damages without exception or exemption, 2517  
except ~~such~~ for personal property ~~as~~ that is exempt by law. 2518

**Sec. 4399.07.** All damages recovered by a minor under sections 2519  
~~4399.01~~ 4399.02 to 4399.08, ~~inclusive,~~ of the Revised Code, shall 2520  
be paid either to ~~such~~ the minor, or to ~~his~~ the minor's parent, 2521  
guardian, or next friend, as the court directs. 2522

**Sec. 4399.08.** A suit for damages under sections ~~4399.01~~ 2523  
4399.02 to 4399.08, ~~inclusive,~~ of the Revised Code, shall be by a 2524  
civil action in any court having jurisdiction ~~thereof~~ over the 2525  
action. 2526

**Sec. 4399.18.** Notwithstanding division (A) of section 2307.60 2527

of the Revised Code and except as otherwise provided in this 2528  
section ~~and in section 4399.01 of the Revised Code~~, no person, and 2529  
no executor or administrator of the person, who suffers personal 2530  
injury, death, or property damage as a result of the actions of an 2531  
intoxicated person has a cause of action against any liquor permit 2532  
holder or an employee of a liquor permit holder who sold beer or 2533  
intoxicating liquor to the intoxicated person unless the personal 2534  
injury, death, or property damage occurred on the permit holder's 2535  
premises or in a parking lot under the control of the permit 2536  
holder and was proximately caused by the negligence of the permit 2537  
holder or an employee of the permit holder. A person has a cause 2538  
of action against a permit holder or an employee of a permit 2539  
holder for personal injury, death, or property damage caused by 2540  
the negligent actions of an intoxicated person occurring off the 2541  
premises or away from a parking lot under the permit holder's 2542  
control only when both of the following can be shown by a 2543  
preponderance of the evidence: 2544

(A) The permit holder or an employee of the permit holder 2545  
knowingly sold an intoxicating beverage to at least one of the 2546  
following: 2547

(1) A noticeably intoxicated person in violation of division 2548  
(B) of section 4301.22 of the Revised Code; 2549

~~(2) A person in violation of division (C) of section 4301.22~~ 2550  
~~of the Revised Code;~~ 2551

~~(3) A person in violation of section 4301.69 of the Revised~~ 2552  
Code. 2553

(B) The person's intoxication proximately caused the personal 2554  
injury, death, or property damage. 2555

Notwithstanding sections 4399.02 and 4399.05 of the Revised 2556  
Code, no person, and no executor or administrator of the person, 2557

who suffers personal injury, death, or property damage as a result 2558  
of the actions of an intoxicated person has a cause of action 2559  
against the owner of a building or premises who rents or leases 2560  
the building or premises to a liquor permit holder against whom a 2561  
cause of action may be brought under this section, except when the 2562  
owner and the permit holder are the same person. 2563

**Section 2.** That existing sections 109.572, 307.697, 351.26, 2564  
924.51, 1333.83, 2933.41, 4301.07, 4301.10, 4301.19, 4301.20, 2565  
4301.22, 4301.24, 4301.29, 4301.30, 4301.39, 4301.41, 4301.424, 2566  
4301.99, 4303.03, 4303.07, 4303.09, 4303.203, 4303.204, 4303.231, 2567  
4303.24, 4303.25, 4303.27, 4303.271, 4303.292, 4303.293, 4303.30, 2568  
4399.02, 4399.04, 4399.07, 4399.08, and 4399.18 and section 2569  
4399.01 of the Revised Code are hereby repealed. 2570

**Section 3.** That the version of section 4301.99 of the Revised 2571  
Code that is scheduled to take effect January 1, 2004, be amended 2572  
to read as follows: 2573

**Sec. 4301.99.** (A) Whoever violates section 4301.47, 4301.48, 2574  
4301.49, 4301.62, or 4301.70 or division (B) of section 4301.691 2575  
of the Revised Code is guilty of a minor misdemeanor. 2576

(B) Whoever violates section 4301.15, division (A)(2) or ~~(D)~~ 2577  
(C) of section 4301.22, division (C), (D), (E), (F), (G), (H), or 2578  
(I) of section 4301.631, or section 4301.64 or 4301.67 of the 2579  
Revised Code is guilty of a misdemeanor of the fourth degree. 2580

If an offender who violates section 4301.64 of the Revised 2581  
Code was under the age of eighteen years at the time of the 2582  
offense, the court, in addition to any other penalties it imposes 2583  
upon the offender, shall suspend the offender's temporary 2584  
instruction permit, probationary driver's license, or driver's 2585  
license for a period of not less than six months and not more than 2586  
one year. If the offender is fifteen years and six months of age 2587

or older and has not been issued a temporary instruction permit or 2588  
probationary driver's license, the offender shall not be eligible 2589  
to be issued such a license or permit for a period of six months. 2590  
If the offender has not attained the age of fifteen years and six 2591  
months, the offender shall not be eligible to be issued a 2592  
temporary instruction permit until the offender attains the age of 2593  
sixteen years. 2594

(C) Whoever violates division (D) of section 4301.21, ~~or~~ 2595  
section 4301.251, 4301.58, 4301.59, 4301.60, 4301.633, 4301.66, 2596  
4301.68, or 4301.74, division (B), (C), (D), (E)(1), or (F) of 2597  
section 4301.69 ~~of the Revised Code~~, or division (C), (D), (E), 2598  
(F), (G), or (I) of section 4301.691 of the Revised Code is guilty 2599  
of a misdemeanor of the first degree. 2600

If an offender who violates division (E)(1) of section 2601  
4301.69 of the Revised Code was under the age of eighteen years at 2602  
the time of the offense and the offense occurred while the 2603  
offender was the operator of or a passenger in a motor vehicle, 2604  
the court, in addition to any other penalties it imposes upon the 2605  
offender, shall suspend the offender's temporary instruction 2606  
permit or probationary driver's license for a period of not less 2607  
than six months and not more than one year. If the offender is 2608  
fifteen years and six months of age or older and has not been 2609  
issued a temporary instruction permit or probationary driver's 2610  
license, the offender shall not be eligible to be issued such a 2611  
license or permit for a period of six months. If the offender has 2612  
not attained the age of fifteen years and six months, the offender 2613  
shall not be eligible to be issued a temporary instruction permit 2614  
until the offender attains the age of sixteen years. 2615

(D) Whoever violates division (B) of section 4301.14, or 2616  
division (A)(1) or (3), or (B), ~~or (C)~~ of section 4301.22 of the 2617  
Revised Code is guilty of a misdemeanor of the third degree. 2618

(E) Whoever violates section 4301.63 or division (B) of 2619

section 4301.631 of the Revised Code shall be fined not less than 2620  
twenty-five nor more than one hundred dollars. The court imposing 2621  
a fine for a violation of section 4301.63 or division (B) of 2622  
section 4301.631 of the Revised Code may order that the fine be 2623  
paid by the performance of public work at a reasonable hourly rate 2624  
established by the court. The court shall designate the time 2625  
within which the public work shall be completed. 2626

(F)(1) Whoever violates section 4301.634 of the Revised Code 2627  
is guilty of a misdemeanor of the first degree. If, in committing 2628  
a first violation of that section, the offender presented to the 2629  
permit holder or the permit holder's employee or agent a false, 2630  
fictitious, or altered identification card, a false or fictitious 2631  
driver's license purportedly issued by any state, or a driver's 2632  
license issued by any state that has been altered, the offender is 2633  
guilty of a misdemeanor of the first degree and shall be fined not 2634  
less than two hundred fifty and not more than one thousand 2635  
dollars, and may be sentenced to a term of imprisonment of not 2636  
more than six months. 2637

(2) On a second violation in which, for the second time, the 2638  
offender presented to the permit holder or the permit holder's 2639  
employee or agent a false, fictitious, or altered identification 2640  
card, a false or fictitious driver's license purportedly issued by 2641  
any state, or a driver's license issued by any state that has been 2642  
altered, the offender is guilty of a misdemeanor of the first 2643  
degree and shall be fined not less than five hundred nor more than 2644  
one thousand dollars, and may be sentenced to a term of 2645  
imprisonment of not more than six months. The court also may 2646  
impose a class seven suspension of the offender's driver's or 2647  
commercial driver's license or permit or nonresident operating 2648  
privilege from the range specified in division (A)(7) of section 2649  
4510.02 of the Revised Code. 2650

(3) On a third or subsequent violation in which, for the 2651

third or subsequent time, the offender presented to the permit 2652  
holder or the permit holder's employee or agent a false, 2653  
fictitious, or altered identification card, a false or fictitious 2654  
driver's license purportedly issued by any state, or a driver's 2655  
license issued by any state that has been altered, the offender is 2656  
guilty of a misdemeanor of the first degree and shall be fined not 2657  
less than five hundred nor more than one thousand dollars, and may 2658  
be sentenced to a term of imprisonment of not more than six 2659  
months. The court also shall impose a class six suspension of the 2660  
offender's driver's or commercial driver's license or permit or 2661  
nonresident operating privilege from the range specified in 2662  
division (A)(6) of section 4510.02 of the Revised Code, and the 2663  
court may order that the suspension or denial remain in effect 2664  
until the offender attains the age of twenty-one years. The court 2665  
also may order the offender to perform a determinate number of 2666  
hours of community service, with the court determining the actual 2667  
number of hours and the nature of the community service the 2668  
offender shall perform. 2669

(G) Whoever violates section 4301.636 of the Revised Code is 2670  
guilty of a felony of the fifth degree. 2671

(H) Whoever violates division (A)(1) of section 4301.22 of 2672  
the Revised Code is guilty of a misdemeanor, shall be fined not 2673  
less than five hundred and not more than one thousand dollars, 2674  
and, in addition to the fine, may be imprisoned for a definite 2675  
term of not more than sixty days. 2676

(I) Whoever violates division (A) of section 4301.69 or 2677  
division (H) of section 4301.691 of the Revised Code is guilty of 2678  
a misdemeanor, shall be fined not less than five hundred and not 2679  
more than one thousand dollars, and, in addition to the fine, may 2680  
be imprisoned for a definite term of not more than six months. 2681

**Section 4.** That the existing version of section 4301.99 of 2682

the Revised Code that is scheduled to take effect January 1, 2004, 2683  
is hereby repealed. 2684

**Section 5.** Sections 3 and 4 of this act take effect January 2685  
1, 2004. 2686

**Section 6.** Section 307.697 of the Revised Code is presented 2687  
in this act as a composite of the section as amended by Am. Sub. 2688  
H.B. 239, Am. Sub. S.B. 162, and Am. Sub. S.B. 188 of the 121st 2689  
General Assembly. Section 4301.20 of the Revised Code is presented 2690  
in this act as a composite of the section as amended by both Am. 2691  
Sub. S.B. 149 and Am. Sub. S.B. 162 of the 121st General Assembly. 2692  
Sections 4303.24 and 4303.293 of the Revised Code are presented in 2693  
this act as composites of the sections as amended by both Am. Sub. 2694  
S.B. 149 and Am. Sub. S.B. 162 of the 121st General Assembly. The 2695  
General Assembly, applying the principle stated in division (B) of 2696  
section 1.52 of the Revised Code that amendments are to be 2697  
harmonized if reasonably capable of simultaneous operation, finds 2698  
that the composite versions of these sections are the resulting 2699  
versions of the sections in effect prior to the effective date of 2700  
the sections as presented in this act. 2701

**Section 7.** Section 4301.99 of the Revised Code is presented 2702  
in Section 3 of this act as a composite of the section as amended 2703  
by both Am. Sub. H.B. 17 and Am. Sub. S.B. 123 of the 124th 2704  
General Assembly. The General Assembly, applying the principle 2705  
stated in division (B) of section 1.52 of the Revised Code that 2706  
amendments are to be harmonized if reasonably capable of 2707  
simultaneous operation, finds that the composite is the resulting 2708  
version of the section in effect prior to the effective date of 2709  
the section as presented in Section 3 of this act. 2710