

As Passed by the House

125th General Assembly

Regular Session

2003-2004

Am. Sub. H. B. No. 426

Representatives Ujvagi, McGregor, Harwood, Book, Perry, Price, Carano, Strahorn, Skindell, Brown, DeGeeter, Collier, Miller, Reidelbach, Mason, Domenick, Sferra, D. Stewart, S. Patton, Allen, Woodard, Distel, Hartnett, Redfern, Barrett, S. Smith, Driehaus, Wilson, Key, DeBose, Yates, Jerse, Schaffer, Seaver, Cirelli, Otterman, Wolpert, Beatty, Hoops, Koziura, Kearns, Olman, C. Evans, Sykes, Flowers, Latta, Fessler, Daniels, Hollister, Cates, Trakas, Clancy, Aslanides, Calvert, Combs, D. Evans, Gilb, Grendell, Hagan, Hughes, Kilbane, Niehaus, Oelslager, T. Patton, Peterson, Schlichter, Schmidt, Setzer, Slaby, J. Stewart, Taylor, Webster, Widener, Widowfield, Willamowski

A B I L L

To amend sections 125.021, 1317.06, 1317.061, 1
3313.64, 4933.12, and 4933.121 and to enact 2
sections 317.322, 1349.02, 1349.03, 1713.60, 3
1923.062, 3332.20, 3345.53, and 3915.053 of the 4
Revised Code to prohibit a retail seller in a 5
retail installment contract from charging or 6
collecting more than a six per cent annual 7
percentage rate on contracts with retail buyers 8
who are deployed on active duty; to permit a child 9
whose parent is deployed on active duty to 10
continue to attend school in the district in which 11
the child's parent lived before being called to 12
active military duty; to permit a child living 13
with an agent of the child's parent appointed 14
under a military power of attorney or a comparable 15

document to attend school in the school district 16
in which the agent resides; to exempt members of 17
the armed forces of the United States from any 18
recording fee associated with filing a military 19
power of attorney with the county recorder; to 20
provide under certain circumstances a tenant or 21
resident who is deployed on active duty or a 22
member of his or her immediate family with a stay 23
of proceedings or an adjustment of their rental 24
obligation in an action for possession of 25
residential premises under the Eviction Law; to 26
ensure that individual life insurance policies 27
continue in force despite nonpayment of premiums 28
during the insured's period of active duty; to 29
prohibit a gas or electric company from 30
disconnecting service to the residential premises 31
of any consumer who is deployed on active duty; to 32
allow gas and electric companies to recover 33
arrearages incurred during a period of deployment 34
in a specified time period and a specified manner 35
and certain of those companies to recover certain 36
uncollectible amounts owed by residential 37
customers deployed on active duty through a 38
recovery procedure approved by the Public 39
Utilities Commission; to require public and 40
private institutions of higher education to grant 41
a military leave of absence to students who are 42
deployed on active duty, to reinstate those 43
students to the same educational status as before 44
active duty, and to either partially refund paid 45
tuition or credit paid tuition to a future 46
academic term; to permit a person deployed on 47
active duty to terminate a motor vehicle lease or 48

cellular phone contract under specified 49
conditions; and to require the Department of 50
Administrative Services to make available bulk 51
long distance telephone services at cost to the 52
immediate family members of persons deployed on 53
active duty. 54

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

Section 1. That sections 125.021, 1317.06, 1317.061, 3313.64, 55
4933.12, and 4933.121 be amended and sections 317.322, 1349.02, 56
1349.03, 1713.60, 1923.062, 3332.20, 3345.53, and 3915.053 of the 57
Revised Code be enacted to read as follows: 58

Sec. 125.021. (A) Except as to the military department, the 59
general assembly, the bureau of workers' compensation, and 60
institutions administered by boards of trustees, the department of 61
administrative services may ~~make contracts~~ contract for, operate, 62
and superintend ~~the~~ telephone, other telecommunication, and 63
computer services for state agencies. Nothing 64

Nothing in this ~~section~~ division precludes the bureau from 65
~~entering into a contract~~ contracting with the department of 66
~~administrative services for~~ to authorize the department to ~~make~~ 67
~~contracts~~ contract for, operate, or superintend ~~such systems~~ those 68
services for the bureau. 69

(B)(1) As used in this division: 70

(a) "Active duty" means active duty pursuant to an executive 71
order of the president of the United States, an act of the 72
congress of the United States, or section 5919.29 or 5923.21 of 73
the Revised Code. 74

(b) "Immediate family" means a person's spouse residing in 75

the person's household, brothers and sisters of the whole or of 76
the half blood, children, including adopted children and 77
stepchildren, parents, and grandparents. 78

(2) The department of administrative services shall enter 79
into a contract to purchase bulk long distance telephone services 80
and make them available at cost, or shall make bulk long distance 81
telephone services available at cost under any existing contract 82
the department has entered into, to members of the immediate 83
family of persons deployed on active duty so that those family 84
members can communicate with the persons so deployed. The 85
department shall enter contracts under division (B)(2) of this 86
section in accordance with sections 125.01 to 125.11 of the 87
Revised Code and in a nondiscriminatory manner that does not place 88
any potential vendor at a competitive disadvantage. 89

(3) The department shall adopt, and may amend, rules under 90
Chapter 119. of the Revised Code to implement division (B) of this 91
section. 92

Sec. 317.322. Notwithstanding any contrary provision of 93
section 317.32 or Chapter 1337. of the Revised Code, the county 94
recorder shall not charge a fee to any member of the armed forces 95
of the United States who presents for recording a military power 96
of attorney executed pursuant to section 574(a) of the "National 97
Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 98
(1993), 10 U.S.C. 1044b. 99

Sec. 1317.06. (A) A Subject to division (D) of this section, 100
a retail seller at the time of making any retail installment sale 101
may charge and contract for the payment of a finance charge by the 102
retail buyer and collect and receive the same, which shall not 103
exceed the greater of the following: 104

(1) A base finance charge at the rate of eight dollars per 105

one hundred dollars per year on the principal balance of the 106
retail installment contract. On retail installment contracts 107
providing for principal balances less than, nor not in multiples 108
of one hundred dollars, or for installment payments extending for 109
a period less than or greater than one year, ~~said~~ that finance 110
charge shall be computed proportionately. In addition to the base 111
finance charge, the retail seller may charge and contract for a 112
service charge of fifty cents per month for the first fifty dollar 113
unit or fraction thereof, of the principal balance for each month 114
of the term of the installment contract; and an additional service 115
charge of twenty-five cents per month for each of the next five 116
fifty dollar units or fraction thereof, of the principal balance 117
for each month of the term of the installment contract. This 118
paragraph applies only to retail installment contracts with a 119
principal balance of seven hundred dollars or less. 120

(2) A pre-computed base finance charge not in excess of the 121
amount obtained by applying the rate of one and one-half per cent 122
per month to the unpaid portion of the unpaid principal balance 123
determined to be outstanding from time to time according to the 124
terms and schedule of payments of the retail installment contract 125
executed in connection with such retail installment sale. 126

Such base finance charge and service charges may be computed 127
on a basis of a full month for any fractional period in excess of 128
ten days. For a fractional period of a month not in excess of ten 129
days, there shall be no base finance charge or service charge. 130

Sections 1317.01 to 1317.11 of the Revised Code do not apply 131
to any sale in which the base finance and service charge does not 132
exceed the sum of fifteen dollars. 133

(B) Every retail seller may, at the time of making any retail 134
installment sale, contract for the payment by the retail buyer of 135
lawful delinquent charges as follows: 136

(1) No charges shall be made for delinquent payments less than ten days late.

(2) Five cents for each dollar for a delinquent payment that is more than ten days late may be charged, but in no event shall a delinquent charge for any one installment exceed three dollars.

A provision for the payment of interest on any installment not paid in full on or before its scheduled due date at a rate not to exceed one and one-half per cent interest per month is not a delinquent charge and is expressly authorized.

(C) No retail installment contract arising out of a consumer transaction and requiring the payment of the charges authorized by this section shall be executed unless the combined total of the cash price and all finance charges and service charges is required to be paid according to a schedule of substantially equal consecutive installments, except where the contract contains a provision allowing the buyer to refinance the contract under terms no less favorable than those of the original contract after making the refund credit required by section 1317.09 of the Revised Code. No seller shall, pursuant to any provision in a retail installment contract arising out of a consumer transaction, accelerate any payments on account of a default in the making of an installment payment that has not continued for at least thirty days. ~~Division (C) of this section~~ This division does not apply to the extent that the payment schedule is adjusted to the seasonal or irregular income of the buyer.

(D) A retail seller in connection with a retail installment contract entered into on and after the effective date of this amendment shall not charge or collect from a retail buyer who is deployed on active duty interest or finance charges exceeding an annual percentage rate of six per cent during the period that the retail buyer is deployed on active duty.

In order for a retail installment contract to be subject to 168
the interest rate limitation of this division, the retail buyer 169
shall provide the retail seller with written notice of and a copy 170
of the military or gubernatorial orders calling the retail buyer 171
to active duty and of any orders further extending active duty, 172
not later than one hundred eighty days after the date of the 173
retail buyer's termination of or release from active duty. 174

As used in this section, "active duty" means active duty 175
pursuant to an executive order of the president of the United 176
States, an act of the congress of the United States, or section 177
5919.29 or 5923.21 of the Revised Code. 178

Sec. 1317.061. ~~As~~ (A) Subject to division (B) of this 179
section, as an alternative to the finance charges permitted in 180
division (A) of section 1317.06 of the Revised Code or the 181
interest permitted in division (B) of that section, and to the 182
finance charges permitted in division (B) of section 1317.11 of 183
the Revised Code, a retail seller or holder may contract for and 184
receive finance charges or interest at any rate or rates agreed 185
upon or consented to by the parties to the retail installment 186
contract or revolving budget agreement, but not exceeding an 187
annual percentage rate of twenty-five per cent. 188

(B) A retail seller in connection with a retail installment 189
contract entered into on and after the effective date of this 190
amendment shall not charge or collect from a retail buyer who is 191
deployed on active duty interest or finance charges exceeding an 192
annual percentage rate of six per cent during the period that the 193
retail buyer is deployed on active duty. 194

In order for a retail installment contract to be subject to 195
the interest rate limitation of this division, the retail buyer 196
shall provide the retail seller with written notice of and a copy 197
of the military or gubernatorial orders calling the retail buyer 198

to active duty and of any orders further extending active duty, 199
not later than one hundred eighty days after the date of the 200
retail buyer's termination of or release from active duty. 201

As used in this section, "active duty" means active duty 202
pursuant to an executive order of the president of the United 203
States, an act of the congress of the United States, or section 204
5919.29 or 5923.21 of the Revised Code. 205

Sec. 1349.02. (A) As used in this section: 206

(1) "Active duty" means active duty pursuant to an executive 207
order of the president of the United States, an act of the 208
congress of the United States, or section 5919.29 or 5923.21 of 209
the Revised Code. 210

(2) "Lending institution" has the same meaning as in section 211
175.01 of the Revised Code. 212

(3) "Motor vehicle" means any automobile, car minivan, 213
passenger van, sport utility vehicle, pickup truck, or other 214
self-propelled vehicle not operated or driven on fixed rails or 215
track. 216

(B) Any person, or spouse of a person, who is deployed on 217
active duty may terminate any motor vehicle lease that meets both 218
of the following requirements: 219

(1) It is entered into on or after the effective date of this 220
section. 221

(2) It is executed by or on behalf of the person who is 222
deployed on active duty. 223

(C) Termination of the motor vehicle lease shall not be 224
effective until: 225

(1) Fifteen days after the person who is deployed on active 226
duty or the person's spouse gives notice by certified mail, return 227

receipt requested, of the intention to terminate the lease; and 228

(2) The motor vehicle subject to the lease is returned to the 229
custody or control of the lessor. 230

Sec. 1349.03. (A) As used in this section, "active duty" 231
means active duty pursuant to an executive order of the president 232
of the United States, an act of the congress of the United States, 233
or section 5919.29 or 5923.21 of the Revised Code. 234

(B) Any person, or spouse of a person, who is deployed on 235
active duty may terminate, without penalty, a cellular phone 236
contract that meets both of the following requirements: 237

(1) It is entered into on or after the effective date of this 238
section. 239

(2) It is executed by or on behalf of the person who is 240
deployed on active duty. 241

(C) Termination of the cellular phone contract shall not be 242
effective until: 243

(1) Thirty days after the person who is deployed on active 244
duty or the person's spouse gives notice by certified mail, return 245
receipt requested, of the intention to terminate the cellular 246
phone contract; and 247

(2) Unless the person who is deployed on active duty owns the 248
cellular phone, the cellular phone is returned to the custody or 249
control of the cellular telephone company, or the person who is 250
deployed on active duty or the person's spouse agrees in writing 251
to return the cellular phone as soon as practicable after the 252
deployment is completed. 253

Sec. 1713.60. As used in this section, "active duty" means 254
full-time duty in the active military service of the United 255
States, including full-time training duty, annual training duty, 256

and active state duty for members of the national guard. 257

(A) Each institution of higher education that holds a 258
certificate of authorization issued under this chapter shall grant 259
a student a military leave of absence from the institution while 260
the student is serving on active duty, and for one year after the 261
conclusion of that service, if the student is a member of the 262
United States national guard or other reserve component of the 263
armed forces of the United States, or a member of those armed 264
forces in a retired status, and is called to active duty. The 265
student shall not suffer an academic penalty as a result of the 266
leave of absence. 267

(B) If requested by a student granted a military leave of 268
absence pursuant to division (A) of this section not later than 269
one year after the student's release from active duty, the 270
institution in which the student is enrolled shall do either of 271
the following, as elected by the student: 272

(1) Credit tuition and fee charges toward a subsequent 273
academic term in an amount that is one hundred per cent of what 274
the student paid the institution for the academic term in which 275
the student withdraws; 276

(2) Refund tuition and fees paid for the academic term, 277
provided the student withdraws before the withdraw date 278
established by the institution. The refund shall equal one hundred 279
per cent of the tuition and fee charges the student paid the 280
institution for the academic term. If the student withdraws after 281
the withdraw date established by the institution, the student is 282
ineligible for a refund of tuition and fee charges. For the 283
purposes of this section, the "withdraw date" shall be the same as 284
the date set by the institution for its general student population 285
to withdraw from the institution or a course or class without 286
academic penalty. 287

(C) If requested by a student granted a military leave of absence pursuant to division (A) of this section not later than one year after the student's release from active duty, the institution shall restore the student to the educational status the student had attained prior to being called to active duty without loss of academic credits earned, scholarships or grants awarded, or tuition and other fees paid prior to the commencement of active duty, except as provided in division (B) of this section. 288
289
290
291
292
293
294
295
296

(D) If an institution fails to comply with this section, the student may bring an action against the institution to enforce its provisions in the court of common pleas of the county in which the student resides. If the student resides outside of this state, the action shall be brought in the court of common pleas of the county in which the campus of the institution previously attended by the student is located. The court may award reasonable attorney's fees and expenses if the student prevails in the action. 297
298
299
300
301
302
303
304

Sec. 1923.062. (A) In an action under this chapter for possession of residential premises of a tenant or manufactured home park resident who is deployed on active duty or of any member of the tenant's or resident's immediate family, if the tenant or resident entered into the rental agreement on or after the effective date of this section, the court may, on its own motion, and shall, upon motion made by or on behalf of the tenant or resident, do either of the following if the tenant's or resident's ability to pay the agreed rent is materially affected by the deployment on active duty: 305
306
307
308
309
310
311
312
313
314

(1) Stay the proceedings for a period of ninety days, unless, in the opinion of the court, justice and equity require a longer or shorter period of time; 315
316
317

(2) Adjust the obligation under the rental agreement to 318

preserve the interest of all parties to it. 319

(B) If a stay is granted under division (A) of this section, 320
the court may grant the landlord or park operator such relief as 321
equity may require. 322

(C) This section does not apply to landlords or park 323
operators operating less than four residential premises. 324

(D) As used in this section, "active duty" means active duty 325
pursuant to an executive order of the president of the United 326
States, an act of the congress of the United States, or section 327
5919.29 or 5923.21 of the Revised Code. 328

Sec. 3313.64. (A) As used in this section and in section 329
3313.65 of the Revised Code: 330

(1)(a) Except as provided in division (A)(1)(b) of this 331
section, "parent" means either parent, unless the parents are 332
separated or divorced or their marriage has been dissolved or 333
annulled, in which case "parent" means the parent who is the 334
residential parent and legal custodian of the child. When a child 335
is in the legal custody of a government agency or a person other 336
than the child's natural or adoptive parent, "parent" means the 337
parent with residual parental rights, privileges, and 338
responsibilities. When a child is in the permanent custody of a 339
government agency or a person other than the child's natural or 340
adoptive parent, "parent" means the parent who was divested of 341
parental rights and responsibilities for the care of the child and 342
the right to have the child live with the parent and be the legal 343
custodian of the child and all residual parental rights, 344
privileges, and responsibilities. 345

(b) When a child is the subject of a power of attorney 346
executed under sections 3109.51 to 3109.62 of the Revised Code, 347
"parent" means the grandparent designated as attorney in fact 348

under the power of attorney. When a child is the subject of a 349
caretaker authorization affidavit executed under sections 3109.64 350
to 3109.73 of the Revised Code, "parent" means the grandparent 351
that executed the affidavit. 352

(2) "Legal custody," "permanent custody," and "residual 353
parental rights, privileges, and responsibilities" have the same 354
meanings as in section 2151.011 of the Revised Code. 355

(3) "School district" or "district" means a city, local, or 356
exempted village school district and excludes any school operated 357
in an institution maintained by the department of youth services. 358

(4) Except as used in division (C)(2) of this section, "home" 359
means a home, institution, foster home, group home, or other 360
residential facility in this state that receives and cares for 361
children, to which any of the following applies: 362

(a) The home is licensed, certified, or approved for such 363
purpose by the state or is maintained by the department of youth 364
services. 365

(b) The home is operated by a person who is licensed, 366
certified, or approved by the state to operate the home for such 367
purpose. 368

(c) The home accepted the child through a placement by a 369
person licensed, certified, or approved to place a child in such a 370
home by the state. 371

(d) The home is a children's home created under section 372
5153.21 or 5153.36 of the Revised Code. 373

(5) "Agency" means all of the following: 374

(a) A public children services agency; 375

(b) An organization that holds a certificate issued by the 376
Ohio department of job and family services in accordance with the 377
requirements of section 5103.03 of the Revised Code and assumes 378

temporary or permanent custody of children through commitment, 379
agreement, or surrender, and places children in family homes for 380
the purpose of adoption; 381

(c) Comparable agencies of other states or countries that 382
have complied with applicable requirements of section 2151.39, or 383
sections 5103.20 to 5103.28 of the Revised Code. 384

(6) A child is placed for adoption if either of the following 385
occurs: 386

(a) An agency to which the child has been permanently 387
committed or surrendered enters into an agreement with a person 388
pursuant to section 5103.16 of the Revised Code for the care and 389
adoption of the child. 390

(b) The child's natural parent places the child pursuant to 391
section 5103.16 of the Revised Code with a person who will care 392
for and adopt the child. 393

(7) "Handicapped preschool child" means a handicapped child, 394
as defined by division (A) of section 3323.01 of the Revised Code, 395
who is at least three years of age but is not of compulsory school 396
age, as defined in section 3321.01 of the Revised Code, and who is 397
not currently enrolled in kindergarten. 398

(8) "Child," unless otherwise indicated, includes handicapped 399
preschool children. 400

(9) "Active duty" means active duty pursuant to an executive 401
order of the president of the United States, an act of the 402
congress of the United States, or section 5919.29 or 5923.21 of 403
the Revised Code. 404

(B) Except as otherwise provided in section 3321.01 of the 405
Revised Code for admittance to kindergarten and first grade, a 406
child who is at least five but under twenty-two years of age and 407
any handicapped preschool child shall be admitted to school as 408

provided in this division. 409

(1) A child shall be admitted to the schools of the school 410
district in which the child's parent resides. 411

(2) A child who does not reside in the district where the 412
child's parent resides shall be admitted to the schools of the 413
district in which the child resides if any of the following 414
applies: 415

(a) The child is in the legal or permanent custody of a 416
government agency or a person other than the child's natural or 417
adoptive parent. 418

(b) The child resides in a home. 419

(c) The child requires special education. 420

(3) A child who is not entitled under division (B)(2) of this 421
section to be admitted to the schools of the district where the 422
child resides and who is residing with a resident of this state 423
with whom the child has been placed for adoption shall be admitted 424
to the schools of the district where the child resides unless 425
either of the following applies: 426

(a) The placement for adoption has been terminated. 427

(b) Another school district is required to admit the child 428
under division (B)(1) of this section. 429

Division (B) of this section does not prohibit the board of 430
education of a school district from placing a handicapped child 431
who resides in the district in a special education program outside 432
of the district or its schools in compliance with Chapter 3323. of 433
the Revised Code. 434

(C) A district shall not charge tuition for children admitted 435
under division (B)(1) or (3) of this section. If the district 436
admits a child under division (B)(2) of this section, tuition 437
shall be paid to the district that admits the child as follows: 438

(1) If the child receives special education in accordance 439
with Chapter 3323. of the Revised Code, tuition shall be paid in 440
accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of 441
the Revised Code regardless of who has custody of the child or 442
whether the child resides in a home. 443

(2) Except as otherwise provided in division (C)(2)(d) of 444
this section, if the child is in the permanent or legal custody of 445
a government agency or person other than the child's parent, 446
tuition shall be paid by: 447

(a) The district in which the child's parent resided at the 448
time the court removed the child from home or at the time the 449
court vested legal or permanent custody of the child in the person 450
or government agency, whichever occurred first; 451

(b) If the parent's residence at the time the court removed 452
the child from home or placed the child in the legal or permanent 453
custody of the person or government agency is unknown, tuition 454
shall be paid by the district in which the child resided at the 455
time the child was removed from home or placed in legal or 456
permanent custody, whichever occurred first; 457

(c) If a school district cannot be established under division 458
(C)(2)(a) or (b) of this section, tuition shall be paid by the 459
district determined as required by section 2151.357 of the Revised 460
Code by the court at the time it vests custody of the child in the 461
person or government agency; 462

(d) If at the time the court removed the child from home or 463
vested legal or permanent custody of the child in the person or 464
government agency, whichever occurred first, one parent was in a 465
residential or correctional facility or a juvenile residential 466
placement and the other parent, if living and not in such a 467
facility or placement, was not known to reside in this state, 468
tuition shall be paid by the district determined under division 469

(D) of section 3313.65 of the Revised Code as the district 470
required to pay any tuition while the parent was in such facility 471
or placement. 472

(3) If the child is not in the permanent or legal custody of 473
a government agency or person other than the child's parent and 474
the child resides in a home, tuition shall be paid by one of the 475
following: 476

(a) The school district in which the child's parent resides; 477

(b) If the child's parent is not a resident of this state, 478
the home in which the child resides. 479

(D) Tuition required to be paid under divisions (C)(2) and 480
(3)(a) of this section shall be computed in accordance with 481
section 3317.08 of the Revised Code. Tuition required to be paid 482
under division (C)(3)(b) of this section shall be computed in 483
accordance with section 3317.081 of the Revised Code. If a home 484
fails to pay the tuition required by division (C)(3)(b) of this 485
section, the board of education providing the education may 486
recover in a civil action the tuition and the expenses incurred in 487
prosecuting the action, including court costs and reasonable 488
attorney's fees. If the prosecuting attorney or city director of 489
law represents the board in such action, costs and reasonable 490
attorney's fees awarded by the court, based upon the prosecuting 491
attorney's, director's, or one of their designee's time spent 492
preparing and presenting the case, shall be deposited in the 493
county or city general fund. 494

(E) A board of education may enroll a child free of any 495
tuition obligation for a period not to exceed sixty days, on the 496
sworn statement of an adult resident of the district that the 497
resident has initiated legal proceedings for custody of the child. 498

(F) In the case of any individual entitled to attend school 499
under this division, no tuition shall be charged by the school 500

district of attendance and no other school district shall be 501
required to pay tuition for the individual's attendance. 502
Notwithstanding division (B), (C), or (E) of this section: 503

(1) All persons at least eighteen but under twenty-two years 504
of age who live apart from their parents, support themselves by 505
their own labor, and have not successfully completed the high 506
school curriculum or the individualized education program 507
developed for the person by the high school pursuant to section 508
3323.08 of the Revised Code, are entitled to attend school in the 509
district in which they reside. 510

(2) Any child under eighteen years of age who is married is 511
entitled to attend school in the child's district of residence. 512

(3) A child is entitled to attend school in the district in 513
which either of the child's parents is employed if the child has a 514
medical condition that may require emergency medical attention. 515
The parent of a child entitled to attend school under division 516
(F)(3) of this section shall submit to the board of education of 517
the district in which the parent is employed a statement from the 518
child's physician certifying that the child's medical condition 519
may require emergency medical attention. The statement shall be 520
supported by such other evidence as the board may require. 521

(4) Any child residing with a person other than the child's 522
parent is entitled, for a period not to exceed twelve months, to 523
attend school in the district in which that person resides if the 524
child's parent files an affidavit with the superintendent of the 525
district in which the person with whom the child is living resides 526
stating all of the following: 527

(a) That the parent is serving outside of the state in the 528
armed services of the United States; 529

(b) That the parent intends to reside in the district upon 530
returning to this state; 531

(c) The name and address of the person with whom the child is 532
living while the parent is outside the state. 533

(5) Any child under the age of twenty-two years who, after 534
the death of a parent, resides in a school district other than the 535
district in which the child attended school at the time of the 536
parent's death is entitled to continue to attend school in the 537
district in which the child attended school at the time of the 538
parent's death for the remainder of the school year, subject to 539
approval of that district board. 540

(6) A child under the age of twenty-two years who resides 541
with a parent who is having a new house built in a school district 542
outside the district where the parent is residing is entitled to 543
attend school for a period of time in the district where the new 544
house is being built. In order to be entitled to such attendance, 545
the parent shall provide the district superintendent with the 546
following: 547

(a) A sworn statement explaining the situation, revealing the 548
location of the house being built, and stating the parent's 549
intention to reside there upon its completion; 550

(b) A statement from the builder confirming that a new house 551
is being built for the parent and that the house is at the 552
location indicated in the parent's statement. 553

(7) A child under the age of twenty-two years residing with a 554
parent who has a contract to purchase a house in a school district 555
outside the district where the parent is residing and who is 556
waiting upon the date of closing of the mortgage loan for the 557
purchase of such house is entitled to attend school for a period 558
of time in the district where the house is being purchased. In 559
order to be entitled to such attendance, the parent shall provide 560
the district superintendent with the following: 561

(a) A sworn statement explaining the situation, revealing the 562

location of the house being purchased, and stating the parent's 563
intent to reside there; 564

(b) A statement from a real estate broker or bank officer 565
confirming that the parent has a contract to purchase the house, 566
that the parent is waiting upon the date of closing of the 567
mortgage loan, and that the house is at the location indicated in 568
the parent's statement. 569

The district superintendent shall establish a period of time 570
not to exceed ninety days during which the child entitled to 571
attend school under division (F)(6) or (7) of this section may 572
attend without tuition obligation. A student attending a school 573
under division (F)(6) or (7) of this section shall be eligible to 574
participate in interscholastic athletics under the auspices of 575
that school, provided the board of education of the school 576
district where the student's parent resides, by a formal action, 577
releases the student to participate in interscholastic athletics 578
at the school where the student is attending, and provided the 579
student receives any authorization required by a public agency or 580
private organization of which the school district is a member 581
exercising authority over interscholastic sports. 582

(8) A child whose parent is a full-time employee of a city, 583
local, or exempted village school district, or of an educational 584
service center, may be admitted to the schools of the district 585
where the child's parent is employed, or in the case of a child 586
whose parent is employed by an educational service center, in the 587
district that serves the location where the parent's job is 588
primarily located, provided the district board of education 589
establishes such an admission policy by resolution adopted by a 590
majority of its members. Any such policy shall take effect on the 591
first day of the school year and the effective date of any 592
amendment or repeal may not be prior to the first day of the 593
subsequent school year. The policy shall be uniformly applied to 594

all such children and shall provide for the admission of any such 595
child upon request of the parent. No child may be admitted under 596
this policy after the first day of classes of any school year. 597

(9) A child who is with the child's parent under the care of 598
a shelter for victims of domestic violence, as defined in section 599
3113.33 of the Revised Code, is entitled to attend school free in 600
the district in which the child is with the child's parent, and no 601
other school district shall be required to pay tuition for the 602
child's attendance in that school district. 603

The enrollment of a child in a school district under this 604
division shall not be denied due to a delay in the school 605
district's receipt of any records required under section 3313.672 606
of the Revised Code or any other records required for enrollment. 607
Any days of attendance and any credits earned by a child while 608
enrolled in a school district under this division shall be 609
transferred to and accepted by any school district in which the 610
child subsequently enrolls. The state board of education shall 611
adopt rules to ensure compliance with this division. 612

(10) Any child under the age of twenty-two years whose parent 613
has moved out of the school district after the commencement of 614
classes in the child's senior year of high school is entitled, 615
subject to the approval of that district board, to attend school 616
in the district in which the child attended school at the time of 617
the parental move for the remainder of the school year and for one 618
additional semester or equivalent term. A district board may also 619
adopt a policy specifying extenuating circumstances under which a 620
student may continue to attend school under division (F)(10) of 621
this section for an additional period of time in order to 622
successfully complete the high school curriculum for the 623
individualized education program developed for the student by the 624
high school pursuant to section 3323.08 of the Revised Code. 625

(11) As used in this division, "grandparent" means a parent 626

of a parent of a child. A child under the age of twenty-two years 627
who is in the custody of the child's parent, resides with a 628
grandparent, and does not require special education is entitled to 629
attend the schools of the district in which the child's 630
grandparent resides, provided that, prior to such attendance in 631
any school year, the board of education of the school district in 632
which the child's grandparent resides and the board of education 633
of the school district in which the child's parent resides enter 634
into a written agreement specifying that good cause exists for 635
such attendance, describing the nature of this good cause, and 636
consenting to such attendance. 637

In lieu of a consent form signed by a parent, a board of 638
education may request the grandparent of a child attending school 639
in the district in which the grandparent resides pursuant to 640
division (F)(11) of this section to complete any consent form 641
required by the district, including any authorization required by 642
sections 3313.712, 3313.713, and 3313.716 of the Revised Code. 643
Upon request, the grandparent shall complete any consent form 644
required by the district. A school district shall not incur any 645
liability solely because of its receipt of a consent form from a 646
grandparent in lieu of a parent. 647

Division (F)(11) of this section does not create, and shall 648
not be construed as creating, a new cause of action or substantive 649
legal right against a school district, a member of a board of 650
education, or an employee of a school district. This section does 651
not affect, and shall not be construed as affecting, any 652
immunities from defenses to tort liability created or recognized 653
by Chapter 2744. of the Revised Code for a school district, 654
member, or employee. 655

(12) A child under the age of twenty-two years is entitled to 656
attend school in a school district other than the district in 657
which the child is entitled to attend school under division (B), 658

(C), or (E) of this section provided that, prior to such 659
attendance in any school year, both of the following occur: 660

(a) The superintendent of the district in which the child is 661
entitled to attend school under division (B), (C), or (E) of this 662
section contacts the superintendent of another district for 663
purposes of this division; 664

(b) The superintendents of both districts enter into a 665
written agreement that consents to the attendance and specifies 666
that the purpose of such attendance is to protect the student's 667
physical or mental well-being or to deal with other extenuating 668
circumstances deemed appropriate by the superintendents. 669

While an agreement is in effect under this division for a 670
student who is not receiving special education under Chapter 3323. 671
of the Revised Code and notwithstanding Chapter 3327. of the 672
Revised Code, the board of education of neither school district 673
involved in the agreement is required to provide transportation 674
for the student to and from the school where the student attends. 675

A student attending a school of a district pursuant to this 676
division shall be allowed to participate in all student 677
activities, including interscholastic athletics, at the school 678
where the student is attending on the same basis as any student 679
who has always attended the schools of that district while of 680
compulsory school age. 681

(13) All school districts shall comply with the 682
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 683
seq., for the education of homeless children. Each city, local, 684
and exempted village school district shall comply with the 685
requirements of that act governing the provision of a free, 686
appropriate public education, including public preschool, to each 687
homeless child. 688

When a child loses permanent housing and becomes a homeless 689

person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 690
such a homeless person changes temporary living arrangements, the 691
child's parent or guardian shall have the option of enrolling the 692
child in either of the following: 693

(a) The child's school of origin, as defined in 42 U.S.C.A. 694
11432(g)(3)(C); 695

(b) The school that is operated by the school district in 696
which the shelter where the child currently resides is located and 697
that serves the geographic area in which the shelter is located. 698

(14) A child under the age of twenty-two years who resides 699
with a person other than the child's parent is entitled to attend 700
school in the school district in which that person resides if both 701
of the following apply: 702

(a) That person has been appointed, through a military power 703
of attorney executed under section 574(a) of the "National Defense 704
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 705
U.S.C. 1044b, or through a comparable document necessary to 706
complete a family care plan, as the parent's agent for the care, 707
custody, and control of the child while the parent is on active 708
duty as a member of the national guard or a reserve unit of the 709
armed forces of the United States or because the parent is a 710
member of the armed forces of the United States and is on a duty 711
assignment away from the parent's residence. 712

(b) The military power of attorney or comparable document 713
includes at least the authority to enroll the child in school. 714

The entitlement to attend school in the district in which the 715
parent's agent under the military power of attorney or comparable 716
document resides applies until the end of the school year in which 717
the military power of attorney or comparable document expires. 718

(G) A board of education, after approving admission, may 719
waive tuition for students who will temporarily reside in the 720

district and who are either of the following: 721

(1) Residents or domiciliaries of a foreign nation who 722
request admission as foreign exchange students; 723

(2) Residents or domiciliaries of the United States but not 724
of Ohio who request admission as participants in an exchange 725
program operated by a student exchange organization. 726

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 727
3327.04, and 3327.06 of the Revised Code, a child may attend 728
school or participate in a special education program in a school 729
district other than in the district where the child is entitled to 730
attend school under division (B) of this section. 731

(I)(1) Notwithstanding anything to the contrary in this 732
section or section 3313.65 of the Revised Code, a child under 733
twenty-two years of age may attend school in the school district 734
in which the child, at the end of the first full week of October 735
of the school year, was entitled to attend school as otherwise 736
provided under this section or section 3313.65 of the Revised 737
Code, if at that time the child was enrolled in the schools of the 738
district but since that time the child or the child's parent has 739
relocated to a new address located outside of that school district 740
and within the same county as the child's or parent's address 741
immediately prior to the relocation. The child may continue to 742
attend school in the district, and at the school to which the 743
child was assigned at the end of the first full week of October of 744
the current school year, for the balance of the school year. 745
Division (I)(1) of this section applies only if both of the 746
following conditions are satisfied: 747

(a) The board of education of the school district in which 748
the child was entitled to attend school at the end of the first 749
full week in October and of the district to which the child or 750
child's parent has relocated each has adopted a policy to enroll 751

children described in division (I)(1) of this section.

752

(b) The child's parent provides written notification of the relocation outside of the school district to the superintendent of each of the two school districts.

753

754

755

(2) At the beginning of the school year following the school year in which the child or the child's parent relocated outside of the school district as described in division (I)(1) of this section, the child is not entitled to attend school in the school district under that division.

756

757

758

759

760

(3) Any person or entity owing tuition to the school district on behalf of the child at the end of the first full week in October, as provided in division (C) of this section, shall continue to owe such tuition to the district for the child's attendance under division (I)(1) of this section for the lesser of the balance of the school year or the balance of the time that the child attends school in the district under division (I)(1) of this section.

761

762

763

764

765

766

767

768

(4) A pupil who may attend school in the district under division (I)(1) of this section shall be entitled to transportation services pursuant to an agreement between the district and the district in which the child or child's parent has relocated unless the districts have not entered into such agreement, in which case the child shall be entitled to transportation services in the same manner as a pupil attending school in the district under interdistrict open enrollment as described in division (H) of section 3313.981 of the Revised Code, regardless of whether the district has adopted an open enrollment policy as described in division (B)(1)(b) or (c) of section 3313.98 of the Revised Code.

769

770

771

772

773

774

775

776

777

778

779

780

(J) This division does not apply to a child receiving special education.

781

782

A school district required to pay tuition pursuant to 783
division (C)(2) or (3) of this section or section 3313.65 of the 784
Revised Code shall have an amount deducted under division (F) of 785
section 3317.023 of the Revised Code equal to its own tuition rate 786
for the same period of attendance. A school district entitled to 787
receive tuition pursuant to division (C)(2) or (3) of this section 788
or section 3313.65 of the Revised Code shall have an amount 789
credited under division (F) of section 3317.023 of the Revised 790
Code equal to its own tuition rate for the same period of 791
attendance. If the tuition rate credited to the district of 792
attendance exceeds the rate deducted from the district required to 793
pay tuition, the department of education shall pay the district of 794
attendance the difference from amounts deducted from all 795
districts' payments under division (F) of section 3317.023 of the 796
Revised Code but not credited to other school districts under such 797
division and from appropriations made for such purpose. The 798
treasurer of each school district shall, by the fifteenth day of 799
January and July, furnish the superintendent of public instruction 800
a report of the names of each child who attended the district's 801
schools under divisions (C)(2) and (3) of this section or section 802
3313.65 of the Revised Code during the preceding six calendar 803
months, the duration of the attendance of those children, the 804
school district responsible for tuition on behalf of the child, 805
and any other information that the superintendent requires. 806

Upon receipt of the report the superintendent, pursuant to 807
division (F) of section 3317.023 of the Revised Code, shall deduct 808
each district's tuition obligations under divisions (C)(2) and (3) 809
of this section or section 3313.65 of the Revised Code and pay to 810
the district of attendance that amount plus any amount required to 811
be paid by the state. 812

(K) In the event of a disagreement, the superintendent of 813
public instruction shall determine the school district in which 814

the parent resides. 815

(L) Nothing in this section requires or authorizes, or shall 816
be construed to require or authorize, the admission to a public 817
school in this state of a pupil who has been permanently excluded 818
from public school attendance by the superintendent of public 819
instruction pursuant to sections 3301.121 and 3313.662 of the 820
Revised Code. 821

(M) In accordance with division (B)(1) of this section, a 822
child whose parent is a member of the national guard or a reserve 823
unit of the armed forces of the United States and is called to 824
active duty, or a child whose parent is a member of the armed 825
forces of the United States and is ordered to a temporary duty 826
assignment outside of the district, may continue to attend school 827
in the district in which the child's parent lived before being 828
called to active duty or ordered to a temporary duty assignment 829
outside of the district, as long as the child's parent continues 830
to be a resident of that district, and regardless of where the 831
child lives as a result of the parent's active duty status or 832
temporary duty assignment. However, the district is not 833
responsible for providing transportation for the child if the 834
child lives outside of the district as a result of the parent's 835
active duty status or temporary duty assignment. 836

Sec. 3332.20. As used in this section, "active duty" means 837
full-time duty in the active military service of the United 838
States, including full-time training duty, annual training duty, 839
and active state duty for members of the national guard. 840

(A) Each institution that holds a certificate of registration 841
from the state board of career colleges and schools under this 842
chapter shall grant a student a military leave of absence from the 843
institution while the student is serving on active duty, and for 844
one year after the conclusion of that service, if the student is a 845

member of the United States national guard or other reserve 846
component of the armed forces of the United States, or a member of 847
those armed forces in a retired status, and is called to active 848
duty. The student shall not suffer an academic penalty as a result 849
of the leave of absence. 850

(B) If requested by a student granted a military leave of 851
absence pursuant to division (A) of this section not later than 852
one year after the student's release from active duty, the 853
institution in which the student is enrolled shall do either of 854
the following, as elected by the student: 855

(1) Credit tuition and fee charges toward a subsequent 856
academic term in an amount that is one hundred per cent of what 857
the student paid the institution for the academic term in which 858
the student withdraws; 859

(2) Refund tuition and fees paid for the academic term, 860
provided the student withdraws before the withdraw date 861
established by the institution. The refund shall equal one hundred 862
per cent of the tuition and fee charges the student paid the 863
institution for the academic term. If the student withdraws after 864
the withdraw date established by the institution, the student is 865
ineligible for a refund of tuition and fee charges. For the 866
purposes of this section, the "withdraw date" shall be the same as 867
the date set by the institution for its general student population 868
to withdraw from the institution or a course or class without 869
academic penalty. 870

(C) If requested by a student granted a military leave of 871
absence pursuant to division (A) of this section not later than 872
one year after the student's release from active duty, the 873
institution shall restore the student to the educational status 874
the student had attained prior to being called to active duty 875
without loss of academic credits earned, scholarships or grants 876

awarded, or tuition and other fees paid prior to the commencement 877
of active duty, except as provided in division (B) of this 878
section. 879

(D) If an institution fails to comply with this section, the 880
student may bring an action against the institution to enforce its 881
provisions in the court of common pleas of the county in which the 882
student resides. If the student resides outside of this state, the 883
action shall be brought in the court of common pleas of the county 884
in which the campus of the institution previously attended by the 885
student is located. The court may award reasonable attorney's fees 886
and expenses if the student prevails in the action. 887

Sec. 3345.53. As used in this section, "active duty" means 888
full-time duty in the active military service of the United 889
States, including full-time training duty, annual training duty, 890
and active state duty for members of the national guard. 891

(A) Each state institution of higher education, as defined in 892
section 3345.011 of the Revised Code, shall grant a student a 893
military leave of absence from the institution while the student 894
is serving on active duty, and for one year after the conclusion 895
of that service, if the student is a member of the United States 896
national guard or other reserve component of the armed forces of 897
the United States, or a member of those armed forces in a retired 898
status, and is called to active duty. The student shall not suffer 899
an academic penalty as a result of the leave of absence. 900

(B) If requested by a student granted a military leave of 901
absence pursuant to division (A) of this section not later than 902
one year after the student's release from active duty, the state 903
institution of higher education in which the student is enrolled 904
shall do either of the following, as elected by the student: 905

(1) Credit tuition and fee charges toward a subsequent 906

academic term in an amount that is one hundred per cent of what
the student paid the institution for the academic term in which
the student withdraws;

907
908
909

(2) Refund tuition and fees paid for the academic term,
provided the student withdraws before the withdraw date
established by the institution. The refund shall equal one hundred
per cent of the tuition and fee charges the student paid the
institution for the academic term. If the student withdraws after
the withdraw date established by the institution, the student is
ineligible for a refund of tuition and fee charges. For the
purposes of this section, the "withdraw date" shall be the same as
the date set by the institution for its general student population
to withdraw from the institution or a course or class without
academic penalty.

910
911
912
913
914
915
916
917
918
919
920

(C) If requested by a student granted a military leave of
absence pursuant to division (A) of this section not later than
one year after the student's release from active duty, the state
institution of higher education shall restore the student to the
educational status the student had attained prior to being called
to active duty without loss of academic credits earned,
scholarships or grants awarded, or tuition and other fees paid
prior to the commencement of active duty, except as provided in
division (B) of this section.

921
922
923
924
925
926
927
928
929

(D) If a state institution of higher education fails to
comply with this section, the student may bring an action against
the institution to enforce its provisions in the court of claims.
The court may award reasonable attorney's fees and expenses if the
student prevails in the action.

930
931
932
933
934

Sec. 3915.053. (A)(1) Except as provided in division (A)(2)
of this section, this section shall apply to any individual life
insurance policy insuring the life of a reservist, as defined in

935
936
937

section 3923.381 of the Revised Code, who is on active duty 938
pursuant to an executive order of the president of the United 939
States, an act of the congress of the United States, or section 940
5919.29 or 5923.21 of the Revised Code, if the life insurance 941
policy meets both of the following conditions: 942

(a) The policy has been in force for at least one hundred 943
eighty days. 944

(b) The policy has been brought within the "Servicemembers 945
Civil Relief Act," 117 Stat. 2835 (2003), 50 U.S.C. App. 541, et 946
seq. 947

(2) This section does not apply to any policy that was 948
cancelled or that had lapsed for the nonpayment of premiums prior 949
to the commencement of the insured's period of military service. 950

(B) An individual life insurance policy described in division 951
(A) of this section shall not lapse or be forfeited for the 952
nonpayment of premiums during a reservist's period of military 953
service or during the two-year period subsequent to the end of the 954
reservist's period of military service. 955

(C) This section does not limit a life insurance company's 956
enforcement of provisions in the insured's policy relating to 957
naval or military service in time of war. 958

Sec. 4933.12. (A) Except as provided in division (C) of this 959
section and division (E) of section 5117.11 of the Revised Code, 960
if any person supplied with gas neglects or refuses to pay the 961
amount due for ~~such~~ the gas or for rent of articles hired by ~~him~~ 962
the person from a natural gas company or a gas company, the 963
company may stop the gas from entering the premises of ~~such~~ the 964
person. In such cases, after twenty-four hours' notice, the 965
officers, servants, or workers of the company may enter the 966
premises of such persons, between eight a.m. and four p.m., take 967

away such property of the company, and disconnect any meter from 968
the mains or pipes of the company. 969

(B) The company shall not refuse to furnish gas on account of 970
arrearages due it for gas furnished to persons formerly receiving 971
services at the premises as customers of the company, provided the 972
former customers are not continuing to reside at ~~such~~ the 973
premises. 974

(C) The company shall not, for any reason, unless required by 975
the consumer, for safety reasons, or unless tampering with utility 976
company equipment or theft of gas or utility company equipment has 977
occurred, stop gas from entering the premises of any residential 978
consumer for the period beginning on the fifteenth day of November 979
and ending on the fifteenth day of the following April, unless 980
both of the following apply: 981

(1) The account of the consumer is in arrears thirty days or 982
more. 983

(2) ~~Where~~ If the occupant of residential premises is a tenant 984
whose landlord is responsible for payment for the service provided 985
by the company, the company has, five days previously, notified 986
the occupant of its intent to discontinue service to ~~him~~ the 987
occupant. 988

(D) No company shall stop the gas from entering any 989
residential premises between the fifteenth day of November and the 990
fifteenth day of April because of a failure to pay the amount due 991
for ~~such~~ the gas unless the company, at the time it sends or 992
delivers to the premises notices of termination, informs the 993
occupant of the premises where to obtain state and federal aid for 994
payment of utility bills and for home weatherization and 995
information on local government aid for payment of utility bills 996
and for home weatherization. 997

(E) On or before the first day of November, a county human 998
services department may request a company to give prior 999
notification of any residential service terminations to occur 1000
during the period beginning on the fifteenth day of November 1001
immediately following the department's request and ending on the 1002
fifteenth day of the following April. If a department makes such a 1003
written request, at least twenty-four hours before the company 1004
terminates services to a residential customer in the county during 1005
that period for failure to pay the amount due for service, the 1006
company shall provide written notice to the department of the 1007
residential customer whose service the company so intends to 1008
terminate. No company that has received such a request shall 1009
terminate such service during that period unless it has provided 1010
the notice required under this division. 1011

(F) No company shall stop gas from entering the residential 1012
premises of any residential consumer who is deployed on active 1013
duty for nonpayment for gas supplied to the residential premises. 1014

Upon return of a residential consumer from active duty, the 1015
company shall offer the residential consumer a period equal to at 1016
least the period of deployment on active duty to pay any 1017
arrearages incurred during the period of deployment. The company 1018
shall inform the residential consumer that, if the period the 1019
company offers presents a hardship to the consumer, the consumer 1020
may request a longer period to pay the arrearages and, in the case 1021
of a company that is a public utility as defined in section 1022
4905.02 of the Revised Code, may request the assistance of the 1023
public utilities commission to obtain a longer period. No late 1024
payment fees or interest shall be charged to the residential 1025
consumer during the period of deployment or the repayment period. 1026

If a company that is a public utility determines that amounts 1027
owed by a residential consumer who is deployed on active duty are 1028
uncollectible, the company may file an application with the public 1029

utilities commission for approval of authority to recover the 1030
amounts. The recovery shall be through a rider on the base rates 1031
of customers of the company or through other means as may be 1032
approved by the commission, provided that any amount approved to 1033
be recovered through a rider or other means shall not be 1034
considered by the commission in any subsequent rate determination. 1035

As used in this division, "active duty" means active duty 1036
pursuant to an executive order of the president of the United 1037
States, an act of the congress of the United States, or section 1038
5919.29 or 5923.21 of the Revised Code. 1039

Sec. 4933.121. (A) Except as provided in division (E) of 1040
section 5117.11 of the Revised Code, an electric light company 1041
shall not, for any reason, unless requested by the consumer, for 1042
safety reasons, or unless tampering with utility company equipment 1043
or theft of electricity or utility company equipment has occurred, 1044
cease to provide electricity to any residential consumer for the 1045
period beginning on the fifteenth day of November and ending on 1046
the fifteenth day of the following April, unless both of the 1047
following apply: 1048

(1) The account of the consumer is in arrears thirty days or 1049
more. 1050

(2) ~~Where~~ If the occupant of residential premises is a tenant 1051
whose landlord is responsible for payment for the service provided 1052
by the company, the company has, five days previously, notified 1053
the occupant of its intent to discontinue service to ~~him~~ the 1054
occupant. 1055

(B) The company shall not refuse to furnish electricity on 1056
account of arrearages due it for electricity furnished to persons 1057
formerly receiving services at the premises as customers of the 1058
company, provided the former customers are not continuing to 1059

reside at ~~such~~ the premises. 1060

(C) No company shall cease to provide electricity to any 1061
residential premises between the fifteenth day of November and the 1062
fifteenth day of April because of a failure to pay the amount due 1063
for ~~such~~ the electricity unless the company, at the time it sends 1064
or delivers to the premises notices of termination, informs the 1065
occupant of the premises where to obtain state and federal aid for 1066
payment of utility bills and for home weatherization and 1067
information on local government aid for payment of utility bills 1068
and for home weatherization. 1069

(D) On or before the first day of November, a county human 1070
services department may request a company to give prior 1071
notification of any residential service terminations to occur 1072
during the period beginning on the fifteenth day of November 1073
immediately following the department's request and ending on the 1074
fifteenth day of the following April. If a department makes such a 1075
written request, at least twenty-four hours before the company 1076
terminates services to a residential customer in the county during 1077
that period for failure to pay the amount due for service, the 1078
company shall provide written notice to the department of the 1079
residential customer whose service the company so intends to 1080
terminate. No company that has received such a request shall 1081
terminate such service during that period unless it has provided 1082
the notice required under this division. 1083

(E) No company shall cease to provide electricity to the 1084
residential premises of any residential consumer who is deployed 1085
on active duty for nonpayment for electricity provided to the 1086
residential premises. 1087

Upon return of a residential consumer from active duty, the 1088
company shall offer the residential consumer a period equal to at 1089
least the period of deployment on active duty to pay any 1090
arrears incurred during the period of deployment. The company 1091

shall inform the residential consumer that, if the period the 1092
company offers presents a hardship to the consumer, the consumer 1093
may request a longer period to pay the arrearages and, in the case 1094
of a company that is a public utility as defined in section 1095
4905.02 of the Revised Code, may request the assistance of the 1096
public utilities commission to obtain a longer period. No late 1097
payment fees or interest shall be charged to the residential 1098
consumer during the period of deployment or the repayment period. 1099

If a company that is a public utility determines that amounts 1100
owed by a residential consumer who is deployed on active duty are 1101
uncollectible, the company may file an application with the public 1102
utilities commission for approval of authority to recover the 1103
amounts. The recovery shall be through a rider on the base rates 1104
of customers of the company or through other means as may be 1105
approved by the commission, provided that any amount approved to 1106
be recovered through a rider or other means shall not be 1107
considered by the commission in any subsequent rate determination. 1108

As used in this division, "active duty" means active duty 1109
pursuant to an executive order of the president of the United 1110
States, an act of the congress of the United States, or section 1111
5919.29 or 5923.21 of the Revised Code. 1112

Section 2. That existing sections 125.021, 1317.06, 1317.061, 1113
3313.64, 4933.12, and 4933.121 of the Revised Code are hereby 1114
repealed. 1115