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A BILL

To amend sections 125.021, 1317.06, 1317.061, 1349.99, 3313.64, 4933.12, and 4933.121 and to enact sections 317.322, 1349.02, 1349.03, 1713.60, 1923.062, 3332.20, 3345.53, and 3915.053 of the Revised Code to prohibit a retail seller in a retail installment contract from charging or collecting more than a six per cent annual percentage rate on contracts with retail buyers who are deployed on active duty; to permit a child whose parent is deployed on active duty to continue to attend school in the district in which the child's parent lived before being called to active military duty; to permit a child living with an agent of the child's parent appointed under a military power of attorney or a comparable document to attend school in the school district in which the agent resides; to exempt members of the armed forces of the United States from any

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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 to recover certain uncollectible amounts owed 36
by residential customers deployed on active duty 37
through a recovery procedure approved by the 38
Public Utilities Commission; to require public and 39
private institutions of higher education to grant 40
a military leave of absence to students who are 41
deployed on active duty, to reinstate those 42
students to the same educational status as before 43
active duty, and to either partially refund paid 44
tuition or credit paid tuition to a future 45
academic term; to permit a person deployed on 46
active duty to terminate a motor vehicle lease or 47
cellular phone contract under specified 48
conditions; and to require the Department of 49
Administrative Services to make available bulk 50
long distance telephone services at cost to the 51

immediate family members of persons deployed on 52
active duty. 53

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

Section 1. That sections 125.021, 1317.06, 1317.061, 1349.99, 54
3313.64, 4933.12, and 4933.121 be amended and sections 317.322, 55
1349.02, 1349.03, 1713.60, 1923.062, 3332.20, 3345.53, and 56
3915.053 of the Revised Code be enacted to read as follows: 57

Sec. 125.021. (A) Except as to the military department, the 58
general assembly, the bureau of workers' compensation, and 59
institutions administered by boards of trustees, the department of 60
administrative services may ~~make contracts~~ contract for, operate, 61
and superintend ~~the~~ telephone, other telecommunication, and 62
computer services for state agencies. Nothing 63

~~Nothing~~ in this ~~section~~ division precludes the bureau from 64
~~entering into a contract~~ contracting with the department of 65
~~administrative services for~~ to authorize the department to make 66
~~contracts~~ contract for, operate, or superintend ~~such systems~~ those 67
services for the bureau. 68

(B)(1) As used in this division: 69

(a) "Active duty" means active duty pursuant to an executive 70
order of the president of the United States, an act of the 71
congress of the United States, or section 5919.29 or 5923.21 of 72
the Revised Code. 73

(b) "Immediate family" means a person's spouse residing in 74
the person's household, brothers and sisters of the whole or of 75
the half blood, children, including adopted children and 76
stepchildren, parents, and grandparents. 77

(c) "State agency" has the same meaning as in section 1.60 of 78

the Revised Code.

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

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

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

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

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(1) A base finance charge at the rate of eight dollars per one hundred dollars per year on the principal balance of the retail installment contract. On retail installment contracts

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providing for principal balances less than, nor not in multiples 109
of one hundred dollars, or for installment payments extending for 110
a period less than or greater than one year, ~~said~~ that finance 111
charge shall be computed proportionately. In addition to the base 112
finance charge, the retail seller may charge and contract for a 113
service charge of fifty cents per month for the first fifty dollar 114
unit or fraction thereof, of the principal balance for each month 115
of the term of the installment contract; and an additional service 116
charge of twenty-five cents per month for each of the next five 117
fifty dollar units or fraction thereof, of the principal balance 118
for each month of the term of the installment contract. This 119
paragraph applies only to retail installment contracts with a 120
principal balance of seven hundred dollars or less. 121

(2) A pre-computed base finance charge not in excess of the 122
amount obtained by applying the rate of one and one-half per cent 123
per month to the unpaid portion of the unpaid principal balance 124
determined to be outstanding from time to time according to the 125
terms and schedule of payments of the retail installment contract 126
executed in connection with such retail installment sale. 127

Such base finance charge and service charges may be computed 128
on a basis of a full month for any fractional period in excess of 129
ten days. For a fractional period of a month not in excess of ten 130
days, there shall be no base finance charge or service charge. 131

Sections 1317.01 to 1317.11 of the Revised Code do not apply 132
to any sale in which the base finance and service charge does not 133
exceed the sum of fifteen dollars. 134

(B) Every retail seller may, at the time of making any retail 135
installment sale, contract for the payment by the retail buyer of 136
lawful delinquent charges as follows: 137

(1) No charges shall be made for delinquent payments less 138
than ten days late. 139

(2) Five cents for each dollar for a delinquent payment that 140
is more than ten days late may be charged, but in no event shall a 141
delinquent charge for any one installment exceed three dollars. 142

A provision for the payment of interest on any installment 143
not paid in full on or before its scheduled due date at a rate not 144
to exceed one and one-half per cent interest per month is not a 145
delinquent charge and is expressly authorized. 146

(C) No retail installment contract arising out of a consumer 147
transaction and requiring the payment of the charges authorized by 148
this section shall be executed unless the combined total of the 149
cash price and all finance charges and service charges is required 150
to be paid according to a schedule of substantially equal 151
consecutive installments, except where the contract contains a 152
provision allowing the buyer to refinance the contract under terms 153
no less favorable than those of the original contract after making 154
the refund credit required by section 1317.09 of the Revised Code. 155
No seller shall, pursuant to any provision in a retail installment 156
contract arising out of a consumer transaction, accelerate any 157
payments on account of a default in the making of an installment 158
payment that has not continued for at least thirty days. ~~Division~~ 159
~~(C) of this section~~ This division does not apply to the extent 160
that the payment schedule is adjusted to the seasonal or irregular 161
income of the buyer. 162

(D) A retail seller in connection with a retail installment 163
contract entered into on and after the effective date of this 164
amendment shall not charge or collect from a retail buyer who is 165
deployed on active duty interest or finance charges exceeding an 166
annual percentage rate of six per cent during the period that the 167
retail buyer is deployed on active duty. 168

In order for a retail installment contract to be subject to 169
the interest rate limitation of this division, the retail buyer 170

shall provide the retail seller with written notice of and a copy 171
of the military or gubernatorial orders calling the retail buyer 172
to active duty and of any orders further extending active duty, 173
not later than one hundred eighty days after the date of the 174
retail buyer's termination of or release from active duty. 175

As used in this section, "active duty" means active duty 176
pursuant to an executive order of the president of the United 177
States, an act of the congress of the United States, or section 178
5919.29 or 5923.21 of the Revised Code. 179

Sec. 1317.061. As (A) Subject to division (B) of this 180
section, as an alternative to the finance charges permitted in 181
division (A) of section 1317.06 of the Revised Code or the 182
interest permitted in division (B) of that section, and to the 183
finance charges permitted in division (B) of section 1317.11 of 184
the Revised Code, a retail seller or holder may contract for and 185
receive finance charges or interest at any rate or rates agreed 186
upon or consented to by the parties to the retail installment 187
contract or revolving budget agreement, but not exceeding an 188
annual percentage rate of twenty-five per cent. 189

(B) A retail seller in connection with a retail installment 190
contract entered into on and after the effective date of this 191
amendment shall not charge or collect from a retail buyer who is 192
deployed on active duty interest or finance charges exceeding an 193
annual percentage rate of six per cent during the period that the 194
retail buyer is deployed on active duty. 195

In order for a retail installment contract to be subject to 196
the interest rate limitation of this division, the retail buyer 197
shall provide the retail seller with written notice of and a copy 198
of the military or gubernatorial orders calling the retail buyer 199
to active duty and of any orders further extending active duty, 200
not later than one hundred eighty days after the date of the 201

retail buyer's termination of or release from active duty. 202

As used in this section, "active duty" means active duty 203
pursuant to an executive order of the president of the United 204
States, an act of the congress of the United States, or section 205
5919.29 or 5923.21 of the Revised Code. 206

Sec. 1349.02. (A) As used in this section: 207

(1) "Active duty" means active duty pursuant to an executive 208
order of the president of the United States, an act of the 209
congress of the United States, or section 5919.29 or 5923.21 of 210
the Revised Code. 211

(2) "Lending institution" has the same meaning as in section 212
175.01 of the Revised Code. 213

(3) "Motor vehicle" means any automobile, car minivan, 214
passenger van, sport utility vehicle, pickup truck, or other 215
self-propelled vehicle not operated or driven on fixed rails or 216
track. 217

(B) Any person, or spouse of a person, who is deployed on 218
active duty may terminate any motor vehicle lease that meets both 219
of the following requirements: 220

(1) It is entered into on or after the effective date of this 221
section. 222

(2) It is executed by or on behalf of the person who is 223
deployed on active duty. 224

(C) Termination of the motor vehicle lease shall not be 225
effective until: 226

(1) Fifteen days after the person who is deployed on active 227
duty or the person's spouse gives notice by certified mail, return 228
receipt requested, of the intention to terminate the lease; and 229

(2) The motor vehicle subject to the lease is returned to the 230

<u>custody or control of the lessor.</u>	231
<u>(D) If the requirements of divisions (C)(1) and (2) of this section are met, both of the following restrictions shall apply:</u>	232
<u>(1) No collection agency or lending institution may report to a consumer reporting agency, for inclusion in the credit file or credit report of the person who is deployed on active duty, any information about the nonpayment of the terminated motor vehicle lease.</u>	233
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<u>(1) No collection agency or lending institution may report to a consumer reporting agency, for inclusion in the credit file or credit report of the person who is deployed on active duty, any information about the nonpayment of the terminated motor vehicle lease.</u>	238
<u>(2) No consumer reporting agency shall include in the credit file or credit report of the person who is deployed on active duty any information about the nonpayment of the terminated motor vehicle lease.</u>	239
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<u>(2) No consumer reporting agency shall include in the credit file or credit report of the person who is deployed on active duty any information about the nonpayment of the terminated motor vehicle lease.</u>	242
<u>Sec. 1349.03. (A) As used in this section, "active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.</u>	243
<u>Sec. 1349.03. (A) As used in this section, "active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.</u>	244
<u>Sec. 1349.03. (A) As used in this section, "active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.</u>	245
<u>Sec. 1349.03. (A) As used in this section, "active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.</u>	246
<u>(B) Any person, or spouse of a person, who is deployed on active duty may terminate, without penalty, a cellular phone contract that meets both of the following requirements:</u>	247
<u>(B) Any person, or spouse of a person, who is deployed on active duty may terminate, without penalty, a cellular phone contract that meets both of the following requirements:</u>	248
<u>(B) Any person, or spouse of a person, who is deployed on active duty may terminate, without penalty, a cellular phone contract that meets both of the following requirements:</u>	249
<u>(1) It is entered into on or after the effective date of this section.</u>	250
<u>(1) It is entered into on or after the effective date of this section.</u>	251
<u>(2) It is executed by or on behalf of the person who is deployed on active duty.</u>	252
<u>(2) It is executed by or on behalf of the person who is deployed on active duty.</u>	253
<u>(C) Termination of the cellular phone contract shall not be effective until:</u>	254
<u>(C) Termination of the cellular phone contract shall not be effective until:</u>	255
<u>(1) Thirty days after the person who is deployed on active duty or the person's spouse gives notice by certified mail, return receipt requested, of the intention to terminate the cellular phone contract; and</u>	256
<u>(1) Thirty days after the person who is deployed on active duty or the person's spouse gives notice by certified mail, return receipt requested, of the intention to terminate the cellular phone contract; and</u>	257
<u>(1) Thirty days after the person who is deployed on active duty or the person's spouse gives notice by certified mail, return receipt requested, of the intention to terminate the cellular phone contract; and</u>	258
<u>(1) Thirty days after the person who is deployed on active duty or the person's spouse gives notice by certified mail, return receipt requested, of the intention to terminate the cellular phone contract; and</u>	259

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

(D) If the requirements of divisions (C)(1) and (2) are met, both of the following restrictions shall apply:

(1) No collection agency or cellular telephone company may report to a consumer reporting agency, for inclusion in the credit file or credit report of the person who is deployed on active duty, any information about the nonpayment of the terminated cellular phone contract.

(2) No consumer reporting agency shall include in the credit file or credit report of the person who is deployed on active duty any information about the nonpayment of the terminated cellular phone contract.

Sec. 1349.99. Whoever violates division (D) of section 1349.02 or 1349.03 or section 1349.06 or 1349.17 of the Revised Code is guilty of a minor misdemeanor.

Sec. 1713.60. As used in this section, "active duty" means full-time duty in the active military service of the United States, including full-time training duty, annual training duty, and active state duty for members of the national guard.

(A) Each institution of higher education that holds a certificate of authorization issued under this chapter shall grant a student a military leave of absence from the institution while the student is serving on active duty, and for one year after the conclusion of that service, if the student is a member of the United States national guard or other reserve component of the

armed forces of the United States, or a member of those armed
forces in a retired status, and is called to active duty. The
student shall not suffer an academic penalty as a result of the
leave of absence.

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(B) 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 in which the student is enrolled shall do either of
the following, as elected by the student:

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

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(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.

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(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

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of active duty, except as provided in division (B) of this 321
section. 322

(D) If an institution fails to comply with this section, the 323
student may bring an action against the institution to enforce its 324
provisions in the court of common pleas of the county in which the 325
student resides. If the student resides outside of this state, the 326
action shall be brought in the court of common pleas of the county 327
in which the campus of the institution previously attended by the 328
student is located. The court may award reasonable attorney's fees 329
and expenses if the student prevails in the action. 330

Sec. 1923.062. (A) In an action under this chapter for 331
possession of residential premises of a tenant or manufactured 332
home park resident who is deployed on active duty or of any member 333
of the tenant's or resident's immediate family, if the tenant or 334
resident entered into the rental agreement on or after the 335
effective date of this section, the court may, on its own motion, 336
and shall, upon motion made by or on behalf of the tenant or 337
resident, do either of the following if the tenant's or resident's 338
ability to pay the agreed rent is materially affected by the 339
deployment on active duty: 340

(1) Stay the proceedings for a period of ninety days, unless, 341
in the opinion of the court, justice and equity require a longer 342
or shorter period of time; 343

(2) Adjust the obligation under the rental agreement to 344
preserve the interest of all parties to it. 345

(B) If a stay is granted under division (A) of this section, 346
the court may grant the landlord or park operator such relief as 347
equity may require. 348

(C) This section does not apply to landlords or park 349
operators operating less than four residential premises. 350

(D) As used in this section, "active duty" means active duty 351
pursuant to an executive order of the president of the United 352
States, an act of the congress of the United States, or section 353
5919.29 or 5923.21 of the Revised Code. 354

Sec. 3313.64. (A) As used in this section and in section 355
3313.65 of the Revised Code: 356

(1)(a) Except as provided in division (A)(1)(b) of this 357
section, "parent" means either parent, unless the parents are 358
separated or divorced or their marriage has been dissolved or 359
annulled, in which case "parent" means the parent who is the 360
residential parent and legal custodian of the child. When a child 361
is in the legal custody of a government agency or a person other 362
than the child's natural or adoptive parent, "parent" means the 363
parent with residual parental rights, privileges, and 364
responsibilities. When a child is in the permanent custody of a 365
government agency or a person other than the child's natural or 366
adoptive parent, "parent" means the parent who was divested of 367
parental rights and responsibilities for the care of the child and 368
the right to have the child live with the parent and be the legal 369
custodian of the child and all residual parental rights, 370
privileges, and responsibilities. 371

(b) When a child is the subject of a power of attorney 372
executed under sections 3109.51 to 3109.62 of the Revised Code, 373
"parent" means the grandparent designated as attorney in fact 374
under the power of attorney. When a child is the subject of a 375
caretaker authorization affidavit executed under sections 3109.64 376
to 3109.73 of the Revised Code, "parent" means the grandparent 377
that executed the affidavit. 378

(2) "Legal custody," "permanent custody," and "residual 379
parental rights, privileges, and responsibilities" have the same 380
meanings as in section 2151.011 of the Revised Code. 381

(3) "School district" or "district" means a city, local, or 382
exempted village school district and excludes any school operated 383
in an institution maintained by the department of youth services. 384

(4) Except as used in division (C)(2) of this section, "home" 385
means a home, institution, foster home, group home, or other 386
residential facility in this state that receives and cares for 387
children, to which any of the following applies: 388

(a) The home is licensed, certified, or approved for such 389
purpose by the state or is maintained by the department of youth 390
services. 391

(b) The home is operated by a person who is licensed, 392
certified, or approved by the state to operate the home for such 393
purpose. 394

(c) The home accepted the child through a placement by a 395
person licensed, certified, or approved to place a child in such a 396
home by the state. 397

(d) The home is a children's home created under section 398
5153.21 or 5153.36 of the Revised Code. 399

(5) "Agency" means all of the following: 400

(a) A public children services agency; 401

(b) An organization that holds a certificate issued by the 402
Ohio department of job and family services in accordance with the 403
requirements of section 5103.03 of the Revised Code and assumes 404
temporary or permanent custody of children through commitment, 405
agreement, or surrender, and places children in family homes for 406
the purpose of adoption; 407

(c) Comparable agencies of other states or countries that 408
have complied with applicable requirements of section 2151.39, or 409
sections 5103.20 to 5103.28 of the Revised Code. 410

(6) A child is placed for adoption if either of the following 411

occurs: 412

(a) An agency to which the child has been permanently 413
committed or surrendered enters into an agreement with a person 414
pursuant to section 5103.16 of the Revised Code for the care and 415
adoption of the child. 416

(b) The child's natural parent places the child pursuant to 417
section 5103.16 of the Revised Code with a person who will care 418
for and adopt the child. 419

(7) "Handicapped preschool child" means a handicapped child, 420
as defined by division (A) of section 3323.01 of the Revised Code, 421
who is at least three years of age but is not of compulsory school 422
age, as defined in section 3321.01 of the Revised Code, and who is 423
not currently enrolled in kindergarten. 424

(8) "Child," unless otherwise indicated, includes handicapped 425
preschool children. 426

(9) "Active duty" means active duty pursuant to an executive 427
order of the president of the United States, an act of the 428
congress of the United States, or section 5919.29 or 5923.21 of 429
the Revised Code. 430

(B) Except as otherwise provided in section 3321.01 of the 431
Revised Code for admittance to kindergarten and first grade, a 432
child who is at least five but under twenty-two years of age and 433
any handicapped preschool child shall be admitted to school as 434
provided in this division. 435

(1) A child shall be admitted to the schools of the school 436
district in which the child's parent resides. 437

(2) A child who does not reside in the district where the 438
child's parent resides shall be admitted to the schools of the 439
district in which the child resides if any of the following 440
applies: 441

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

(b) The child resides in a home.

(c) The child requires special education.

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

(a) The placement for adoption has been terminated.

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

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

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

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

(2) Except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of

a government agency or person other than the child's parent, 472
tuition shall be paid by: 473

(a) The district in which the child's parent resided at the 474
time the court removed the child from home or at the time the 475
court vested legal or permanent custody of the child in the person 476
or government agency, whichever occurred first; 477

(b) If the parent's residence at the time the court removed 478
the child from home or placed the child in the legal or permanent 479
custody of the person or government agency is unknown, tuition 480
shall be paid by the district in which the child resided at the 481
time the child was removed from home or placed in legal or 482
permanent custody, whichever occurred first; 483

(c) If a school district cannot be established under division 484
(C)(2)(a) or (b) of this section, tuition shall be paid by the 485
district determined as required by section 2151.357 of the Revised 486
Code by the court at the time it vests custody of the child in the 487
person or government agency; 488

(d) If at the time the court removed the child from home or 489
vested legal or permanent custody of the child in the person or 490
government agency, whichever occurred first, one parent was in a 491
residential or correctional facility or a juvenile residential 492
placement and the other parent, if living and not in such a 493
facility or placement, was not known to reside in this state, 494
tuition shall be paid by the district determined under division 495
(D) of section 3313.65 of the Revised Code as the district 496
required to pay any tuition while the parent was in such facility 497
or placement. 498

(3) If the child is not in the permanent or legal custody of 499
a government agency or person other than the child's parent and 500
the child resides in a home, tuition shall be paid by one of the 501
following: 502

(a) The school district in which the child's parent resides;	503
(b) If the child's parent is not a resident of this state, the home in which the child resides.	504 505
(D) Tuition required to be paid under divisions (C)(2) and (3)(a) of this section shall be computed in accordance with section 3317.08 of the Revised Code. Tuition required to be paid under division (C)(3)(b) of this section shall be computed in accordance with section 3317.081 of the Revised Code. If a home fails to pay the tuition required by division (C)(3)(b) of this section, the board of education providing the education may recover in a civil action the tuition and the expenses incurred in prosecuting the action, including court costs and reasonable attorney's fees. If the prosecuting attorney or city director of law represents the board in such action, costs and reasonable attorney's fees awarded by the court, based upon the prosecuting attorney's, director's, or one of their designee's time spent preparing and presenting the case, shall be deposited in the county or city general fund.	506 507 508 509 510 511 512 513 514 515 516 517 518 519 520
(E) A board of education may enroll a child free of any tuition obligation for a period not to exceed sixty days, on the sworn statement of an adult resident of the district that the resident has initiated legal proceedings for custody of the child.	521 522 523 524
(F) In the case of any individual entitled to attend school under this division, no tuition shall be charged by the school district of attendance and no other school district shall be required to pay tuition for the individual's attendance. Notwithstanding division (B), (C), or (E) of this section:	525 526 527 528 529
(1) All persons at least eighteen but under twenty-two years of age who live apart from their parents, support themselves by their own labor, and have not successfully completed the high school curriculum or the individualized education program	530 531 532 533

developed for the person by the high school pursuant to section 534
3323.08 of the Revised Code, are entitled to attend school in the 535
district in which they reside. 536

(2) Any child under eighteen years of age who is married is 537
entitled to attend school in the child's district of residence. 538

(3) A child is entitled to attend school in the district in 539
which either of the child's parents is employed if the child has a 540
medical condition that may require emergency medical attention. 541
The parent of a child entitled to attend school under division 542
(F)(3) of this section shall submit to the board of education of 543
the district in which the parent is employed a statement from the 544
child's physician certifying that the child's medical condition 545
may require emergency medical attention. The statement shall be 546
supported by such other evidence as the board may require. 547

(4) Any child residing with a person other than the child's 548
parent is entitled, for a period not to exceed twelve months, to 549
attend school in the district in which that person resides if the 550
child's parent files an affidavit with the superintendent of the 551
district in which the person with whom the child is living resides 552
stating all of the following: 553

(a) That the parent is serving outside of the state in the 554
armed services of the United States; 555

(b) That the parent intends to reside in the district upon 556
returning to this state; 557

(c) The name and address of the person with whom the child is 558
living while the parent is outside the state. 559

(5) Any child under the age of twenty-two years who, after 560
the death of a parent, resides in a school district other than the 561
district in which the child attended school at the time of the 562
parent's death is entitled to continue to attend school in the 563
district in which the child attended school at the time of the 564

parent's death for the remainder of the school year, subject to 565
approval of that district board. 566

(6) A child under the age of twenty-two years who resides 567
with a parent who is having a new house built in a school district 568
outside the district where the parent is residing is entitled to 569
attend school for a period of time in the district where the new 570
house is being built. In order to be entitled to such attendance, 571
the parent shall provide the district superintendent with the 572
following: 573

(a) A sworn statement explaining the situation, revealing the 574
location of the house being built, and stating the parent's 575
intention to reside there upon its completion; 576

(b) A statement from the builder confirming that a new house 577
is being built for the parent and that the house is at the 578
location indicated in the parent's statement. 579

(7) A child under the age of twenty-two years residing with a 580
parent who has a contract to purchase a house in a school district 581
outside the district where the parent is residing and who is 582
waiting upon the date of closing of the mortgage loan for the 583
purchase of such house is entitled to attend school for a period 584
of time in the district where the house is being purchased. In 585
order to be entitled to such attendance, the parent shall provide 586
the district superintendent with the following: 587

(a) A sworn statement explaining the situation, revealing the 588
location of the house being purchased, and stating the parent's 589
intent to reside there; 590

(b) A statement from a real estate broker or bank officer 591
confirming that the parent has a contract to purchase the house, 592
that the parent is waiting upon the date of closing of the 593
mortgage loan, and that the house is at the location indicated in 594
the parent's statement. 595

The district superintendent shall establish a period of time 596
not to exceed ninety days during which the child entitled to 597
attend school under division (F)(6) or (7) of this section may 598
attend without tuition obligation. A student attending a school 599
under division (F)(6) or (7) of this section shall be eligible to 600
participate in interscholastic athletics under the auspices of 601
that school, provided the board of education of the school 602
district where the student's parent resides, by a formal action, 603
releases the student to participate in interscholastic athletics 604
at the school where the student is attending, and provided the 605
student receives any authorization required by a public agency or 606
private organization of which the school district is a member 607
exercising authority over interscholastic sports. 608

(8) A child whose parent is a full-time employee of a city, 609
local, or exempted village school district, or of an educational 610
service center, may be admitted to the schools of the district 611
where the child's parent is employed, or in the case of a child 612
whose parent is employed by an educational service center, in the 613
district that serves the location where the parent's job is 614
primarily located, provided the district board of education 615
establishes such an admission policy by resolution adopted by a 616
majority of its members. Any such policy shall take effect on the 617
first day of the school year and the effective date of any 618
amendment or repeal may not be prior to the first day of the 619
subsequent school year. The policy shall be uniformly applied to 620
all such children and shall provide for the admission of any such 621
child upon request of the parent. No child may be admitted under 622
this policy after the first day of classes of any school year. 623

(9) A child who is with the child's parent under the care of 624
a shelter for victims of domestic violence, as defined in section 625
3113.33 of the Revised Code, is entitled to attend school free in 626
the district in which the child is with the child's parent, and no 627

other school district shall be required to pay tuition for the 628
child's attendance in that school district. 629

The enrollment of a child in a school district under this 630
division shall not be denied due to a delay in the school 631
district's receipt of any records required under section 3313.672 632
of the Revised Code or any other records required for enrollment. 633
Any days of attendance and any credits earned by a child while 634
enrolled in a school district under this division shall be 635
transferred to and accepted by any school district in which the 636
child subsequently enrolls. The state board of education shall 637
adopt rules to ensure compliance with this division. 638

(10) Any child under the age of twenty-two years whose parent 639
has moved out of the school district after the commencement of 640
classes in the child's senior year of high school is entitled, 641
subject to the approval of that district board, to attend school 642
in the district in which the child attended school at the time of 643
the parental move for the remainder of the school year and for one 644
additional semester or equivalent term. A district board may also 645
adopt a policy specifying extenuating circumstances under which a 646
student may continue to attend school under division (F)(10) of 647
this section for an additional period of time in order to 648
successfully complete the high school curriculum for the 649
individualized education program developed for the student by the 650
high school pursuant to section 3323.08 of the Revised Code. 651

(11) As used in this division, "grandparent" means a parent 652
of a parent of a child. A child under the age of twenty-two years 653
who is in the custody of the child's parent, resides with a 654
grandparent, and does not require special education is entitled to 655
attend the schools of the district in which the child's 656
grandparent resides, provided that, prior to such attendance in 657
any school year, the board of education of the school district in 658
which the child's grandparent resides and the board of education 659

of the school district in which the child's parent resides enter 660
into a written agreement specifying that good cause exists for 661
such attendance, describing the nature of this good cause, and 662
consenting to such attendance. 663

In lieu of a consent form signed by a parent, a board of 664
education may request the grandparent of a child attending school 665
in the district in which the grandparent resides pursuant to 666
division (F)(11) of this section to complete any consent form 667
required by the district, including any authorization required by 668
sections 3313.712, 3313.713, and 3313.716 of the Revised Code. 669
Upon request, the grandparent shall complete any consent form 670
required by the district. A school district shall not incur any 671
liability solely because of its receipt of a consent form from a 672
grandparent in lieu of a parent. 673

Division (F)(11) of this section does not create, and shall 674
not be construed as creating, a new cause of action or substantive 675
legal right against a school district, a member of a board of 676
education, or an employee of a school district. This section does 677
not affect, and shall not be construed as affecting, any 678
immunities from defenses to tort liability created or recognized 679
by Chapter 2744. of the Revised Code for a school district, 680
member, or employee. 681

(12) A child under the age of twenty-two years is entitled to 682
attend school in a school district other than the district in 683
which the child is entitled to attend school under division (B), 684
(C), or (E) of this section provided that, prior to such 685
attendance in any school year, both of the following occur: 686

(a) The superintendent of the district in which the child is 687
entitled to attend school under division (B), (C), or (E) of this 688
section contacts the superintendent of another district for 689
purposes of this division; 690

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

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

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

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

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

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

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

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

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

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

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

(G) A board of education, after approving admission, may waive tuition for students who will temporarily reside in the district and who are either of the following:

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

(2) Residents or domiciliaries of the United States but not of Ohio who request admission as participants in an exchange

program operated by a student exchange organization. 752

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 753
3327.04, and 3327.06 of the Revised Code, a child may attend 754
school or participate in a special education program in a school 755
district other than in the district where the child is entitled to 756
attend school under division (B) of this section. 757

(I)(1) Notwithstanding anything to the contrary in this 758
section or section 3313.65 of the Revised Code, a child under 759
twenty-two years of age may attend school in the school district 760
in which the child, at the end of the first full week of October 761
of the school year, was entitled to attend school as otherwise 762
provided under this section or section 3313.65 of the Revised 763
Code, if at that time the child was enrolled in the schools of the 764
district but since that time the child or the child's parent has 765
relocated to a new address located outside of that school district 766
and within the same county as the child's or parent's address 767
immediately prior to the relocation. The child may continue to 768
attend school in the district, and at the school to which the 769
child was assigned at the end of the first full week of October of 770
the current school year, for the balance of the school year. 771
Division (I)(1) of this section applies only if both of the 772
following conditions are satisfied: 773

(a) The board of education of the school district in which 774
the child was entitled to attend school at the end of the first 775
full week in October and of the district to which the child or 776
child's parent has relocated each has adopted a policy to enroll 777
children described in division (I)(1) of this section. 778

(b) The child's parent provides written notification of the 779
relocation outside of the school district to the superintendent of 780
each of the two school districts. 781

(2) At the beginning of the school year following the school 782

year in which the child or the child's parent relocated outside of 783
the school district as described in division (I)(1) of this 784
section, the child is not entitled to attend school in the school 785
district under that division. 786

(3) Any person or entity owing tuition to the school district 787
on behalf of the child at the end of the first full week in 788
October, as provided in division (C) of this section, shall 789
continue to owe such tuition to the district for the child's 790
attendance under division (I)(1) of this section for the lesser of 791
the balance of the school year or the balance of the time that the 792
child attends school in the district under division (I)(1) of this 793
section. 794

(4) A pupil who may attend school in the district under 795
division (I)(1) of this section shall be entitled to 796
transportation services pursuant to an agreement between the 797
district and the district in which the child or child's parent has 798
relocated unless the districts have not entered into such 799
agreement, in which case the child shall be entitled to 800
transportation services in the same manner as a pupil attending 801
school in the district under interdistrict open enrollment as 802
described in division (H) of section 3313.981 of the Revised Code, 803
regardless of whether the district has adopted an open enrollment 804
policy as described in division (B)(1)(b) or (c) of section 805
3313.98 of the Revised Code. 806

(J) This division does not apply to a child receiving special 807
education. 808

A school district required to pay tuition pursuant to 809
division (C)(2) or (3) of this section or section 3313.65 of the 810
Revised Code shall have an amount deducted under division (F) of 811
section 3317.023 of the Revised Code equal to its own tuition rate 812
for the same period of attendance. A school district entitled to 813

receive tuition pursuant to division (C)(2) or (3) of this section 814
or section 3313.65 of the Revised Code shall have an amount 815
credited under division (F) of section 3317.023 of the Revised 816
Code equal to its own tuition rate for the same period of 817
attendance. If the tuition rate credited to the district of 818
attendance exceeds the rate deducted from the district required to 819
pay tuition, the department of education shall pay the district of 820
attendance the difference from amounts deducted from all 821
districts' payments under division (F) of section 3317.023 of the 822
Revised Code but not credited to other school districts under such 823
division and from appropriations made for such purpose. The 824
treasurer of each school district shall, by the fifteenth day of 825
January and July, furnish the superintendent of public instruction 826
a report of the names of each child who attended the district's 827
schools under divisions (C)(2) and (3) of this section or section 828
3313.65 of the Revised Code during the preceding six calendar 829
months, the duration of the attendance of those children, the 830
school district responsible for tuition on behalf of the child, 831
and any other information that the superintendent requires. 832

Upon receipt of the report the superintendent, pursuant to 833
division (F) of section 3317.023 of the Revised Code, shall deduct 834
each district's tuition obligations under divisions (C)(2) and (3) 835
of this section or section 3313.65 of the Revised Code and pay to 836
the district of attendance that amount plus any amount required to 837
be paid by the state. 838

(K) In the event of a disagreement, the superintendent of 839
public instruction shall determine the school district in which 840
the parent resides. 841

(L) Nothing in this section requires or authorizes, or shall 842
be construed to require or authorize, the admission to a public 843
school in this state of a pupil who has been permanently excluded 844
from public school attendance by the superintendent of public 845

instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code. 846
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(M) In accordance with division (B)(1) of this section, a child whose parent is a member of the national guard or a reserve unit of the armed forces of the United States and is called to active duty, or a child whose parent is a member of the armed forces of the United States and is ordered to a temporary duty assignment outside of the district, may continue to attend school in the district in which the child's parent lived before being called to active duty or ordered to a temporary duty assignment outside of the district, as long as the child's parent continues to be a resident of that district, and regardless of where the child lives as a result of the parent's active duty status or temporary duty assignment. However, the district is not responsible for providing transportation for the child if the child lives outside of the district as a result of the parent's active duty status or temporary duty assignment. 848
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Sec. 3332.20. As used in this section, "active duty" means full-time duty in the active military service of the United States, including full-time training duty, annual training duty, and active state duty for members of the national guard. 863
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(A) Each institution that holds a certificate of registration from the state board of career colleges and schools under this chapter shall grant a student a military leave of absence from the institution while the student is serving on active duty, and for one year after the conclusion of that service, if the student is a member of the United States national guard or other reserve component of the armed forces of the United States, or a member of those armed forces in a retired status, and is called to active duty. The student shall not suffer an academic penalty as a result of the leave of absence. 867
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(B) 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 in which the student is enrolled shall do either of the following, as elected by the student: 877
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(1) Credit tuition and fee charges toward a subsequent 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; 882
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(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. 886
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(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. 897
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(D) If an institution fails to comply with this section, the student may bring an action against the institution to enforce its 906
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provisions in the court of common pleas of the county in which the 908
student resides. If the student resides outside of this state, the 909
action shall be brought in the court of common pleas of the county 910
in which the campus of the institution previously attended by the 911
student is located. The court may award reasonable attorney's fees 912
and expenses if the student prevails in the action. 913

Sec. 3345.53. As used in this section, "active duty" means 914
full-time duty in the active military service of the United 915
States, including full-time training duty, annual training duty, 916
and active state duty for members of the national guard. 917

(A) Each state institution of higher education, as defined in 918
section 3345.011 of the Revised Code, shall grant a student a 919
military leave of absence from the institution while the student 920
is serving on active duty, and for one year after the conclusion 921
of that service, if the student is a member of the United States 922
national guard or other reserve component of the armed forces of 923
the United States, or a member of those armed forces in a retired 924
status, and is called to active duty. The student shall not suffer 925
an academic penalty as a result of the leave of absence. 926

(B) If requested by a student granted a military leave of 927
absence pursuant to division (A) of this section not later than 928
one year after the student's release from active duty, the state 929
institution of higher education in which the student is enrolled 930
shall do either of the following, as elected by the student: 931

(1) Credit tuition and fee charges toward a subsequent 932
academic term in an amount that is one hundred per cent of what 933
the student paid the institution for the academic term in which 934
the student withdraws; 935

(2) Refund tuition and fees paid for the academic term, 936
provided the student withdraws before the withdraw date 937

established by the institution. The refund shall equal one hundred 938
per cent of the tuition and fee charges the student paid the 939
institution for the academic term. If the student withdraws after 940
the withdraw date established by the institution, the student is 941
ineligible for a refund of tuition and fee charges. For the 942
purposes of this section, the "withdraw date" shall be the same as 943
the date set by the institution for its general student population 944
to withdraw from the institution or a course or class without 945
academic penalty. 946

(C) If requested by a student granted a military leave of 947
absence pursuant to division (A) of this section not later than 948
one year after the student's release from active duty, the state 949
institution of higher education shall restore the student to the 950
educational status the student had attained prior to being called 951
to active duty without loss of academic credits earned, 952
scholarships or grants awarded, or tuition and other fees paid 953
prior to the commencement of active duty, except as provided in 954
division (B) of this section. 955

(D) If a state institution of higher education fails to 956
comply with this section, the student may bring an action against 957
the institution to enforce its provisions in the court of claims. 958
The court may award reasonable attorney's fees and expenses if the 959
student prevails in the action. 960

Sec. 3915.053. (A)(1) Except as provided in division (A)(2) 961
of this section, this section shall apply to any individual life 962
insurance policy insuring the life of a reservist, as defined in 963
section 3923.381 of the Revised Code, who is on active duty 964
pursuant to an executive order of the president of the United 965
States, an act of the congress of the United States, or section 966
5919.29 or 5923.21 of the Revised Code, if the life insurance 967
policy meets both of the following conditions: 968

(a) The policy has been in force for at least one hundred 969
eighty days. 970

(b) The policy has been brought within the "Servicemembers 971
Civil Relief Act," 117 Stat. 2835 (2003), 50 U.S.C. App. 541, et 972
seq. 973

(2) This section does not apply to any policy that was 974
cancelled or that had lapsed for the nonpayment of premiums prior 975
to the commencement of the insured's period of military service. 976

(B) An individual life insurance policy described in division 977
(A) of this section shall not lapse or be forfeited for the 978
nonpayment of premiums during a reservist's period of military 979
service or during the two-year period subsequent to the end of the 980
reservist's period of military service. 981

(C) This section does not limit a life insurance company's 982
enforcement of provisions in the insured's policy relating to 983
naval or military service in time of war. 984

Sec. 4933.12. (A) Except as provided in division (C) of this 985
section and division (E) of section 5117.11 of the Revised Code, 986
if any person supplied with gas neglects or refuses to pay the 987
amount due for ~~such~~ the gas or for rent of articles hired by ~~him~~ 988
the person from a natural gas company or a gas company, the 989
company may stop the gas from entering the premises of ~~such~~ the 990
person. In such cases, after twenty-four hours' notice, the 991
officers, servants, or workers of the company may enter the 992
premises of such persons, between eight a.m. and four p.m., take 993
away such property of the company, and disconnect any meter from 994
the mains or pipes of the company. 995

(B) The company shall not refuse to furnish gas on account of 996
arrearages due it for gas furnished to persons formerly receiving 997
services at the premises as customers of the company, provided the 998

former customers are not continuing to reside at ~~such~~ the 999
premises. 1000

(C) The company shall not, for any reason, unless required by 1001
the consumer, for safety reasons, or unless tampering with utility 1002
company equipment or theft of gas or utility company equipment has 1003
occurred, stop gas from entering the premises of any residential 1004
consumer for the period beginning on the fifteenth day of November 1005
and ending on the fifteenth day of the following April, unless 1006
both of the following apply: 1007

(1) The account of the consumer is in arrears thirty days or 1008
more. 1009

(2) ~~where~~ If the occupant of residential premises is a tenant 1010
whose landlord is responsible for payment for the service provided 1011
by the company, the company has, five days previously, notified 1012
the occupant of its intent to discontinue service to ~~him~~ the 1013
occupant. 1014

(D) No company shall stop the gas from entering any 1015
residential premises between the fifteenth day of November and the 1016
fifteenth day of April because of a failure to pay the amount due 1017
for ~~such~~ the gas unless the company, at the time it sends or 1018
delivers to the premises notices of termination, informs the 1019
occupant of the premises where to obtain state and federal aid for 1020
payment of utility bills and for home weatherization and 1021
information on local government aid for payment of utility bills 1022
and for home weatherization. 1023

(E) On or before the first day of November, a county human 1024
services department may request a company to give prior 1025
notification of any residential service terminations to occur 1026
during the period beginning on the fifteenth day of November 1027
immediately following the department's request and ending on the 1028
fifteenth day of the following April. If a department makes such a 1029

written request, at least twenty-four hours before the company 1030
terminates services to a residential customer in the county during 1031
that period for failure to pay the amount due for service, the 1032
company shall provide written notice to the department of the 1033
residential customer whose service the company so intends to 1034
terminate. No company that has received such a request shall 1035
terminate such service during that period unless it has provided 1036
the notice required under this division. 1037

(F) No company shall stop gas from entering the residential 1038
premises of any residential consumer who is deployed on active 1039
duty. 1040

Upon return of a residential consumer from active duty, the 1041
company shall offer the residential consumer a period equal to at 1042
least the period of deployment on active duty to pay any 1043
arrearages incurred during the period of deployment. The company 1044
shall inform the residential consumer that, if the period the 1045
company offers presents a hardship to the consumer, the consumer 1046
may request the assistance of the public utilities commission to 1047
obtain a longer period to pay the arrearages. No late payment fees 1048
or interest shall be charged to the residential consumer during 1049
the period of deployment or the repayment period. 1050

If the company determines that amounts owed by a residential 1051
consumer who is deployed on active duty are uncollectible, the 1052
company may file an application with the public utilities 1053
commission for approval of authority to recover the amounts. The 1054
recovery shall be through a rider on the base rates of customers 1055
of the company or through other means as may be approved by the 1056
commission, provided that any amount approved to be recovered 1057
through a rider or other means shall not be considered by the 1058
commission in any subsequent rate determination. 1059

As used in this division, "active duty" means active duty 1060
pursuant to an executive order of the president of the United 1061

States, an act of the congress of the United States, or section 1062
5919.29 or 5923.21 of the Revised Code. 1063

Sec. 4933.121. (A) Except as provided in division (E) of 1064
section 5117.11 of the Revised Code, an electric light company 1065
shall not, for any reason, unless requested by the consumer, for 1066
safety reasons, or unless tampering with utility company equipment 1067
or theft of electricity or utility company equipment has occurred, 1068
cease to provide electricity to any residential consumer for the 1069
period beginning on the fifteenth day of November and ending on 1070
the fifteenth day of the following April, unless both of the 1071
following apply: 1072

(1) The account of the consumer is in arrears thirty days or 1073
more. 1074

(2) ~~Where~~ If the occupant of residential premises is a tenant 1075
whose landlord is responsible for payment for the service provided 1076
by the company, the company has, five days previously, notified 1077
the occupant of its intent to discontinue service to ~~him~~ the 1078
occupant. 1079

(B) The company shall not refuse to furnish electricity on 1080
account of arrearages due it for electricity furnished to persons 1081
formerly receiving services at the premises as customers of the 1082
company, provided the former customers are not continuing to 1083
reside at ~~such~~ the premises. 1084

(C) No company shall cease to provide electricity to any 1085
residential premises between the fifteenth day of November and the 1086
fifteenth day of April because of a failure to pay the amount due 1087
for ~~such~~ the electricity unless the company, at the time it sends 1088
or delivers to the premises notices of termination, informs the 1089
occupant of the premises where to obtain state and federal aid for 1090
payment of utility bills and for home weatherization and 1091

information on local government aid for payment of utility bills 1092
and for home weatherization. 1093

(D) On or before the first day of November, a county human 1094
services department may request a company to give prior 1095
notification of any residential service terminations to occur 1096
during the period beginning on the fifteenth day of November 1097
immediately following the department's request and ending on the 1098
fifteenth day of the following April. If a department makes such a 1099
written request, at least twenty-four hours before the company 1100
terminates services to a residential customer in the county during 1101
that period for failure to pay the amount due for service, the 1102
company shall provide written notice to the department of the 1103
residential customer whose service the company so intends to 1104
terminate. No company that has received such a request shall 1105
terminate such service during that period unless it has provided 1106
the notice required under this division. 1107

(E) No company shall cease to provide electricity to the 1108
residential premises of any residential consumer who is deployed 1109
on active duty. 1110

Upon return of a residential consumer from active duty, the 1111
company shall offer the residential consumer a period equal to at 1112
least the period of deployment on active duty to pay any 1113
arrearages incurred during the period of deployment. The company 1114
shall inform the residential consumer that, if the period the 1115
company offers presents a hardship to the consumer, the consumer 1116
may request the assistance of the public utilities commission to 1117
obtain a longer period to pay the arrearages. No late payment fees 1118
or interest shall be charged to the residential consumer during 1119
the period of deployment or the repayment period. 1120

If the company determines that amounts owed by a residential 1121
consumer who is deployed on active duty are uncollectible, the 1122
company may file an application with the public utilities 1123

commission for approval of authority to recover the amounts. The 1124
recovery shall be through a rider on the base rates of customers 1125
of the company or through other means as may be approved by the 1126
commission, provided that any amount approved to be recovered 1127
through a rider or other means shall not be considered by the 1128
commission in any subsequent rate determination. 1129

As used in this division, "active duty" means active duty 1130
pursuant to an executive order of the president of the United 1131
States, an act of the congress of the United States, or section 1132
5919.29 or 5923.21 of the Revised Code. 1133

Section 2. That existing sections 125.021, 1317.06, 1317.061, 1134
1349.99, 3313.64, 4933.12, and 4933.121 of the Revised Code are 1135
hereby repealed. 1136