

As Passed by the House

125th General Assembly

Regular Session

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Am. Sub. S. B. No. 209

Senators Mumper, Austria, Harris, White

Representatives Aslanides, Gibbs, Book, Carmichael, Domenick, C. Evans,

Niehaus, Schlichter, Setzer, Walcher, Widener, Collier, T. Patton

—

A B I L L

To amend sections 505.94, 1321.20, 2925.01, 4517.02, 1
4707.01, 4707.02, 4707.021, 4707.03, 4707.04, 2
4707.05, 4707.06, 4707.07, 4707.071, 4707.072, 3
4707.08, 4707.09, 4707.10, 4707.11, 4707.111, 4
4707.12, 4707.14, 4707.15, 4707.151, 4707.16, 5
4707.171, 4707.18 to 4707.22, 4707.26, 4707.99, 6
4727.03, 4727.04, and 4727.06 and to enact 7
sections 4707.022, 4707.023, 4707.024, 4707.073, 8
4707.074, 4707.091, and 4707.32 of the Revised 9
Code to revise the Auctioneers Law and to modify 10
the Pawnbrokers Law with respect to license 11
renewal and fees. 12

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

Section 1. That sections 505.94, 1321.20, 2925.01, 4517.02, 13
4707.01, 4707.02, 4707.021, 4707.03, 4707.04, 4707.05, 4707.06, 14
4707.07, 4707.071, 4707.072, 4707.08, 4707.09, 4707.10, 4707.11, 15
4707.111, 4707.12, 4707.14, 4707.15, 4707.151, 4707.16, 4707.171, 16
4707.18, 4707.19, 4707.20, 4707.21, 4707.22, 4707.26, 4707.99, 17
4727.03, 4727.04, and 4727.06 be amended and sections 4707.022, 18
4707.023, 4707.024, 4707.073, 4707.074, 4707.091, and 4707.32 of 19

the Revised Code be enacted to read as follows: 20

Sec. 505.94. (A) A board of township trustees may, by 21
resolution, require the registration of all transient vendors 22
within the unincorporated territory of the township and may 23
regulate the time, place, and manner in which these vendors may 24
sell, offer for sale, or solicit orders for future delivery of 25
goods, or the board may, by resolution, prohibit these activities 26
within that territory. If the board requires the registration of 27
all transient vendors, it may establish a reasonable registration 28
fee, not to exceed seventy-five dollars for a registration period, 29
and this registration shall be valid for a period of at least 30
ninety days after the date of registration. Any board of township 31
trustees that provides for the registration and regulation, or 32
prohibition, of transient vendors under this section shall notify 33
the prosecuting attorney of the county in which the township is 34
located of its registration and regulatory requirements or 35
prohibition. No transient vendor shall fail to register or to 36
comply with regulations or prohibitions established by a board of 37
township trustees under this division. 38

This division does not authorize a board of township trustees 39
to apply a resolution it adopts under this division to any person 40
invited by an owner or tenant to visit the owner's or tenant's 41
premises to sell, offer for sale, or solicit orders for future 42
delivery of goods. 43

(B) As used in this section: 44

(1) "Goods" means goods, wares, services, merchandise, 45
periodicals, and other articles or publications. 46

(2) "Transient vendor" means any person who opens a temporary 47
place of business for the sale of goods or who, on the streets or 48
while traveling about the township, either sells or offers for 49

sale goods, or solicits orders for future delivery of goods where
payment is required prior to the delivery of the goods. "Transient
vendor" does not include any person who represents any entity
exempted from taxation under section 5709.04 of the Revised Code,
that notifies the board of township trustees that its
representatives are present in the township for the purpose of
either selling or offering for sale goods, or soliciting orders
for future delivery of goods, and does not include ~~an auctioneer or~~
~~an auctioneer company~~ a person licensed under Chapter 4707. of the
Revised Code.

Sec. 1321.20. (A) Every person licensed or registered under
this chapter shall pay to the superintendent of financial
institutions, prior to the last day of June, an annual license or
certificate of registration fee. On or about the fifteenth day of
April of each year, the superintendent shall determine the license
or certificate fees to be charged, pursuant to sections 1321.03,
1321.05, 1321.53, and 1321.73 of the Revised Code. Such
determination shall be made by dividing the appropriation for the
consumer finance section of the division of financial institutions
for the current fiscal year by the number of licenses and
certificates issued as of the date of the computation. In no event
shall the amount of the fee exceed three hundred dollars, except
that the maximum fee which may be charged insurance premium
finance companies licensed under section 1321.73 of the Revised
Code shall not exceed three hundred seventy-five dollars. Prior to
the first day of June of each year, the superintendent shall
inform each person licensed or registered under this chapter of
the amount of the license or certificate fee for the succeeding
fiscal year as determined by this section.

(B)(1) Each person licensed under Chapter 4727. of the
Revised Code who is subject to annual license renewal under

division (E)(1) of section 4727.03 of the Revised Code shall, 81
prior to the last day of June, ~~shall~~ pay to the superintendent a 82
fee equal to twice the amount of the fee determined by the 83
superintendent pursuant to division (A) of this section. However, 84
in no event shall the amount of the fee exceed three hundred 85
dollars. 86

(2) Each person licensed under Chapter 4727. of the Revised 87
Code who is subject to biennial license renewal under division 88
(E)(2) of section 4727.03 of the Revised Code shall, prior to the 89
date the license expires, pay to the superintendent a fee equal to 90
four times the amount of the fee determined by the superintendent 91
pursuant to division (A) of this section. However, in no event 92
shall the amount of the fee exceed six hundred dollars. 93

(C) The fee for a license or certificate issued pursuant to 94
Chapter 1321., 4727., or 4728. of the Revised Code after the first 95
day of January ~~in any fiscal~~ of the year the license or 96
certificate expires shall be equal to one-half the amount 97
determined according to divisions (A) and (B) of this section or 98
in accordance with section 4728.03 of the Revised Code. 99

(D) If the renewal fees billed by the superintendent pursuant 100
to divisions (A) and (B) of this section are less than the 101
estimated expenditures of the consumer finance section of the 102
division of financial institutions, as determined by the 103
superintendent, for the following fiscal year, the superintendent 104
may assess each person licensed pursuant to section 1321.04 or 105
registered pursuant to section 1321.53 of the Revised Code at a 106
rate sufficient to equal in the aggregate the difference between 107
the renewal fees billed and the estimated expenditures. Each 108
person shall pay the assessed amount to the superintendent prior 109
to the last day of June. In no case shall the assessment exceed 110
ten cents per each one hundred dollars of interest (excluding 111
charge-off recoveries), points, loan origination charges, and 112

credit line charges collected by that person during the previous 113
calendar year. If an assessment is imposed under this division, it 114
shall not be less than two hundred fifty dollars per licensee or 115
registrant and shall not exceed thirty thousand dollars less the 116
total renewal fees paid pursuant to division (A) of this section 117
by each licensee or registrant. 118

Sec. 2925.01. As used in this chapter: 119

(A) "Administer," "controlled substance," "dispense," 120
"distribute," "hypodermic," "manufacturer," "official written 121
order," "person," "pharmacist," "pharmacy," "sale," "schedule I," 122
"schedule II," "schedule III," "schedule IV," "schedule V," and 123
"wholesaler" have the same meanings as in section 3719.01 of the 124
Revised Code. 125

(B) "Drug dependent person" and "drug of abuse" have the same 126
meanings as in section 3719.011 of the Revised Code. 127

(C) "Drug," "dangerous drug," "licensed health professional 128
authorized to prescribe drugs," and "prescription" have the same 129
meanings as in section 4729.01 of the Revised Code. 130

(D) "Bulk amount" of a controlled substance means any of the 131
following: 132

(1) For any compound, mixture, preparation, or substance 133
included in schedule I, schedule II, or schedule III, with the 134
exception of marihuana, cocaine, L.S.D., heroin, and hashish and 135
except as provided in division (D)(2) or (5) of this section, 136
whichever of the following is applicable: 137

(a) An amount equal to or exceeding ten grams or twenty-five 138
unit doses of a compound, mixture, preparation, or substance that 139
is or contains any amount of a schedule I opiate or opium 140
derivative; 141

(b) An amount equal to or exceeding ten grams of a compound, 142

mixture, preparation, or substance that is or contains any amount 143
of raw or gum opium; 144

(c) An amount equal to or exceeding thirty grams or ten unit 145
doses of a compound, mixture, preparation, or substance that is or 146
contains any amount of a schedule I hallucinogen other than 147
tetrahydrocannabinol or lysergic acid amide, or a schedule I 148
stimulant or depressant; 149

(d) An amount equal to or exceeding twenty grams or five 150
times the maximum daily dose in the usual dose range specified in 151
a standard pharmaceutical reference manual of a compound, mixture, 152
preparation, or substance that is or contains any amount of a 153
schedule II opiate or opium derivative; 154

(e) An amount equal to or exceeding five grams or ten unit 155
doses of a compound, mixture, preparation, or substance that is or 156
contains any amount of phencyclidine; 157

(f) An amount equal to or exceeding one hundred twenty grams 158
or thirty times the maximum daily dose in the usual dose range 159
specified in a standard pharmaceutical reference manual of a 160
compound, mixture, preparation, or substance that is or contains 161
any amount of a schedule II stimulant that is in a final dosage 162
form manufactured by a person authorized by the "Federal Food, 163
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 164
amended, and the federal drug abuse control laws, as defined in 165
section 3719.01 of the Revised Code, that is or contains any 166
amount of a schedule II depressant substance or a schedule II 167
hallucinogenic substance; 168

(g) An amount equal to or exceeding three grams of a 169
compound, mixture, preparation, or substance that is or contains 170
any amount of a schedule II stimulant, or any of its salts or 171
isomers, that is not in a final dosage form manufactured by a 172
person authorized by the Federal Food, Drug, and Cosmetic Act and 173

the federal drug abuse control laws.	174
(2) An amount equal to or exceeding one hundred twenty grams	175
or thirty times the maximum daily dose in the usual dose range	176
specified in a standard pharmaceutical reference manual of a	177
compound, mixture, preparation, or substance that is or contains	178
any amount of a schedule III or IV substance other than an	179
anabolic steroid or a schedule III opiate or opium derivative;	180
(3) An amount equal to or exceeding twenty grams or five	181
times the maximum daily dose in the usual dose range specified in	182
a standard pharmaceutical reference manual of a compound, mixture,	183
preparation, or substance that is or contains any amount of a	184
schedule III opiate or opium derivative;	185
(4) An amount equal to or exceeding two hundred fifty	186
milliliters or two hundred fifty grams of a compound, mixture,	187
preparation, or substance that is or contains any amount of a	188
schedule V substance;	189
(5) An amount equal to or exceeding two hundred solid dosage	190
units, sixteen grams, or sixteen milliliters of a compound,	191
mixture, preparation, or substance that is or contains any amount	192
of a schedule III anabolic steroid.	193
(E) "Unit dose" means an amount or unit of a compound,	194
mixture, or preparation containing a controlled substance that is	195
separately identifiable and in a form that indicates that it is	196
the amount or unit by which the controlled substance is separately	197
administered to or taken by an individual.	198
(F) "Cultivate" includes planting, watering, fertilizing, or	199
tilling.	200
(G) "Drug abuse offense" means any of the following:	201
(1) A violation of division (A) of section 2913.02 that	202
constitutes theft of drugs, or a violation of section 2925.02,	203

2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 204
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 205
2925.37 of the Revised Code; 206

(2) A violation of an existing or former law of this or any 207
other state or of the United States that is substantially 208
equivalent to any section listed in division (G)(1) of this 209
section; 210

(3) An offense under an existing or former law of this or any 211
other state, or of the United States, of which planting, 212
cultivating, harvesting, processing, making, manufacturing, 213
producing, shipping, transporting, delivering, acquiring, 214
possessing, storing, distributing, dispensing, selling, inducing 215
another to use, administering to another, using, or otherwise 216
dealing with a controlled substance is an element; 217

(4) A conspiracy to commit, attempt to commit, or complicity 218
in committing or attempting to commit any offense under division 219
(G)(1), (2), or (3) of this section. 220

(H) "Felony drug abuse offense" means any drug abuse offense 221
that would constitute a felony under the laws of this state, any 222
other state, or the United States. 223

(I) "Harmful intoxicant" does not include beer or 224
intoxicating liquor but means any of the following: 225

(1) Any compound, mixture, preparation, or substance the gas, 226
fumes, or vapor of which when inhaled can induce intoxication, 227
excitement, giddiness, irrational behavior, depression, 228
stupefaction, paralysis, unconsciousness, asphyxiation, or other 229
harmful physiological effects, and includes, but is not limited 230
to, any of the following: 231

(a) Any volatile organic solvent, plastic cement, model 232
cement, fingernail polish remover, lacquer thinner, cleaning 233

fluid, gasoline, or other preparation containing a volatile	234
organic solvent;	235
(b) Any aerosol propellant;	236
(c) Any fluorocarbon refrigerant;	237
(d) Any anesthetic gas.	238
(2) Gamma Butyrolactone;	239
(3) 1,4 Butanediol.	240
(J) "Manufacture" means to plant, cultivate, harvest,	241
process, make, prepare, or otherwise engage in any part of the	242
production of a drug, by propagation, extraction, chemical	243
synthesis, or compounding, or any combination of the same, and	244
includes packaging, repackaging, labeling, and other activities	245
incident to production.	246
(K) "Possess" or "possession" means having control over a	247
thing or substance, but may not be inferred solely from mere	248
access to the thing or substance through ownership or occupation	249
of the premises upon which the thing or substance is found.	250
(L) "Sample drug" means a drug or pharmaceutical preparation	251
that would be hazardous to health or safety if used without the	252
supervision of a licensed health professional authorized to	253
prescribe drugs, or a drug of abuse, and that, at one time, had	254
been placed in a container plainly marked as a sample by a	255
manufacturer.	256
(M) "Standard pharmaceutical reference manual" means the	257
current edition, with cumulative changes if any, of any of the	258
following reference works:	259
(1) "The National Formulary";	260
(2) "The United States Pharmacopeia," prepared by authority	261
of the United States Pharmacopieal Convention, Inc.;	262

(3) Other standard references that are approved by the state board of pharmacy.	263 264
(N) "Juvenile" means a person under eighteen years of age.	265
(O) "Counterfeit controlled substance" means any of the following:	266 267
(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;	268 269 270 271
(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;	272 273 274 275
(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;	276 277 278
(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.	279 280 281 282 283
(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.	284 285 286 287 288 289 290
(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of	291 292

the Revised Code, or any nonpublic school for which the state
board of education prescribes minimum standards under section
3301.07 of the Revised Code, whether or not any instruction,
extracurricular activities, or training provided by the school is
being conducted at the time a criminal offense is committed.

(R) "School premises" means either of the following:

(1) The parcel of real property on which any school is
situated, whether or not any instruction, extracurricular
activities, or training provided by the school is being conducted
on the premises at the time a criminal offense is committed;

(2) Any other parcel of real property that is owned or leased
by a board of education of a school, the governing authority of a
community school established under Chapter 3314. of the Revised
Code, or the governing body of a nonpublic school for which the
state board of education prescribes minimum standards under
section 3301.07 of the Revised Code and on which some of the
instruction, extracurricular activities, or training of the school
is conducted, whether or not any instruction, extracurricular
activities, or training provided by the school is being conducted
on the parcel of real property at the time a criminal offense is
committed.

(S) "School building" means any building in which any of the
instruction, extracurricular activities, or training provided by a
school is conducted, whether or not any instruction,
extracurricular activities, or training provided by the school is
being conducted in the school building at the time a criminal
offense is committed.

(T) "Disciplinary counsel" means the disciplinary counsel
appointed by the board of commissioners on grievances and
discipline of the supreme court under the Rules for the Government
of the Bar of Ohio.

(U) "Certified grievance committee" means a duly constituted 324
and organized committee of the Ohio state bar association or of 325
one or more local bar associations of the state of Ohio that 326
complies with the criteria set forth in Rule V, section 6 of the 327
Rules for the Government of the Bar of Ohio. 328

(V) "Professional license" means any license, permit, 329
certificate, registration, qualification, admission, temporary 330
license, temporary permit, temporary certificate, or temporary 331
registration that is described in divisions (W)(1) to (36) of this 332
section and that qualifies a person as a professionally licensed 333
person. 334

(W) "Professionally licensed person" means any of the 335
following: 336

(1) A person who has obtained a license as a manufacturer of 337
controlled substances or a wholesaler of controlled substances 338
under Chapter 3719. of the Revised Code; 339

(2) A person who has received a certificate or temporary 340
certificate as a certified public accountant or who has registered 341
as a public accountant under Chapter 4701. of the Revised Code and 342
who holds an Ohio permit issued under that chapter; 343

(3) A person who holds a certificate of qualification to 344
practice architecture issued or renewed and registered under 345
Chapter 4703. of the Revised Code; 346

(4) A person who is registered as a landscape architect under 347
Chapter 4703. of the Revised Code or who holds a permit as a 348
landscape architect issued under that chapter; 349

(5) A person licensed ~~as an auctioneer or apprentice~~ 350
~~auctioneer or licensed to operate an auction company~~ under Chapter 351
4707. of the Revised Code; 352

(6) A person who has been issued a certificate of 353

registration as a registered barber under Chapter 4709. of the	354
Revised Code;	355
(7) A person licensed and regulated to engage in the business	356
of a debt pooling company by a legislative authority, under	357
authority of Chapter 4710. of the Revised Code;	358
(8) A person who has been issued a cosmetologist's license,	359
hair designer's license, manicurist's license, esthetician's	360
license, natural hair stylist's license, managing cosmetologist's	361
license, managing hair designer's license, managing manicurist's	362
license, managing esthetician's license, managing natural hair	363
stylist's license, cosmetology instructor's license, hair design	364
instructor's license, manicurist instructor's license, esthetics	365
instructor's license, natural hair style instructor's license,	366
independent contractor's license, or tanning facility permit under	367
Chapter 4713. of the Revised Code;	368
(9) A person who has been issued a license to practice	369
dentistry, a general anesthesia permit, a conscious intravenous	370
sedation permit, a limited resident's license, a limited teaching	371
license, a dental hygienist's license, or a dental hygienist's	372
teacher's certificate under Chapter 4715. of the Revised Code;	373
(10) A person who has been issued an embalmer's license, a	374
funeral director's license, a funeral home license, or a crematory	375
license, or who has been registered for an embalmer's or funeral	376
director's apprenticeship under Chapter 4717. of the Revised Code;	377
(11) A person who has been licensed as a registered nurse or	378
practical nurse, or who has been issued a certificate for the	379
practice of nurse-midwifery under Chapter 4723. of the Revised	380
Code;	381
(12) A person who has been licensed to practice optometry or	382
to engage in optical dispensing under Chapter 4725. of the Revised	383
Code;	384

(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	385 386
(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	387 388
(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	389 390 391 392
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	393 394
(17) A person who has been issued a certificate to practice medicine and surgery, osteopathic medicine and surgery, a limited branch of medicine, or podiatry under Chapter 4731. of the Revised Code;	395 396 397 398
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	399 400
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	401 402
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	403 404
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	405 406
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	407 408
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	409 410
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	411 412
(25) A person who has been licensed to act as a steam	413

engineer under Chapter 4739. of the Revised Code;	414
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	415 416 417 418
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	419 420 421
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	422 423 424
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	425 426 427
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	428 429 430
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	431 432
(32) A person who is licensed as a professional clinical counselor or professional counselor, licensed as a social worker or independent social worker, or registered as a social work assistant under Chapter 4757. of the Revised Code;	433 434 435 436
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	437 438
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	439 440 441
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	442 443

(36) A person who has been admitted to the bar by order of 444
the supreme court in compliance with its prescribed and published 445
rules. 446

(X) "Cocaine" means any of the following: 447

(1) A cocaine salt, isomer, or derivative, a salt of a 448
cocaine isomer or derivative, or the base form of cocaine; 449

(2) Coca leaves or a salt, compound, derivative, or 450
preparation of coca leaves, including ecgonine, a salt, isomer, or 451
derivative of ecgonine, or a salt of an isomer or derivative of 452
ecgonine; 453

(3) A salt, compound, derivative, or preparation of a 454
substance identified in division (X)(1) or (2) of this section 455
that is chemically equivalent to or identical with any of those 456
substances, except that the substances shall not include 457
decocainized coca leaves or extraction of coca leaves if the 458
extractions do not contain cocaine or ecgonine. 459

(Y) "L.S.D." means lysergic acid diethylamide. 460

(Z) "Hashish" means the resin or a preparation of the resin 461
contained in marihuana, whether in solid form or in a liquid 462
concentrate, liquid extract, or liquid distillate form. 463

(AA) "Marihuana" has the same meaning as in section 3719.01 464
of the Revised Code, except that it does not include hashish. 465

(BB) An offense is "committed in the vicinity of a juvenile" 466
if the offender commits the offense within one hundred feet of a 467
juvenile or within the view of a juvenile, regardless of whether 468
the offender knows the age of the juvenile, whether the offender 469
knows the offense is being committed within one hundred feet of or 470
within view of the juvenile, or whether the juvenile actually 471
views the commission of the offense. 472

(CC) "Presumption for a prison term" or "presumption that a 473

prison term shall be imposed" means a presumption, as described in 474
division (D) of section 2929.13 of the Revised Code, that a prison 475
term is a necessary sanction for a felony in order to comply with 476
the purposes and principles of sentencing under section 2929.11 of 477
the Revised Code. 478

(DD) "Major drug offender" has the same meaning as in section 479
2929.01 of the Revised Code. 480

(EE) "Minor drug possession offense" means either of the 481
following: 482

(1) A violation of section 2925.11 of the Revised Code as it 483
existed prior to July 1, 1996; 484

(2) A violation of section 2925.11 of the Revised Code as it 485
exists on and after July 1, 1996, that is a misdemeanor or a 486
felony of the fifth degree. 487

(FF) "Mandatory prison term" has the same meaning as in 488
section 2929.01 of the Revised Code. 489

(GG) "Crack cocaine" means a compound, mixture, preparation, 490
or substance that is or contains any amount of cocaine that is 491
analytically identified as the base form of cocaine or that is in 492
a form that resembles rocks or pebbles generally intended for 493
individual use. 494

(HH) "Adulterate" means to cause a drug to be adulterated as 495
described in section 3715.63 of the Revised Code. 496

(II) "Public premises" means any hotel, restaurant, tavern, 497
store, arena, hall, or other place of public accommodation, 498
business, amusement, or resort. 499

Sec. 4517.02. (A) Except as otherwise provided in this 500
section, no person shall do any of the following: 501

(1) Engage in the business of displaying or selling at retail 502

new motor vehicles or assume to engage in ~~such~~ that business, 503
unless the person is licensed as a new motor vehicle dealer under 504
sections 4517.01 to 4517.45 of the Revised Code, or is a 505
salesperson licensed under those sections and employed by a 506
licensed new motor vehicle dealer; 507

(2) Engage in the business of offering for sale, displaying 508
for sale, or selling at retail or wholesale used motor vehicles or 509
assume to engage in that business, unless the person is licensed 510
as a dealer under sections 4517.01 to 4517.45 of the Revised Code, 511
or is a salesperson licensed under those sections and employed by 512
a licensed used motor vehicle dealer or licensed new motor vehicle 513
dealer; 514

(3) Engage in the business of regularly making available, 515
offering to make available, or arranging for another person to use 516
a motor vehicle, in the manner described in division (M) of 517
section 4517.01 of the Revised Code, unless the person is licensed 518
as a motor vehicle leasing dealer under sections 4517.01 to 519
4517.45 of the Revised Code; 520

(4) Engage in the business of motor vehicle auctioning or 521
assume to engage in ~~such~~ that business, unless the person is 522
licensed as a motor vehicle auction owner under sections 4517.01 523
to 4517.45 ~~and 4707.01 to 4707.99~~ of the Revised Code and the 524
person uses an auctioneer who is licensed under Chapter 4707. of 525
the Revised Code to conduct the motor vehicle auctions; 526

(5) Engage in the business of distributing motor vehicles or 527
assume to engage in ~~such~~ that business, unless the person is 528
licensed as a distributor under sections 4517.01 to 4517.45 of the 529
Revised Code; 530

(6) Make more than five casual sales of motor vehicles in a 531
twelve-month period, commencing with the day of the month in which 532
the first such sale is made, nor provide a location or space for 533

the sale of motor vehicles at a flea market, without obtaining a
license as a dealer under sections 4517.01 to 4517.45 of the
Revised Code; ~~it~~ provided ~~however~~ that nothing in this section shall
be construed to prohibit the disposition without a license of a
motor vehicle originally acquired and held for purposes other than
sale, rental, or lease to an employee, retiree, officer, or
director of the person making the disposition, to a corporation
affiliated with the person making the disposition, or to a person
licensed under sections 4517.01 to 4517.45 of the Revised Code;

(7) Engage in the business of brokering manufactured homes
unless that person is licensed as a manufactured home broker under
sections 4517.01 to 4517.45 of the Revised Code.

(B) Nothing in this section shall be construed to require an
auctioneer licensed under sections 4707.01 to 4707.19 of the
Revised Code, to obtain a motor vehicle salesperson's license
under sections 4517.01 to 4517.45 of the Revised Code when
conducting an auction sale for a licensed motor vehicle dealer on
the dealer's premises, or when conducting an auction sale for a
licensed motor vehicle auction owner; nor shall such an auctioneer
be required to obtain a motor vehicle auction owner's license
under sections 4517.01 to 4517.45 of the Revised Code when engaged
in auctioning for a licensed motor vehicle auction owner.

(C) Sections 4517.01 to 4517.45 of the Revised Code do not
apply to any of the following:

(1) Persons engaging in the business of selling commercial
tractors, trailers, or semitrailers incidentally to engaging
primarily in business other than the selling or leasing of motor
vehicles;

(2) Mortgagees selling at retail only those motor vehicles
that have come into their possession by a default in the terms of
a mortgage contract;

(3) The leasing, rental, and interchange of motor vehicles 565
used directly in the rendition of a public utility service by 566
regulated motor carriers. 567

(D) When a partnership licensed under sections 4517.01 to 568
4517.45 of the Revised Code is dissolved by death, the surviving 569
partners may operate under the license for a period of sixty days, 570
and the heirs or representatives of deceased persons and receivers 571
or trustees in bankruptcy appointed by any competent authority may 572
operate under the license of the person succeeded in possession by 573
~~such~~ that heir, representative, receiver, or trustee in 574
bankruptcy. 575

(E) No remanufacturer shall engage in the business of selling 576
at retail any new motor vehicle without having written authority 577
from the manufacturer or distributor of the vehicle to sell new 578
motor vehicles and to perform repairs under the terms of the 579
manufacturer's or distributor's new motor vehicle warranty, 580
unless, at the time of the sale of the vehicle, each customer is 581
furnished with a binding agreement ensuring that the customer has 582
the right to have the vehicle serviced or repaired by a new motor 583
vehicle dealer who is franchised to sell and service vehicles of 584
the same line-make as the chassis of the remanufactured vehicle 585
purchased by the customer and whose service or repair facility is 586
located within either twenty miles of the remanufacturer's 587
location and place of business or twenty miles of the customer's 588
residence or place of business. If there is no such new motor 589
vehicle dealer located within twenty miles of the remanufacturer's 590
location and place of business or the customer's residence or 591
place of business, the binding agreement furnished to the customer 592
may be with the new motor vehicle dealer who is franchised to sell 593
and service vehicles of the same line-make as the chassis of the 594
remanufactured vehicle purchased by the customer and whose service 595
or repair facility is located nearest to the remanufacturer's 596

location and place of business or the customer's residence or 597
place of business. Additionally, at the time of sale of any 598
vehicle, each customer of the remanufacturer shall be furnished 599
with a warranty issued by the remanufacturer for a term of at 600
least one year. 601

(F) Except as otherwise provided in this division, whoever 602
violates this section is guilty of a minor misdemeanor and shall 603
be subject to a mandatory fine of one hundred dollars. If the 604
offender previously has been convicted of or pleaded guilty to a 605
violation of this section, whoever violates this section is guilty 606
of a misdemeanor of the first degree and shall be subject to a 607
mandatory fine of one thousand dollars. 608

Sec. 4707.01. As used in ~~sections 4707.01 to 4707.22 and~~ 609
~~4707.99 of the Revised Code~~ this chapter: 610

(A) "Auction" means a method of sale of real or personal 611
property, goods, or chattels, at a predetermined date and time, by 612
means of a verbal exchange, regular mail, telecommunications, the 613
internet, an electronic transmission, or a physical gesture 614
between an auctioneer or apprentice auctioneer and members of the 615
audience or prospective purchasers, the exchanges and gestures 616
consisting of a series of invitations for offers made by the 617
auctioneer and offers by members of the audience or prospective 618
purchasers, with the right to acceptance of offers with the 619
auctioneer or apprentice auctioneer. "Auction" includes a sale of 620
real or personal property, goods, or chattels in which there has 621
been a solicitation or invitation by advertisement to the public 622
for an advance in bidding using sealed bidding, provided that the 623
bids are opened and there is a call for an advancement of the 624
bids. 625

(B) "Auctioneer" means any person who engages, or who by 626
advertising or otherwise holds ~~self~~ the person out as being able 627

to engage, in the calling for, recognition of, and the acceptance 628
of, offers for the purchase of real or personal property, goods, 629
or chattels at auction either directly or through the use of other 630
licensed auctioneers or apprentice auctioneers. 631

(C) "Apprentice auctioneer" means any individual who is 632
sponsored by an auctioneer to deal or engage in any activities 633
mentioned in division (A) of this section. 634

~~(D) "Auction company" means any person, excluding licensed 635
auctioneers, who does business solely in the auctioneer's 636
individual name, who sells, either directly or through agents, 637
real or personal property, goods, or chattels at auction, or who 638
arranges, sponsors, manages, conducts, or advertises auctions and 639
who was licensed as an auction company by the department of 640
agriculture as of May 1, 1991. An auction company does not mean 641
either of the following: 642~~

~~(1) A sale barn or livestock auction market that is used 643
exclusively for the auctioneering of livestock and is licensed by 644
the department of agriculture under Chapter 943. of the Revised 645
Code; 646~~

~~(2) A business that is licensed by the bureau of motor 647
vehicles under Chapter 4517. of the Revised Code and is 648
exclusively engaged in the auction sale of motor vehicles to 649
dealers licensed by either the bureau of motor vehicles or a 650
bureau of motor vehicles of another jurisdiction or its 651
equivalent. 652~~

~~(E) "Special auctioneer" means any person who is licensed as 653
an auction company by the department of agriculture as of May 1, 654
1991, and currently is subject to section 4707.071 of the Revised 655
Code. 656~~

(E) "Absolute auction" means an auction of real or personal 657
property to which all of the following apply: 658

(1) The property is sold to the highest bidder without reserve. 659
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(2) The auction does not require a minimum bid. 661

(3) The auction does not require competing bids of any type by the seller or an agent of the seller. 662
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(4) The seller of the property cannot withdraw the property from auction after the auction is opened and there is public solicitation or calling for bids. 664
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(F) "Reserve auction" means an auction in which the seller or an agent of the seller reserves the right to establish a stated minimum bid, the right to reject or accept any or all bids, or the right to withdraw the real or personal property at any time prior to the completion of the auction by the auctioneer. 667
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(G) "Auction mediation company" means a company that provides a forum through the internet for a person to sell the person's real or personal property that was not originally acquired for the purpose of resale via the submission of silent bids using a computer or other electronic device. 672
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(H) "Public authority" means any board or commission of the state or any officer of such a board or commission, or any political subdivision of the state. 677
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(I) "Estate auction" means the auction of real or personal property of a deceased person. 680
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(J) "Absentee bidding" means a method by which a potential purchaser authorizes a proxy to place on behalf of the potential purchaser a written or oral bid to an auctioneer or auction firm or an agent of an auctioneer or auction firm. 682
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(K) "Person" means an individual, sole proprietor, corporation, limited liability company, association, or partnership. 686
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(L) "Auction firm" means a person who provides auction services. 689
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(M) "Auction services" means arranging, managing, and sponsoring a personal property auction. "Auction services" includes the taking and advertising of personal property on consignment to be sold at auction by a licensed auctioneer. 691
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(N) "Consignee" means a person or auction firm that takes personal property on consignment to be sold at auction by a licensed auctioneer. 695
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(O) "Firm manager" means the individual designated by an auction firm who is responsible for ensuring that the auction firm complies with this chapter. 698
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(P) "Sealed bidding" means a method of submitting a bid in writing by one or more persons following which the bids are opened at an advertised, predetermined time and place, and, after a review of all the bids received, the real or personal property is awarded to the highest and most responsive bidder. 701
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Sec. 4707.02. No person shall act as an auction firm, 706
auctioneer, apprentice auctioneer, or special auctioneer within 707
this state without a license issued by the department of 708
agriculture. No auction shall be conducted in this state except by 709
an auctioneer licensed by the department. 710

The department shall not issue or renew a license if the 711
applicant or licensee has been convicted of a felony or crime 712
involving fraud or theft in this or another state at any time 713
during the ten years immediately preceding application or renewal. 714

This section does not apply to: 715

(A) Sales at auction ~~conducted by or under the direction of~~ 716
~~any public authority, or sales~~ that either are required by law to 717
be at auction, other than sales pursuant to a judicial order or 718

decree, or that are conducted by or under the direction of a 719
public authority; 720

(B) The owner of any real or personal property desiring to 721
sell the property at auction, provided that the property was not 722
acquired for the purpose of resale; 723

(C) An auction mediation company; 724

(D) An auction that is conducted in a course of study for 725
auctioneers that is approved by the state auctioneers commission 726
created under section 4707.03 of the Revised Code for purposes of 727
student training and is supervised by a licensed auctioneer; 728

(E) An auction that is sponsored by a nonprofit or charitable 729
organization that is registered in this state under Chapter 1702. 730
or Chapter 1716. of the Revised Code, respectively, if the auction 731
only involves the property of the members of the organization and 732
the auction is part of a fair that is organized by an agricultural 733
society under Chapter 1711. of the Revised Code or by the Ohio 734
expositions commission under Chapter 991. of the Revised Code at 735
which an auctioneer who is licensed under this chapter physically 736
conducts the auction; 737

(F) A person licensed as a livestock dealer under Chapter 738
943. of the Revised Code who exclusively sells livestock and uses 739
an auctioneer who is licensed under this chapter to conduct the 740
auction; 741

(G) A person licensed as a motor vehicle auction owner under 742
Chapter 4517. of the Revised Code who exclusively sells motor 743
vehicles and who uses an auctioneer who is licensed under this 744
chapter to conduct the auction. 745

Sec. 4707.021. Only an auctioneer who is licensed under this 746
chapter and who is licensed as a real state estate broker who is 747
licensed or a real estate salesperson under Chapter 4735. of the 748

Revised Code ~~and who is licensed as an auctioneer under this~~ 749
~~chapter may~~ shall sign an auction contract for the sale of real 750
property at auction. A real estate broker who is licensed under 751
Chapter 4735. of the Revised Code, but who is not licensed as an 752
auctioneer under this chapter shall not sign an auction contract 753
or conduct an auction, but may contract for the sale of real 754
property at auction only if either of the following applies: 755

(A) The auctioneer who signs the auction contract and who 756
conducts the auction is a salesperson licensed under Chapter 4735. 757
of the Revised Code and is associated with the real estate broker 758
who contracts for the sale of real property. 759

(B) The real estate broker enters into a cooperative 760
agreement with another real estate broker licensed under Chapter 761
4735. of the Revised Code with whom an auctioneer licensed under 762
this chapter is associated and the auctioneer ~~conducts~~ is solely 763
responsible for signing the auction contract and conducting the 764
auction. 765

An apprentice auctioneer who is licensed as a real estate 766
broker or real estate salesperson under Chapter 4735. of the 767
Revised Code may act as a bid caller in the sale of real property 768
at auction if the sponsoring auctioneer is licensed under this 769
chapter and is licensed as a real estate broker or real estate 770
salesperson under Chapter 4735. of the Revised Code. 771

Nothing in this section shall be construed to permit a 772
business to contract for the sale of real property at auction 773
through an individual who is not licensed under this chapter and 774
Chapter 4735. of the Revised Code. 775

Sec. 4707.022. (A) An auction shall be a reserve auction 776
unless explicitly stated otherwise in the contract for the auction 777
and in the terms and conditions governing the auction. For 778
purposes of a reserve auction, there need not be an announcement 779

or indication that the reserve is attained. 780

(B) A person licensed under this chapter shall not use 781
absentee bidding unless the owner of the real or personal property 782
being sold provides prior written permission to use absentee 783
bidding. 784

(C) A person licensed under this chapter shall be an agent of 785
the owner or consignee of the real or personal property for 786
purposes of all aspects of the auction. 787

Sec. 4707.023. (A) No person licensed under this chapter 788
shall advertise, offer for sale, or sell real or personal property 789
by absolute auction unless all of the following apply: 790

(1) One of the following applies: 791

(a) Except for current tax obligations, easements, or 792
restrictions of record of the seller, there are no liens or 793
encumbrances on the property in favor of any other person. 794

(b) Every holder of a lien or encumbrance, by execution of 795
the auction contract or other written agreement provided to the 796
auctioneer, agrees to the absolute auction without regard to the 797
amount of the highest bid or to the identity of the highest 798
bidder. 799

(c) A financially sound person, firm, trust, or estate, by 800
execution of the auction contract or other written agreement 801
provided to the auctioneer, guarantees the complete discharge and 802
satisfaction of all liens and encumbrances, as applicable, 803
immediately after the absolute auction or at the closing without 804
regard to the amount of the highest bid or to the identity of the 805
highest bidder. 806

(2) The seller of the real or personal property at the time 807
of advertising and at the time of the absolute auction has a bona 808

fide intention to transfer ownership of the property to the 809
highest bidder regardless of the amount of the highest bid and 810
without reliance on any agreement that a particular bid or bid 811
level be attained in order to transfer the property. 812

(3) The auction contract requires that the auction be 813
conducted as an absolute auction, specifies that the auction is 814
not a reserve auction, and prohibits the seller or anyone acting 815
on behalf of the seller to bid or participate in the bidding 816
process of the auction. 817

(B) Division (A) of this section does not prohibit any of the 818
following: 819

(1) The bidding of a secured party or lien holder, other than 820
the seller, at an absolute auction, provided that the bids are 821
bona fide offers, that the bidding does not constitute bid rigging 822
or a reserve for the seller, and that the bidding is not for the 823
purpose of aiding or assisting or on behalf of the seller or the 824
auctioneer; 825

(2) The bidding by an individual or a party to a dissolution 826
of marriage, partnership, or corporation on real or personal 827
property being sold at auction pursuant to the dissolution; 828

(3) The advertising of real or personal property to be sold 829
by absolute auction and by reserve auction within the same 830
advertisement or for auction on the same date and at the same 831
place, provided that the advertisement is not misleading and 832
clearly identifies the property that is to be sold by absolute 833
auction and the property that is to be sold by reserve auction. 834

(C) A person licensed under this chapter may make a bona fide 835
bid on the licensee's own behalf at an absolute auction and at a 836
reserve auction, provided that the licensee provides full 837
disclosure that the licensee may make a bona fide bid to the 838
seller and at the auction. 839

(D) A seller or a person on behalf of a seller may make a bid 840
if the auction is a reserve auction and the auctioneer provides 841
full disclosure before bidding begins that the seller retains the 842
right to bid. No person licensed under this chapter knowingly 843
shall receive such a bid in the absence of full disclosure. 844

(E) Except in the case of a dissolution as provided in 845
division (B)(2) of this section, a person licensed under this 846
chapter shall not knowingly receive a bid by a seller or a person 847
on the seller's behalf at an absolute auction. 848

Sec. 4707.024. (A) Not later than seventy-two hours after the 849
end of an auction, a person licensed under this chapter shall 850
deposit in one or more trust or escrow accounts all money received 851
from the sale of an owner's or consignee's personal property at 852
auction unless the licensee pays the money to the owner or 853
consignee immediately after the end of the auction. 854

(B) For purposes of this section, a person licensed under 855
this chapter shall designate a trust or escrow account that 856
contains an owner's or consignee's money as "client trust account" 857
or with words of similar meaning. In addition, a trust or escrow 858
account only shall contain money received from the sale of 859
personal property at auction that has not been disbursed and money 860
for expenses regarding the auction, including commission and 861
advertisement fees, that are specifically delineated in the 862
auction contract. 863

(C) Except for the payment of money to the owner or consignee 864
immediately after the end of the auction, a person licensed under 865
this chapter shall pay the owner or consignee with money from the 866
client's trust or escrow account. In addition, the licensee may 867
pay expenses, including commission and advertisement fees, that 868
are specifically delineated in the auction contract with money 869
from the trust or escrow account. Money in the trust or escrow 870

account shall not be disbursed for any purpose that is
inconsistent with this section. In addition, the money shall not
be commingled with the licensee's personal or business money. In
administering the trust or escrow account, the licensee shall keep
detailed records that show deposits, withdrawals, and interest
accrued, if applicable.

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Unless otherwise agreed to by the parties in the auction
contract or by the direction of a court of law, all money
deposited into a trust or escrow account shall be disbursed to the
seller not later than fifteen days after the auction.

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(D) Money from the sale of personal property at auction may
be deposited in an interest bearing account if the parties to the
auction contract specifically agree to such a deposit. Interest
earned in the account shall be credited to the seller unless
otherwise agreed to by the parties in the auction listing
contract. The interest credited to the account may remain in the
account for a period of sixty days after the seller receives the
money from the account. The interest money then shall be disbursed
according to the terms of the auction contract.

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(E) All money received in connection with the sale of real
property at auction shall be deposited in a broker's special or
trust bank account in a depository located in this state that is
described in division (A)(26) of section 4735.18 of the Revised
Code.

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Sec. 4707.03. A state auctioneers commission shall be created
within the department of agriculture as follows:

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(A) The governor, with the advice and consent of the senate,
shall appoint a commission consisting of ~~three~~ five members, each
of whom immediately prior to the date of appointment has been a
resident of this state for at least five years, ~~and whose~~

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. Four members shall have been an auctioneer for a period of at least five years has been that of an auctioneer prior to appointment. One member shall be a member of the public who represents the interests of consumers, is not licensed under this chapter, does not have any management responsibility in the auctioneering industry, does not formulate any policy of the auctioneering industry, does not have a financial interest in the auctioneering industry, and does not have any other connection with the auctioneering profession. Terms

(B) Terms of office shall be for three years, commencing on the tenth day of October and ending on the ninth day of October. Each Of the two additional appointments made after the effective date of this amendment, one shall be for a term ending on the ninth day of October in the first year following the appointment, and one shall be for a term ending on the ninth day of October in the second year following the appointment. Thereafter, each term of office shall be for three years, commencing on the tenth day of October.

Each member shall hold office from the date of appointment until the end of the term for which appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. A member appointed for a term commencing on or after October 10, 2005, shall not serve more than three consecutive terms.

(B)(C) At no time shall there be more than ~~two~~ three members of the same political party serving on the commission.

Sec. 4707.04. (A) The state auctioneers commission shall,

upon qualification of the member or members appointed in each 932
year, select from its members a chairperson, and shall serve in an 933
advisory capacity to the department of agriculture for the purpose 934
of carrying out ~~sections 4707.01 to 4707.22 of the Revised Code~~ 935
this chapter. The commission shall meet not less than four times 936
annually. 937

(B) The commission shall establish requirements and standards 938
for courses of study in auctioneering. The commission triennially 939
shall review courses of study in auctioneering that are offered at 940
institutions in order to determine whether the courses comply with 941
those requirements and standards. The commission shall approve 942
institutions that offer courses that comply with the requirements 943
and standards. If an institution is not approved, the institution 944
may reapply for approval within a year of the disapproval. If at 945
that time the commission approves the institution, the institution 946
shall be approved for the remainder of the triennial period. The 947
commission, prior to the triennial review, may place on 948
probationary status or revoke the approval of any institution that 949
provides a course of study in auctioneering if the institution 950
fails to comply with the requirements and standards established 951
under this division. 952

(C) Members of the commission who are licensed auctioneers 953
under this chapter shall administer the oral licensing examination 954
required under section 4707.08 of the Revised Code. 955

(D) Each commissioner shall receive the commissioner's actual 956
and necessary expenses incurred in the discharge of ~~such the~~ 957
commissioner's duties. Each commissioner also shall receive a per 958
diem salary from the auctioneers fund created in section 4707.05 959
of the Revised Code for each meeting attended. The director of 960
agriculture shall adopt rules in accordance with Chapter 119. of 961
the Revised Code establishing the per diem salary. 962

(E) The commission may form subcommittees for purposes of 963

research, education, and promotion of the auctioneering 964
profession. If a majority of the members of the commission 965
approves, the members of a subcommittee may be reimbursed from the 966
auction education fund created in section 4707.171 of the Revised 967
Code for the actual and necessary expenses incurred in the 968
discharge of their duties. 969

(F) Serving as a member of the commission does not constitute 970
holding a public office or position of employment under the laws 971
of this state and does not constitute grounds for removal of 972
public officers or employees from their offices or positions of 973
employment. 974

(G) The commission may advise the director on actions of the 975
director as required under this chapter. 976

Sec. 4707.05. Except as otherwise provided in section 4707.25 977
of the Revised Code, all fees and charges collected by the 978
department of agriculture pursuant to this chapter shall be paid 979
into the state treasury to the credit of the auctioneers fund, 980
which is hereby created. All expenses incurred by the department 981
in administering this chapter shall be paid out of the fund. The 982
total expenses incurred by the department in the administration of 983
this chapter shall not exceed the total fees, charges, fines, and 984
penalties imposed under sections 4707.08, 4707.10, and 4707.99 of 985
the Revised Code and paid to the treasurer of state. The 986
department may conduct education programs for the enlightenment 987
and benefit of all auctioneers who have paid fees pursuant to 988
sections 4707.08 and 4707.10 of the Revised Code. 989

~~Out of the moneys credited pursuant to this section, the fund~~ 990
~~shall be assessed a proportionate share of the administrative~~ 991
~~costs of the department in accordance with procedures prescribed~~ 992
~~by the director of agriculture and approved by the director of~~ 993
~~budget and management. The assessment shall be paid from the~~ 994

~~auctioneers fund to the division of administration fund.~~ 995

At the end of each fiscal year, if the balance of the fund is 996
greater than three hundred thousand dollars, the director of 997
agriculture shall request the director of budget and management 998
to, and the director of budget and management shall, transfer 999
twenty-five per cent of the balance that is in excess of three 1000
hundred thousand dollars to the auction recovery fund created in 1001
section 4707.25 of the Revised Code. 1002

Sec. 4707.06. The department of agriculture shall maintain a 1003
record of the names and addresses of all auction firms, 1004
auctioneers ~~and~~, apprentice auctioneers, and special auctioneers 1005
licensed by the department. This record shall also include a list 1006
of all persons whose licenses have been suspended or revoked, as 1007
well as any other information relative to the enforcement of 1008
~~sections 4707.01 to 4707.22 of the Revised Code, as this chapter~~ 1009
that the department ~~may deem~~ considers of interest to the public. 1010

Sec. 4707.07. (A) The department of agriculture may grant 1011
auctioneers' licenses to those ~~persons deemed~~ individuals who are 1012
determined to be qualified by the department. Each ~~person~~ 1013
individual who applies for an auctioneer's license shall furnish 1014
to the department, on forms provided by the department, 1015
satisfactory proof that the applicant: 1016

(1) Has a good reputation; 1017

(2) Is of trustworthy character; 1018

(3) Has attained the age of at least eighteen years; 1019

(4) Has done one of the following: 1020

(a) Met the apprenticeship requirements set forth in section 1021
4707.09 of the Revised Code; 1022

(b) Met the requirements of section 4707.12 of the Revised 1023

Code.	1024
(5) Has a general knowledge of the following:	1025
(a) The requirements of the Revised Code relative to auctioneers;	1026 1027
(b) The auction profession;	1028
(c) The principles involved in conducting an auction;	1029
<u>(d) Any local and federal laws regarding the profession of auctioneering.</u>	1030 1031
(6) Has satisfied the financial responsibility requirements established under section 4707.11 of the Revised Code if applicable.	1032 1033 1034
(B) Auctioneers who served apprenticeships and who hold licenses issued before May 1, 1991, and who seek renewal of their licenses, are not subject to the additional apprenticeship requirements imposed by section 4707.08 <u>4707.09</u> of the Revised Code.	1035 1036 1037 1038 1039
(C) The department may issue an auctioneer's license to a partnership, association, or corporation if all the partners, members, or officers thereof who are authorized to perform the functions of an auctioneer as agents of the applicant are themselves licensed as auctioneers under this chapter.	1040 1041 1042 1043 1044
An application for an auctioneer's license filed by a partnership or association shall contain a listing of the names of all of the licensed partners, members, or other persons who are authorized to perform the functions of an auctioneer as agents of the applicant. An application filed by a corporation shall contain the names of its president and of each of its licensed officers and any other person who is authorized to perform the functions of an auctioneer as an agent of the applicant.	1045 1046 1047 1048 1049 1050 1051 1052
(D) A licensee may do business under more than one registered	1053

name ~~if~~, but not to exceed three registered names, provided that 1054
the names have been approved by the department. The department may 1055
reject the application of any person seeking licensure under this 1056
chapter if the name or names to be used by the applicant are 1057
likely to mislead the public, or if the name or names do not 1058
distinguish the applicant from the name or names of any existing 1059
person licensed under this chapter. If an applicant applies to the 1060
department to do business under ~~more than two~~ three names, the 1061
department may charge a fee of ten dollars for the third name ~~and~~ 1062
~~each additional name.~~ 1063

(D) The department, in its discretion, may waive the 1064
schooling and apprenticeship requirements for a resident of this 1065
state, provided that the resident holds a valid auctioneer license 1066
that was issued by a state with which the department has entered 1067
into a reciprocal licensing agreement and the resident is in good 1068
standing with that state. The applicant shall provide proof that 1069
is satisfactory to the department that the applicant has had two 1070
years of experience as an auctioneer immediately preceding the 1071
date of application that includes at a minimum twelve auctions in 1072
which the applicant was a bid caller in the reciprocal state. 1073

Sec. 4707.071. (A) On May 1, 1991, all persons licensed as 1074
auction companies under former section 4707.071 of the Revised 1075
Code shall comply with all provisions of this chapter that are 1076
applicable to auctioneers except as provided in divisions (B) and 1077
(C) of this section. Such persons, however, do not have to serve 1078
an apprenticeship or attend a course of study under section 1079
4707.09 of the Revised Code or submit to an examination under 1080
section 4707.08 of the Revised Code as long as they do not engage 1081
in the calling for, recognition of, and the acceptance of, offers 1082
for the purchase of personal property at auction and do not 1083
conduct auctions at any location other than the definite place of 1084
business required in section 4707.14 of the Revised Code. 1085

(B) The principal owner of each auction company that is licensed as of May 1, 1991, who pays the annual renewal fee specified in division (B) of section 4707.10 of the Revised Code during the first renewal period following May 1, 1991, shall be issued a special auctioneer's license, for the ~~sale~~ auction of personal property subject to division (A) of this section. Each principal owner shall apply for an annual license. In applying for an annual license, each person licensed as an auction company on May 1, 1991, shall designate an individual as principal owner by submitting documentation substantiating that the individual is in fact the principal owner and shall identify a definite place of business as required in section 4707.14 of the Revised Code. A person licensed as an auctioneer shall not be entitled to a special auctioneer's license.

(C) A special auctioneer's license issued under this section to the principal owner of a former auction company does not entitle the principal owner or former auction company to conduct auctions at any location other than the definite place of business required in section 4707.14 of the Revised Code. Notwithstanding section 4707.10 of the Revised Code, the department of agriculture shall not issue a new special auctioneer's license if the definite place of business identified by the licensee in the licensee's initial application for a special auctioneer license has changed or if the name under which the licensee is doing business has changed. No person other than an owner, officer, member, or agent of the former auction company who personally has passed the examination prescribed in section 4707.08 of the Revised Code and been licensed as an auctioneer shall engage in the calling for, recognition of, and the acceptance of, offers for the purchase of real or personal property, goods, or chattels at auction in connection with a former auction company that has been issued a special auctioneer's license.

(D) A person licensed as a special auctioneer shall not 1118
engage in the sale of real property at auction. 1119

(E) As used in this section, "auction company" means "auction 1120
company" as defined in section 4707.01 of the Revised Code prior 1121
to its amendment by Sub. S.B. 209 of the 125th general assembly. 1122

Sec. 4707.072. ~~(A) For purposes of this section, the 1123
department of agriculture shall adopt rules in accordance with 1124
section 4707.19 of the Revised Code prescribing the fee that a 1125
license applicant must pay. Until those rules are adopted, a 1126
license applicant shall pay the fee established in this section. 1127~~

~~(B) The department may grant one-auction licenses to any 1128
nonresident ~~person deemed~~ individual who is determined to be 1129
qualified by the department. Any ~~person~~ individual who applies for 1130
a one-auction license shall attest, on forms provided by the 1131
department, and furnish to the department, satisfactory proof that 1132
the license applicant ~~or any auctioneer affiliated with the 1133
applicant~~ meets the following requirements: 1134~~

~~(1)~~(A) Has a good reputation; 1135

~~(2)~~(B) Is of trustworthy character; 1136

~~(3)~~(C) Has attained the age of at least eighteen years; 1137

~~(4)~~(D) Has a general knowledge of the requirements of the 1138
Revised Code relative to auctioneers, the auction profession, and 1139
the principles involved in conducting an auction; 1140

~~(5)~~(E) Has two years of professional auctioneering experience 1141
immediately preceding the date of application ~~and the experience 1142
that~~ includes the personal conduct by the applicant of at least 1143
twelve auction sales in any state, or has met the requirements of 1144
section 4707.12 of the Revised Code; 1145

~~(6)~~(F) Has paid a fee of ~~one~~ five hundred dollars; 1146

~~(7)~~(G) Has not applied for or previously obtained a license 1147
under this section; 1148

(H) Has provided proof of financial responsibility in the 1149
form of either an irrevocable letter of credit or a cash bond or a 1150
surety bond in the amount of fifty thousand dollars. If the 1151
applicant gives a surety bond, the bond shall be executed by a 1152
surety company authorized to do business in this state. A bond 1153
shall be made to the department and shall be conditioned that the 1154
applicant shall comply with this chapter and rules adopted under 1155
it, including refraining from conduct described in section 4707.15 1156
of the Revised Code. All bonds shall be on a form approved by the 1157
director of agriculture. 1158

Sec. 4707.073. (A) No corporation, general or limited 1159
partnership, or unincorporated association shall act or hold 1160
itself out as an auctioneer without a valid auctioneer's license 1161
issued under this section. This section does not apply to a person 1162
who is issued a license under section 4707.071 of the Revised 1163
Code. 1164

(B) The department of agriculture may grant an auctioneer's 1165
license to a corporation, general or limited partnership, or 1166
unincorporated association that is determined to be qualified by 1167
the department. Every applicant for a license under this section 1168
shall furnish to the department, on forms provided by the 1169
department, satisfactory proof that the applicant: 1170

(1) Is in good standing with the secretary of state if the 1171
applicant is a corporation; 1172

(2) Is of trustworthy character; 1173

(3) Has provided proof of financial responsibility as 1174
required in section 4707.11 of the Revised Code; 1175

(4) Is registered with the secretary of state or a local 1176

authority, as applicable, to do business in this state; 1177

(5) Has complied with any other requirement that the director establishes in rules adopted under section 4707.19 of the Revised Code. 1178
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(C) An application submitted under this section shall list the names of all of the owners, directors, partners, or members of the applicant, as applicable, and shall indicate those that have an auctioneer's license issued under section 4707.07 of the Revised Code. 1181
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(D)(1) The department shall not issue a license under this section unless one of the following applies, as applicable: 1186
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(a) If the applicant is a general or limited partnership, not less than fifty per cent of the general partners have a current license issued under section 4707.07 of the Revised Code. 1188
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1190

(b) If the applicant is a corporation, not less than fifty per cent of the directors and the president or chief executive have a current license issued under section 4707.07 of the Revised Code. 1191
1192
1193
1194

(c) If the applicant is an unincorporated association, not less than fifty per cent of the members have a current license issued under section 4707.07 of the Revised Code. 1195
1196
1197

Failure of a corporation, partnership, or unincorporated association to maintain the applicable requirements of this division after the issuance of a license under this section may be sufficient cause for the revocation of the license under section 4707.15 of the Revised Code. 1198
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(2) Not later than two years after the effective date of this section, a corporation, partnership, or unincorporated association that was issued a license under section 4707.07 of the Revised Code on or before the effective date of this section shall comply 1203
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with the requirements established in division (D)(1) of this 1207
section. If such a corporation, partnership, or unincorporated 1208
association fails to comply with those requirements, the license 1209
of the corporation, partnership, or unincorporated association 1210
immediately shall terminate. 1211

(E) Upon the issuance of a license under this section, a 1212
corporation, partnership, or unincorporated association shall 1213
designate an individual from among its directors, partners, or 1214
members who is licensed under section 4707.07 of the Revised Code 1215
as its agent for purposes of communication with the department. If 1216
that individual ceases to be the agent, the corporation, 1217
partnership, or unincorporated association shall notify the 1218
department not later than ten days after the day on which the 1219
individual ceases to be the agent. Upon notification to the 1220
department, the license of the corporation, partnership, or 1221
unincorporated association, as applicable, immediately shall 1222
terminate. If the corporation, partnership, or unincorporated 1223
association notifies the department of the designation of a new 1224
agent in accordance with the requirements of this division and 1225
pays a fee in the amount of ten dollars, the department shall 1226
issue the corporation, partnership, or unincorporated association 1227
a new license. 1228

(F) This section does not preclude a corporation, 1229
partnership, or unincorporated association from selling real 1230
property at auction, provided that the requirements of this 1231
section and section 4707.021 and Chapter 4735. of the Revised Code 1232
are satisfied. 1233

(G) A person licensed as a real estate broker under Chapter 1234
4735. of the Revised Code shall not be required to obtain a 1235
license under this section if the person complies with sections 1236
4707.021 and 4707.22 of the Revised Code. 1237

Sec. 4707.074. (A) A person who is not otherwise licensed 1238
under this chapter and who only provides auction services or holds 1239
the person's self out as providing auction services shall do so 1240
only with a valid auction firm license issued under this section. 1241
This section does not apply to either of the following: 1242

(1) A person licensed as a motor vehicle auction owner under 1243
Chapter 4517. of the Revised Code who exclusively sells motor 1244
vehicles and who uses an auctioneer who is licensed under this 1245
chapter to conduct the auction; 1246

(2) A person licensed as a livestock dealer under Chapter 1247
943. of the Revised Code who exclusively sells livestock and uses 1248
an auctioneer who is licensed under this chapter to conduct the 1249
auction. 1250

(B) The department of agriculture may grant an auction firm 1251
license to an auction firm that is determined to be qualified by 1252
the department. Every applicant for an auction firm license shall 1253
furnish to the department, on forms provided by the department, 1254
satisfactory proof that the applicant: 1255

(1) Is in good standing with the secretary of state if the 1256
applicant is a corporation; 1257

(2) Is of trustworthy character; 1258

(3) Is registered with the secretary of state or a local 1259
authority, as applicable, to do business in this state; 1260

(4) Has complied with any other requirement that the director 1261
establishes in rules adopted under section 4707.19 of the Revised 1262
Code; 1263

(5) Has a general knowledge of the requirements of the 1264
Revised Code and the general principles regarding auctions, 1265
auctioneering, and auction management; 1266

<u>(6) Has provided proof of financial responsibility in the</u>	1267
<u>amount of fifty thousand dollars in the form of a surety bond, an</u>	1268
<u>irrevocable letter of credit, or cashbond;</u>	1269
<u>(7) Employs a firm manager as required under division (D) of</u>	1270
<u>this section.</u>	1271
<u>(C) An application submitted under this section for an</u>	1272
<u>auction firm license shall list the names of all of the owners,</u>	1273
<u>directors, partners, or members of the applicant, as applicable.</u>	1274
<u>(D) An auction firm shall designate a firm manager. The firm</u>	1275
<u>manager shall have sufficient authority in the operation of the</u>	1276
<u>auction firm to ensure compliance with this chapter and rules</u>	1277
<u>adopted under it. If the firm manager does not have a current</u>	1278
<u>license issued under section 4707.07 of the Revised Code, the firm</u>	1279
<u>manager shall pass the written examination held under section</u>	1280
<u>4707.08 of the Revised Code before the department may issue a</u>	1281
<u>license under this section to the auction firm.</u>	1282
<u>(E)(1) An auction firm license issued under this section</u>	1283
<u>immediately shall terminate if any of the following occurs:</u>	1284
<u>(a) The auction firm incorporates.</u>	1285
<u>(b) The auction firm ceases to operate as a corporation.</u>	1286
<u>(c) The auction firm changes ownership.</u>	1287
<u>(d) If the auction firm is a partnership, the firm changes</u>	1288
<u>the number of partners in the partnership or changes the partners</u>	1289
<u>comprising the partnership.</u>	1290
<u>(e) The auction firm changes the firm manager.</u>	1291
<u>(f) The auction firm changes the name under which the firm</u>	1292
<u>conducts business.</u>	1293
<u>(g) The auction firm changes its permanent business location.</u>	1294
<u>If a license terminates under this division, the licensee</u>	1295

immediately shall cease auction services, notify the department of 1296
the termination, and return the terminated license to the 1297
department. 1298

(2) Not later than ten days prior to the date on which an 1299
auction firm license will terminate pursuant to division 1300
(E)(1)(a), (b), (c), or (d) of this section, the auction firm may 1301
submit an application for a new auction firm license in accordance 1302
with division (B) of this section. If the auction firm submits the 1303
application, returns the terminated license, and pays a fee in the 1304
amount of one hundred dollars, the department may issue a new 1305
license under this section. 1306

(3) If a license terminates pursuant to division (E)(1)(e), 1307
(f), or (g) of this section and the formerly licensed auction firm 1308
notifies the department, returns the terminated license, and pays 1309
a fee in the amount of ten dollars, the department shall issue a 1310
new license under this division. 1311

(F) For purposes of the financial responsibility that is 1312
required under division (B) of this section, if a person provides 1313
a surety bond, the bond shall be executed by a surety company that 1314
is authorized to do business in this state. The bond shall be made 1315
payable to the department and shall include a condition that 1316
requires the applicant to comply with this chapter and rules 1317
adopted under it, including a requirement that the person refrain 1318
from conduct described in section 4707.15 of the Revised Code. A 1319
bond shall be on a form that is approved by the director. A person 1320
who is issued a license under this section shall maintain the 1321
financial responsibility that is required under division (B) of 1322
this section for as long as the person is licensed. 1323

(G) An auction firm licensed under this section shall not 1324
conduct the bid calling for the sale of real or personal property 1325
at auction. 1326

Sec. 4707.08. (A) The department of agriculture shall hold 1327
written examinations four times each year for the purpose of 1328
testing the qualifications required for obtaining a license under 1329
section 4707.07 of the Revised Code and twelve times each year for 1330
obtaining a license under section 4707.09 of the Revised Code and 1331
for unlicensed auction firm managers as required under division 1332
(D) of section 4707.074 of the Revised Code. The written 1333
examination shall be held at the department or at an alternative 1334
location determined by the department. In addition to the written 1335
examination, auctioneer license applicants shall pass an oral 1336
examination administered by the state auctioneers commission on 1337
the same date and at the same location as the written examination. 1338
An examination shall not be required for the renewal of any 1339
license unless ~~such~~ the license has been revoked, suspended, or 1340
allowed to expire without renewal, in which case the applicant 1341
shall take and pass the appropriate examinations offered by the 1342
department. 1343

An examination fee of twenty-five dollars shall be collected 1344
from each person taking the auctioneer examination and fifteen 1345
dollars from each person taking either the apprentice auctioneer 1346
examination or the auction firm manager examination to defray 1347
expenses of holding ~~such~~ the examinations. 1348

(B) All applications and proofs ~~must~~ shall be filed by each 1349
applicant before the scheduled date of examination, and ~~must~~ shall 1350
be accompanied by ~~a bond~~ proof of financial responsibility and a 1351
license fee. In order to be seated for an examination held under 1352
this section, an applicant shall have a complete application on 1353
file with the department not later than fourteen days prior to the 1354
examination date. 1355

(C) If a court of competent jurisdiction or the department, 1356
at an administrative hearing, has found that an applicant 1357

conducted an auction, provided auction services, or acted as an 1358
auctioneer without a license issued under this chapter, the 1359
department may refuse to allow the applicant to take an 1360
examination under this section or may deny the issuance of a 1361
license to the applicant for a period of two years. 1362

(D)(1) If an applicant for a license fails to pass the 1363
examination, the applicant may take the examination on the next 1364
scheduled date for the examination. If an applicant fails to pass 1365
the examination on the second consecutive attempt, the applicant 1366
shall not take the examination on the next scheduled date for the 1367
examination. 1368

(2) If an applicant for a license fails to pass the 1369
examination on the third attempt, the applicant shall attend 1370
auction school a second time before the applicant may take the 1371
examination. If an applicant for a license fails to pass the 1372
examination on the fourth attempt, the applicant shall not take 1373
the examination for at least one year from the date of the last 1374
failed attempt. 1375

(3) If an individual who is taking the examination for an 1376
auction firm manager fails to pass the examination on the third 1377
attempt, the individual shall not take the examination for one 1378
year from the date of the last failed attempt. 1379

Sec. 4707.09. The department of agriculture may grant 1380
apprentice auctioneers' licenses to those persons deemed that are 1381
determined to be qualified by the department. Every applicant for 1382
an apprentice auctioneer's license shall pass an examination 1383
relating to the skills, knowledge, and statutes and rules 1384
governing auctioneers. Every applicant for an apprentice 1385
auctioneer's license shall furnish to the department, on forms 1386
provided by the department, satisfactory proof that the applicant: 1387

(A) Has a good reputation;	1388
(B) Is of trustworthy character;	1389
(C) Has attained the age of at least eighteen years;	1390
(D) Has obtained a written promise of a licensed auctioneer to sponsor the applicant during the applicant's apprenticeship;	1391 1392
(E) Has satisfied the financial responsibility requirements established under section 4707.11 of the Revised Code if applicable;	1393 1394 1395
<u>(F) Has successfully completed a course of study in auctioneering at an institution that is approved by the state auctioneers commission.</u>	1396 1397 1398
Before an apprentice may take the auctioneer's license examination, the apprentice shall serve an apprenticeship of at least twelve months, successfully complete a course of study in auctioneering at an institution that is approved every three years by the state auctioneers commission, and conduct, <u>participate</u> as a bid caller, <u>in</u> at least twelve auction sales under the direct supervision of the sponsoring licensed auctioneer, which sales <u>auctions</u> shall be certified by the licensed auctioneer on the apprentice's application for an auctioneer's license. <u>No</u> <u>apprentice auctioneer shall be under the sponsorship of more than</u> <u>one licensed auctioneer at one time.</u>	1399 1400 1401 1402 1403 1404 1405 1406 1407 1408 1409
If an auctioneer intends to terminate sponsorship of an apprentice auctioneer, the sponsoring auctioneer shall notify the apprentice auctioneer of the sponsoring auctioneer's intention by certified mail, return receipt requested, at least ten days prior to the effective date of termination and, at the same time, shall deliver or mail by certified mail to the department of agriculture a copy of the termination notice and the license of the apprentice auctioneer. No apprentice auctioneer shall perform any acts under	1410 1411 1412 1413 1414 1415 1416 1417

authority of the apprentice's license after the effective date of 1418
the termination until the apprentice receives a new license 1419
~~bearing the name and address of the apprentice's new sponsor.~~ No 1420
more than one license shall be issued to any apprentice auctioneer 1421
for the same period of time. 1422

No licensed auctioneer shall have under the licensed 1423
auctioneer's sponsorship more than two apprentice auctioneers at 1424
one time. No auctioneer shall sponsor an apprentice auctioneer if 1425
the auctioneer has not been licensed and in good standing for a 1426
period of at least two years immediately before sponsoring the 1427
apprentice auctioneer. A sponsoring auctioneer whose license is 1428
suspended or revoked shall send to the department the apprentice 1429
auctioneer's license not later than fourteen days after the 1430
suspension or revocation. If a sponsoring auctioneer's license is 1431
suspended or revoked, the apprentice auctioneer shall obtain a 1432
written promise of sponsorship from another licensed auctioneer 1433
before performing any acts under the authority of an apprentice 1434
auctioneer's license. The apprentice auctioneer shall send a copy 1435
of the written promise of sponsorship of another auctioneer to the 1436
department. If the department receives a copy of such a written 1437
promise of sponsorship and the apprentice pays the fee established 1438
by the department, the department shall issue a new license to the 1439
apprentice. 1440

An apprentice auctioneer may terminate the apprentice's 1441
sponsorship with an auctioneer by notifying the auctioneer of the 1442
apprentice's intention by certified mail, return receipt 1443
requested, at least ten days prior to the effective date of 1444
termination. At the same time, the apprentice shall deliver or 1445
mail by certified mail to the department ~~of agriculture~~ a copy of 1446
the termination notice. Upon receiving the termination notice, the 1447
sponsoring auctioneer shall promptly deliver or mail by certified 1448
mail to the department the license of the apprentice auctioneer. 1449

The termination of a sponsorship, regardless of who initiates 1450
the termination, shall not be cause for an apprentice auctioneer 1451
to lose credit for any certified ~~sales the apprentice conducted~~ 1452
auctions in which the apprentice participated as a bid caller or 1453
apprenticeship time the apprentice served under the direct 1454
supervision of the former sponsor. 1455

Sec. 4707.091. (A) Prior to the expiration of an auctioneer's 1456
or apprentice auctioneer's license, an auctioneer or apprentice 1457
auctioneer may submit an application to the department of 1458
agriculture, on forms provided by the department, to place the 1459
license on deposit with the department for a period not to exceed 1460
two years. Not later than fourteen days after receipt of an 1461
application under this section, the department shall accept or 1462
deny the application. 1463

(B) If the department accepts the application, an auctioneer 1464
or apprentice auctioneer who has a license on deposit with the 1465
department under this section shall not act as an auctioneer or 1466
apprentice auctioneer while the license is on deposit. In 1467
addition, such an auctioneer shall not be required to pay an 1468
assessment under section 4707.25 of the Revised Code. 1469

(C) An auctioneer or apprentice auctioneer may reacquire a 1470
license on deposit from the department if the auctioneer or 1471
apprentice auctioneer does all of the following prior to 1472
reacquisition: 1473

(1) Submits a written request to the department that contains 1474
the business address and telephone number of the auctioneer or 1475
apprentice auctioneer, as applicable; 1476

(2) Pays a reactivation fee for the license in the following 1477
amount, as applicable: 1478

(a) In the case of an apprentice auctioneer, one hundred 1479

<u>dollars;</u>	1480
<u>(b) In the case of an auctioneer whose license is reacquired during the first half of the biennium according to the biennial schedule established in division (B) of section 4707.10 of the Revised Code, two hundred dollars;</u>	1481 1482 1483 1484
<u>(c) In the case of an auctioneer whose license is reacquired during the second half of the biennium according to that biennial schedule, one hundred dollars.</u>	1485 1486 1487
<u>(3) Pays the assessment that is levied under section 4707.25 of the Revised Code for the current year, if applicable;</u>	1488 1489
<u>(4) Provides proof of financial responsibility as required in section 4707.11 of the Revised Code, if applicable;</u>	1490 1491
<u>(5) Complies with any other requirement established in rules adopted by the director under section 4707.19 of the Revised Code.</u>	1492 1493
<u>(D) If an auctioneer or apprentice auctioneer, at the time of placing the auctioneer's or apprentice auctioneer's license on deposit, as applicable, has not maintained proof of financial responsibility for the entire period of time required under section 4707.11 of the Revised Code, the auctioneer or apprentice auctioneer, beginning at the time of reacquisition, shall maintain proof of financial responsibility for the remainder of the time required under that section.</u>	1494 1495 1496 1497 1498 1499 1500 1501
Sec. 4707.10. (A) For purposes of this section, the department of agriculture shall adopt rules in accordance with section 4707.19 of the Revised Code prescribing fees that licensees must pay and license renewal deadlines and procedures with which licensees must comply. Until those rules are adopted, licensees shall pay the fees and comply with the license renewal deadlines and procedures established in this section.	1502 1503 1504 1505 1506 1507 1508
(B) The fee for each auctioneer's, apprentice auctioneer's,	1509

~~er special auctioneer's or auction firm~~ license issued by the 1510
department is one hundred dollars, and the annual renewal fee for 1511
any such license is one hundred dollars. All licenses expire 1512
annually on the last day of June of each year and shall be renewed 1513
according to the standard renewal procedures of Chapter 4745. of 1514
the Revised Code, or the procedures of this section. Any licensee 1515
under this chapter who wishes to renew the licensee's license, but 1516
fails to do so before the first day of July shall reapply for 1517
licensure in the same manner and pursuant to the same requirements 1518
as for initial licensure, unless before the first day of September 1519
of the year of expiration, the former licensee pays to the 1520
department, in addition to the regular renewal fee, a late renewal 1521
penalty of one hundred dollars. 1522

(B)(1) Each person to whom the department issues an 1523
auctioneer's license or special auctioneer's license shall pay a 1524
licensure fee. Those licenses are biennial and expire in 1525
accordance with the schedule established in division (B)(2) of 1526
this section. If such a license is issued during the first year of 1527
a biennium, the licensee shall pay a fee in the amount of two 1528
hundred dollars. If the license is issued during the second year 1529
of a biennium, the licensee shall pay a fee in the amount of one 1530
hundred dollars. With respect to an auctioneer's license, the fees 1531
apply regardless of whether the license is issued to an individual 1532
under section 4707.07 of the Revised Code or to a corporation, 1533
partnership, or association under section 4707.073 of the Revised 1534
Code. 1535

All auctioneer's licenses and special auctioneer's licenses 1536
expire on the last day of June of the biennium. The licenses shall 1537
be renewed in accordance with the standard renewal procedures of 1538
Chapter 4745. of the Revised Code or the procedures in this 1539
section and upon the licensee's payment to the department of a 1540
renewal fee of two hundred dollars. A licensee who wishes to renew 1541

the licensee's license, but who fails to do so before the first 1542
day of July following the license's expiration, shall reapply for 1543
licensure in the same manner and pursuant to the same requirements 1544
as for the initial licensure unless before the first day of 1545
September following the expiration, the former licensee pays to 1546
the department, in addition to the regular renewal fee, a late 1547
renewal penalty of one hundred dollars. 1548

(2) The biennial expiration of an auctioneer's license or 1549
special auctioneer's license shall occur in accordance with the 1550
following schedule: 1551

(a) The license shall expire in odd-numbered years if the 1552
business name or last name, as applicable, of the licensee begins 1553
with the letters "A" through "J" or with the letters "X" through 1554
"Z." 1555

(b) The license shall expire in even-numbered years if the 1556
business name or last name, as applicable, of the licensee begins 1557
with the letters "K" through "W." 1558

(C) Any person who fails to renew the person's license before 1559
the first day of July is prohibited from engaging in any activity 1560
specified or comprehended in section 4707.01 of the Revised Code 1561
until such time as the person's license is renewed or a new 1562
license is issued. Renewal of a license between the first day of 1563
July and the first day of September does not relieve any person 1564
from complying with this division. The department may refuse to 1565
renew the license of or issue a new license to any person who 1566
violates this division. 1567

(D) The department shall prepare and deliver to each licensee 1568
a permanent license certificate and an identification card, the 1569
appropriate portion of which shall be carried on the person of the 1570
licensee at all times when engaged in any type of auction 1571
activity, and part of which shall be posted with the permanent 1572

certificate in a conspicuous location at the licensee's place of
business. 1573
1574

(E) Notice in writing shall be given to the department by 1575
each auctioneer or apprentice auctioneer licensee of any change of 1576
principal business location or any change or addition to the name 1577
or names under which business is conducted, whereupon the 1578
department shall issue a new license for the unexpired period. Any 1579
change of business location or change or addition of names without 1580
notification to the department shall automatically cancel any 1581
license previously issued. For each new auctioneer or apprentice 1582
auctioneer license issued upon the occasion of a change in 1583
business location or a change in or an addition of names under 1584
which business is conducted, the department may collect a fee of 1585
ten dollars for each change in location, or name or each added 1586
name unless the notification of the change occurs concurrently 1587
with the renewal application or unless otherwise provided in 1588
section 4707.07 of the Revised Code. 1589

Sec. 4707.11. (A) Except as provided in division (B) of this 1590
section, each application for a license issued under this chapter 1591
shall be accompanied by proof of financial responsibility in the 1592
form of either an irrevocable letter of credit or a cash bond or a 1593
surety bond in the amount of twenty-five thousand dollars. If the 1594
applicant gives a surety bond, the bond shall be executed by a 1595
surety company authorized to do business in this state. 1596

A bond shall be made payable to the department of agriculture 1597
and shall ~~be conditioned~~ include a condition that requires the 1598
applicant ~~shall~~ to comply with this chapter and rules adopted 1599
under it, including ~~refraining~~ a requirement that the person 1600
refrain from conduct described in section 4707.15 of the Revised 1601
Code. All bonds shall be on a form approved by the director of 1602
agriculture. 1603

A licensee shall maintain proof of financial responsibility 1604
for three years following the date of initial licensure. After the 1605
three-year period, a licensee who has not engaged in conduct 1606
described in section 4707.15 of the Revised Code and has not 1607
otherwise violated this chapter or rules adopted under it during 1608
that period shall no longer be required to maintain proof of 1609
financial responsibility except as otherwise provided in this 1610
section. 1611

A licensee whose license expires without being renewed under 1612
section 4707.10 of the Revised Code or is suspended under section 1613
4707.30 of the Revised Code shall give proof of financial 1614
responsibility in accordance with this section in order to obtain 1615
reinstatement or reactivation of the license. 1616

(B) Division (A) of this section does not apply to ~~either~~ any 1617
of the following: 1618

(1) A licensee whose license was issued prior to July 1, 1619
2003, provided that the license continues to be renewed under 1620
section 4707.10 of the Revised Code and is not suspended under 1621
section 4707.15 or 4707.30 of the Revised Code; 1622

(2) An apprentice auctioneer licensee whose license was 1623
issued under section 4707.09 of the Revised Code prior to July 1, 1624
2003, and who applies for an auctioneer's license under section 1625
4707.07 of the Revised Code on or after July 1, 2003, provided 1626
that the apprentice auctioneer's license is not suspended under 1627
section 4707.15 or 4707.30 of the Revised Code, and, if necessary, 1628
continues to be renewed under section 4707.10 of the Revised Code, 1629
prior to the issuance of the auctioneer's license to the 1630
applicant; 1631

(3) An auction firm license that is issued under section 1632
4707.074 of the Revised Code. 1633

Sec. 4707.111. The state, through the department of 1634
agriculture and in accordance with this chapter, shall solely 1635
regulate auctioneers, auction firms, and the conduct of auction 1636
sales. 1637

By enactment of this chapter, it is the intent of the general 1638
assembly to preempt municipal corporations and other political 1639
subdivisions from the regulation and licensing of auctioneers, 1640
auction firms, and auction sales. 1641

At least twenty-four hours prior to an auction, the person 1642
licensed under this chapter to conduct the auction shall notify, 1643
via telephone, mail, or personal delivery, the chief of police of 1644
the municipal corporation in which the auction site is located, 1645
or, if the site is in the unincorporated area of a county, the 1646
county sheriff as to the location and time of the auction and give 1647
to that officer a general description of the items offered for 1648
sale. A licensee who conducts regular auction sales on a fixed day 1649
at the same location is required to provide such notice to the 1650
chief of police or county sheriff only once. However, the licensee 1651
shall notify the chief of police or county sheriff if the auctions 1652
subsequently are discontinued or are conducted on a different day 1653
or at a different location. 1654

Sec. 4707.12. A nonresident may operate as an auctioneer, 1655
apprentice auctioneer, or special auctioneer within the state by 1656
conforming to this chapter. 1657

The department of agriculture may, within its discretion, 1658
waive the testing and schooling requirements for a nonresident, 1659
provided that the nonresident holds a valid auctioneer or 1660
apprentice auctioneer license issued by a state with which the 1661
department has entered into a reciprocal licensing agreement. 1662
Nonresidents wishing to so operate in this state shall make 1663

application in writing to the department and furnish the 1664
department with proof of their ability to conduct an auction, 1665
proof of license and ~~bond if they reside in a state with these~~ 1666
~~requirements~~ financial responsibility, as well as other 1667
information ~~which~~ that the department may request. If a state with 1668
which the department has entered into a reciprocal licensing 1669
agreement does not require an apprenticeship, the applicant shall 1670
provide proof of license for a period of at least one year prior 1671
to receipt of the application. 1672

This section does not apply to nonresident auctioneers who 1673
~~reside in states under the laws of which similar recognition and~~ 1674
~~courtesies are~~ do not extended to licensed auctioneers of this 1675
have a license from a state with which the department has entered 1676
into a reciprocal licensing agreement. 1677

Sec. 4707.14. (A) Each person licensed under ~~sections 4707.07~~ 1678
~~to 4707.22 of the Revised Code~~ this chapter shall have a definite 1679
place of business in this state. 1680

(B) Except as provided in division (C) of this section, if 1681
the licensee is a nonresident, it is not necessary for ~~him~~ the 1682
licensee to maintain an active place of business within this state 1683
if ~~he~~ the licensee maintains such a place of business in the state 1684
where ~~he~~ the licensee is a resident. 1685

(C) A nonresident ~~former auction company licensee~~ who is 1686
licensed as a special auctioneer under section 4707.071 of the 1687
Revised Code shall have a definite place of business within the 1688
state and shall not conduct auctions anywhere else in the state 1689
other than ~~his~~ the licensee's place of business. 1690

Sec. 4707.15. The department of agriculture may deny, refuse 1691
to renew, suspend, or revoke the license of any auction firm, 1692
auctioneer, apprentice auctioneer, or special auctioneer for any 1693

of the following causes:	1694
(A) Obtaining a license through false or fraudulent representation;	1695 1696
(B) Making any substantial misrepresentation in an application for an auctioneer's, apprentice auctioneer's, or special auctioneer's a license;	1697 1698 1699
(C) A continued course of misrepresentation or for making false promises through agents, advertising, or otherwise;	1700 1701
(D) <u>Specifying that an auction is a reserve auction, absolute auction, or estate auction, but not conducting the auction as specified;</u>	1702 1703 1704
(E) Failing to account for or remit, within a reasonable time, any money <u>or property</u> belonging to others that comes into the licensee's possession, and for commingling funds of others with the licensee's own, or failing to keep such funds of others in an escrow or trustee <u>trust</u> account, except that in the case of a transaction involving real estate, such funds shall be maintained in accordance with division (A)(26) of section 4735.18 of the Revised Code;	1705 1706 1707 1708 1709 1710 1711 1712
(E) (F) Paying valuable consideration to any person who has violated this chapter;	1713 1714
(F) (G) Conviction in a court of competent jurisdiction of this state or any other state of a criminal offense involving <u>fraud, forgery, embezzlement, false pretenses, extortion, conspiracy to defraud, or another similar offense</u> or a felony;	1715 1716 1717 1718
(G) (H) Violation of this chapter <u>or rules adopted under it;</u>	1719
(H) (I) Failure to furnish voluntarily at the time of execution, copies of all written instruments prepared by the auctioneer <u>or auction firm;</u>	1720 1721 1722
(I) (J) Any conduct of an auctioneer which <u>a person that is</u>	1723

<u>licensed under this chapter that demonstrates bad faith,</u>	1724
dishonesty, incompetency, or untruthfulness;	1725
(J) (K) Any other conduct that constitutes improper,	1726
fraudulent, or dishonest dealings;	1727
(K) (L) Failing prior to the sale at public auction to enter	1728
into a written contract with the owner or consignee of any	1729
property to be sold, containing the terms and conditions upon	1730
which such <u>the</u> licensee received the property for sale <u>auction</u> ;	1731
(L) (M) The use of any power of attorney to circumvent this	1732
chapter;	1733
(M) (N) Failure to display <u>the sign required under section</u>	1734
<u>4707.22 of the Revised Code and</u> a notice conspicuously at the	1735
clerk's desk or on a bid card that clearly states the terms and	1736
conditions of the sale, the name of the auctioneer or special	1737
auctioneer conducting the sale, and that the auctioneer or special	1738
auctioneer is licensed by the department of agriculture and has	1739
filed a bond <u>auction</u> ;	1740
(N) (O) Failure to notify the department of any conviction of	1741
a felony or crime involving fraud within fifteen days of	1742
conviction;	1743
(O) Acting in the capacity of an auctioneer, whether for	1744
valuable consideration or not, for any special auctioneer that is	1745
not licensed under this chapter (P) <u>Aiding an unlicensed person in</u>	1746
<u>the performance of services or acts that require a license under</u>	1747
<u>this chapter</u> ;	1748
(O) <u>The suspension or revocation of a license to engage in</u>	1749
<u>auctioneering or other disciplinary action by the licensing</u>	1750
<u>authority of another state</u> ;	1751
(R) <u>The refusal or disapproval by the licensing authority of</u>	1752
<u>another state of an application for a license to engage in</u>	1753

<u>auctioneering;</u>	1754
<u>(S) Failure of a licensee to notify the department of agriculture within fifteen days of a disciplinary action against the licensee by another state's applicable governing authority;</u>	1755 1756 1757
<u>(T) Engaging in auctioneering or providing auction services without a license or during the suspension of a license;</u>	1758 1759
<u>(U) Attempting to cheat or cheating on an auctioneer examination or aiding another to cheat on an examination.</u>	1760 1761
Sec. 4707.151. (A) No person shall engage in bid rigging.	1762
(B) As used in this section, "bid rigging" means a conspiracy between auctioneers, apprentice auctioneers, special auctioneers, any participants in an auction, or any other persons who agree not to bid against each other at an auction or who otherwise conspire to decrease <u>or increase</u> the number or amounts of bids offered at auction.	1763 1764 1765 1766 1767 1768
Sec. 4707.16. (A) The department of agriculture may, upon its own motion, and shall, upon the verified written complaint of any person, investigate the actions of any <u>auction firm</u> , auctioneer, apprentice auctioneer, or special auctioneer, any applicant for an <u>auction firm's</u> , auctioneer's, apprentice auctioneer's, or special auctioneer's license, or any person who assumes to act in that capacity, if the complaint, together with other evidence presented in connection with it, makes out a prima-facie case.	1769 1770 1771 1772 1773 1774 1775 1776 1777
If the department determines that any such applicant is not entitled to receive a license, a license shall not be granted to such <u>the</u> applicant, and if the department determines that any licensee is guilty of a violation of section 4707.14 or 4707.15 of the Revised Code, the department may suspend or revoke the	1778 1779 1780 1781 1782

license. Any auction firm, auctioneer, apprentice auctioneer, or 1783
special auctioneer who has had the auction firm's, auctioneer's, 1784
apprentice auctioneer's, or special auctioneer's license revoked 1785
shall not be issued another such license for a period of two years 1786
from the date of revocation. 1787

(B) The department may investigate complaints concerning the 1788
violation of sections 4707.02 and 4707.15 of the Revised Code and 1789
may subpoena witnesses in connection with such investigations as 1790
provided in this section. The department may make application to 1791
the court of common pleas for an order enjoining the violation of 1792
sections 4707.02 and 4707.15 of the Revised Code, and upon a 1793
showing by the department that any licensed auction firm, 1794
auctioneer, apprentice auctioneer, or special auctioneer has 1795
violated or is about to violate section 4707.15 of the Revised 1796
Code, or any person has violated or is about to violate section 1797
4707.02 of the Revised Code, an injunction, restraining order, or 1798
other order as may be appropriate shall be granted by the court. 1799

(C) The department may compel by subpoena the attendance of 1800
witnesses to testify in relation to any matter over which it has 1801
jurisdiction and ~~which~~ that is the subject of inquiry and 1802
investigation by it, and require the production of any book, 1803
paper, or document pertaining to ~~such~~ that matter. In case any 1804
person fails to file any statement or report, obey any subpoena, 1805
give testimony, or produce any books, records, or papers as 1806
required by such a subpoena, the court of common pleas of any 1807
county in the state, upon application made to it by the 1808
department, shall compel obedience by attachment proceedings for 1809
contempt, as in the case of disobedience of the requirements of a 1810
subpoena issued from ~~such~~ that court, or a refusal to testify 1811
therein. 1812

(D) When the department determines that a person not licensed 1813
under this chapter is engaged in or is believed to be engaged in 1814

activities for which a license is required under this chapter, the department may issue an order to that person requiring the person to show cause as to why the person should not be subject to licensing under this chapter. If the department, after a hearing, determines that the activities in which the person is engaged are subject to licensing under this chapter, the department may issue a cease-and-desist order ~~which~~ that shall describe the person and activities ~~which~~ that are subject to the order. A cease-and-desist order issued under this section shall be enforceable in and may be appealed to the common pleas courts of this state under Chapter 119. of the Revised Code.

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

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

Sec. 4707.171. There is hereby created in the state treasury the auction education fund. Seven dollars and fifty cents of each fee collected for an initial or renewed auctioneer's auction firm's or apprentice auctioneer's license shall be credited to the auction education fund. In addition, seven dollars and fifty cents out of each one hundred dollars that is collected as a fee for an initial or renewed auctioneer's license or for a renewed special auctioneer's license shall be credited to the fund. All interest

earned on moneys deposited in the state treasury to the credit of 1846
the auction education fund shall be credited to the fund. 1847

The ~~Ohio~~ state auctioneers commission shall use any moneys 1848
from the auction education fund to advance and underwrite 1849
education and research in the auction field for the benefit of 1850
those licensed under this chapter and the auctioneering public and 1851
to cooperate with associations of auctioneers and other groups for 1852
the education of auctioneers and the advancement of the auction 1853
profession in this state. 1854

Sec. 4707.18. No person engaged in the business of, or acting 1855
in the capacity of, an auction firm, auctioneer, or special 1856
auctioneer shall bring or maintain any action in the courts of 1857
this state for the collection of compensation for any services 1858
performed as an auction firm or auctioneer without first alleging 1859
and proving that the person was a duly licensed auction firm, 1860
auctioneer, or special auctioneer at the time the alleged cause of 1861
action arose. 1862

Sec. 4707.19. (A) The director of agriculture may adopt 1863
reasonable rules necessary for the implementation of this chapter 1864
in accordance with Chapter 119. of the Revised Code. In addition, 1865
the director shall adopt rules in accordance with Chapter 119. of 1866
the Revised Code that establish the portion of license fees 1867
collected under this chapter that are to be deposited into the 1868
auction recovery fund under section 4707.25 of the Revised Code. 1869

~~The~~ 1870

No person shall fail to comply with a rule adopted under this 1871
chapter. 1872

(B) The director shall adopt rules that establish a schedule 1873
of civil penalties for violations of this chapter, rules adopted 1874
under it, or orders issued under it. The rules shall provide that 1875

the civil penalty for the first violation of this chapter, rule, 1876
or order shall not exceed five thousand dollars and the civil 1877
penalty for each subsequent offense shall not exceed ten thousand 1878
dollars. In addition, the director, in establishing the schedule 1879
of civil penalties in the rules, shall consider past violations of 1880
this chapter and rules adopted under it, the severity of a 1881
violation, and the amount of actual or potential damage to the 1882
public or the auction profession. 1883

(C) The department of agriculture may hear testimony in 1884
matters relating to the duties imposed on it, and any person 1885
authorized by the director may administer oaths. The department 1886
may require other proof of the honesty, truthfulness, and good 1887
reputation of any person named in the application for an auction 1888
firm's, auctioneer's, apprentice auctioneer's, or special 1889
auctioneer's license before admitting the applicant to an 1890
examination or issuing a license. 1891

Sec. 4707.20. (A) No person shall act as an auction firm, 1892
auctioneer, or special auctioneer ~~on a sale at auction~~ until the 1893
person has first entered into a written contract or agreement in 1894
duplicate with the owner or consignee of any property to be sold, 1895
containing the terms and conditions upon which the licensee 1896
receives or accepts the property for sale at auction. The 1897
contracts or agreements shall, for a period of two years, be kept 1898
on file in the office of every person so licensed. No apprentice 1899
auctioneer shall be authorized to enter into such a contract or 1900
agreement without the written consent of the apprentice 1901
auctioneer's sponsoring auctioneer, and all contracts or 1902
agreements shall be made in the name of and on behalf of the 1903
sponsoring auctioneer. In addition, an apprentice auctioneer shall 1904
not enter into an auction contract for the sale of real property 1905
in the name of the sponsoring auctioneer regardless of whether the 1906

apprentice auctioneer is licensed as a real estate broker or 1907
salesperson. 1908

(B) On all contracts or agreements between an auction firm, 1909
auctioneer, or special auctioneer and the owner or consignee, 1910
there shall appear a prominent statement indicating that the 1911
auction firm, auctioneer, or special auctioneer is licensed by the 1912
department of agriculture, and either that the licensee is bonded 1913
in favor of the state or that an aggrieved person may initiate a 1914
claim against the auction recovery fund created in section 4707.25 1915
of the Revised Code as a result of the licensee's actions, 1916
whichever is applicable. 1917

(C) The auction firm, auctioneer, or special auctioneer who 1918
contracts with the owner is liable for the settlement of all money 1919
received, including the payment of all expenses incurred only by 1920
the licensee and the distribution of all funds, in connection with 1921
an auction. 1922

(D) For purposes of this section, a contract or agreement 1923
shall specify all of the following: 1924

(1) The owner of the property to be sold or the owner's agent 1925
or the consignee; 1926

(2) The date of the auction or a termination date of the 1927
contract or agreement; 1928

(3) The location of the auction; 1929

(4) The terms and conditions of the auction; 1930

(5) All of the fees to be charged by the auctioneer or the 1931
auction firm, which shall include commissions, rentals, 1932
advertising, and labor; 1933

(6) An explanation of the settlement of the auction that 1934
includes the disbursement of interest money, if applicable; 1935

(7) A statement establishing the responsibility for bad 1936

<u>checks, debts, and unpaid auction items;</u>	1937
<u>(8) A statement indicating whether the auction is a reserve</u>	1938
<u>auction or an absolute auction. In addition, the statement shall</u>	1939
<u>include the definition of reserve auction or absolute auction from</u>	1940
<u>section 4707.01 of the Revised Code, as applicable.</u>	1941
<u>(9) A statement of the auctioneer's or auction firm's policy</u>	1942
<u>regarding absentee bidding;</u>	1943
<u>(10) A brief description of the real or personal property to</u>	1944
<u>be sold;</u>	1945
<u>(11) If the sale is of real or personal property at absolute</u>	1946
<u>auction, a statement affirming that the seller of the real or</u>	1947
<u>personal property has a bona fide intention to transfer ownership</u>	1948
<u>of the property to the highest bidder.</u>	1949
Sec. 4707.21. No <u>auction firm,</u> auctioneer, apprentice	1950
auctioneer, or special auctioneer shall willfully neglect or	1951
refuse to furnish the department of agriculture statistics or	1952
other information in the <u>auction firm's,</u> auctioneer's, apprentice	1953
auctioneer's, or special auctioneer's possession or under the	1954
<u>auction firm's,</u> auctioneer's, apprentice auctioneer's, or special	1955
auctioneer's control, which <u>that</u> the <u>auction firm,</u> auctioneer,	1956
apprentice auctioneer, or special auctioneer is authorized to	1957
collect; nor shall the <u>auction firm,</u> auctioneer, apprentice	1958
auctioneer, or special auctioneer neglect or refuse, for more than	1959
thirty days, to answer questions submitted on circulars; nor shall	1960
the <u>auction firm,</u> auctioneer, apprentice auctioneer, or special	1961
auctioneer knowingly answer any such questions falsely; nor shall	1962
the <u>auction firm,</u> auctioneer, apprentice auctioneer, or special	1963
auctioneer refuse to obey subpoenas and give testimony. Licensees	1964
shall keep records relative to any auction sale for at least two	1965
years from the date of sale <u>sale auction.</u> These records shall include	1966

settlement sheets, written contracts, and copies of any 1967
advertising that lists the items for ~~sale~~ auction, as applicable. 1968

Sec. 4707.22. (A) Any ~~auctioneer, apprentice auctioneer, or~~ 1969
~~special auctioneer~~ person licensed under this chapter who 1970
advertises, by linear advertisements or otherwise, to hold or 1971
conduct an auction shall indicate in ~~such~~ the advertisement ~~his~~ 1972
the licensee's name or the name registered with the department of 1973
agriculture and that ~~he~~ the licensee is an auctioneer or 1974
apprentice auctioneer. Any apprentice auctioneer who advertises, 1975
as provided in this section, ~~must~~ also shall indicate in ~~his~~ the 1976
apprentice's advertisement the name of the auctioneer under whom 1977
~~he~~ the apprentice is licensed. The name of the auctioneer shall be 1978
displayed in equal prominence with the name of the apprentice 1979
auctioneer in ~~such~~ the advertisement. Any such licensee who 1980
advertises in a manner other than as provided in this section is 1981
guilty of violating division (C) of section 4707.15 of the Revised 1982
Code. 1983

(B) An auction firm licensed under this chapter that 1984
advertises, by linear advertisements or otherwise, to solicit or 1985
receive consignments or to provide auction services shall indicate 1986
in the advertisement the name of the auction firm. In addition, an 1987
advertisement of an auction of consignments or an advertisement by 1988
an auction firm of an auction for which the auction firm will 1989
provide auction services shall comply with divisions (A) and (D) 1990
of this section. 1991

(C) If an auction to be advertised is an absolute auction, 1992
all advertisements for the auction shall unequivocally state that 1993
the auction is an absolute auction. 1994

(D) If an advertisement for an auction contains the words 1995
"estate auction," or words to that effect, the person licensed 1996
under this chapter who advertises shall do both of the following: 1997

<u>(1) Enter into an agreement directly with the executor,</u>	1998
<u>administrator, or court appointed designee of the estate property;</u>	1999
<u>(2) List prominently in the advertisement the county in which</u>	2000
<u>the estate is located and the probate court case number of the</u>	2001
<u>estate.</u>	2002
<u>(E) All persons licensed under this chapter that conduct or</u>	2003
<u>are involved in an auction jointly are responsible for the posting</u>	2004
<u>of a sign at the auction. The sign shall contain all of the</u>	2005
<u>following:</u>	2006
<u>(1) The name of all licensed persons involved in the auction;</u>	2007
<u>(2) A statement that the persons are licensed by the</u>	2008
<u>department of agriculture;</u>	2009
<u>(3) The address of the department of agriculture.</u>	2010
<u>The sign shall be posted at the main entrance of the auction,</u>	2011
<u>at the place of registration for the auction, or by the cashier</u>	2012
<u>for the auction. The sign shall be of a size not smaller than</u>	2013
<u>eight and one-half inches by eleven inches. The letters and</u>	2014
<u>numbers on the sign shall be of adequate size to be readily seen</u>	2015
<u>by an individual with normal vision when viewing it.</u>	2016
<u>(F) An advertisement for the sale of real property at auction</u>	2017
<u>shall contain the name of the licensed auctioneer who is entering</u>	2018
<u>into the auction contract and the name of the real estate broker</u>	2019
<u>licensed under Chapter 4735. of the Revised Code who is involved</u>	2020
<u>in the sale. Compliance with this section shall not require a real</u>	2021
<u>estate broker licensed under Chapter 4735. of the Revised Code to</u>	2022
<u>obtain a license under section 4707.073 of the Revised Code.</u>	2023
Sec. 4707.26. (A)(1) A person who asserts that <u>they have the</u>	2024
<u>person has</u> been aggrieved by the actions of a person licensed	2025
under this chapter that resulted in actual and direct losses to	2026
the aggrieved person may initiate a claim against the auction	2027

recovery fund either under this section or section 4707.261 of the Revised Code. If an aggrieved person who wishes to seek recovery from the auction recovery fund has obtained a final judgment in a court of competent jurisdiction against the licensee, the aggrieved person shall initiate the claim in accordance with section 4707.261 of the Revised Code. If an aggrieved person who wishes to seek recovery from the auction recovery fund has not obtained a final judgment in a court of competent jurisdiction against the licensee, the aggrieved person shall initiate the claim in accordance with this section.

(2) An aggrieved person may initiate a claim against the auction recovery fund under this section if ~~both~~ all of the following apply:

(a) The loss was associated with an act or transaction that only a person licensed under this chapter lawfully may perform.

(b) The licensee's actions are described in section 4707.15 of the Revised Code or otherwise violate this chapter or rules adopted under it.

(c) The licensee is not an auction firm.

To initiate a claim against the fund, an aggrieved person shall file a verified complaint with the department of agriculture in accordance with section 4707.16 of the Revised Code. The verified complaint shall include an application to the department that requests recovery of the applicant's actual and direct losses and that is made on forms that the department provides. The application for recovery shall specify the nature of the act or transaction on which the applicant's claim is based, the actual and direct losses sustained by the applicant, and any activities that the applicant has pursued as a remedy for the losses.

(B) Upon receipt of a verified ~~compliant~~ complaint and application, the department shall conduct an investigation in

accordance with section 4707.16 of the Revised Code. After the 2059
investigation, if the department determines that the licensee has 2060
engaged in conduct described in section 4707.15 of the Revised 2061
Code or otherwise has violated this chapter or rules adopted under 2062
it, the department shall propose to take action to suspend or 2063
revoke the licensee's license under section 4707.15 of the Revised 2064
Code or to initiate a criminal action against the licensee under 2065
section 4707.99 of the Revised Code, or both. The department shall 2066
issue a letter to the applicant indicating the department's 2067
proposed action and the date of any hearing that the department 2068
has scheduled regarding the matter. 2069

(C) Upon exhaustion of administrative remedies or criminal 2070
proceedings that results in a finding that the licensee has 2071
engaged in conduct described in section 4707.15 of the Revised 2072
Code or otherwise has violated this chapter or rules adopted under 2073
it, the department shall issue a notice in accordance with Chapter 2074
119. of the Revised Code via certified mail to the applicant 2075
indicating that the applicant may request a hearing for relief 2076
from the auction recovery fund. An applicant who seeks recovery 2077
from the fund of any actual and direct losses suffered as a result 2078
of a licensee's conduct shall submit, not later than thirty days 2079
following receipt of the notice, a request for a hearing to the 2080
department. 2081

Upon the timely receipt of a request for a hearing, the 2082
department shall provide the applicant with the opportunity to 2083
appear at an adjudication hearing to offer proof and evidence of 2084
the actual and direct losses. Whenever possible, the department 2085
shall require all applicants whose claims to the fund arose from 2086
an underlying transaction involving the same licensee to be joined 2087
in one adjudication under this section so that the rights of all 2088
applicants may be equitably adjudicated and settled. On behalf of 2089
the fund, the department may defend claims against the fund and 2090

shall have recourse to all appropriate means of defense and 2091
review, including examination of witnesses, and verification of 2092
actual losses. 2093

(D) Upon the conclusion of the adjudication hearing, the 2094
hearing officer shall issue a report and recommendation in favor 2095
of making payment to an applicant from the fund if, during the 2096
course of the adjudication hearing, all of the following have been 2097
shown: 2098

(1) The licensee has engaged in conduct described in section 2099
4707.15 of the Revised Code or otherwise has violated this chapter 2100
or rules adopted under it. 2101

(2) The licensee's conduct or violation is associated with an 2102
act that only a person licensed under this chapter lawfully may 2103
perform and the act resulted in direct and actual losses to the 2104
applicant. 2105

(3) The applicant filed a verified complaint and application 2106
with the department as required by this section. 2107

(4) The applicant is not the spouse of the licensee nor the 2108
personal representative of the licensee's spouse. 2109

(5) If the licensee either provided an irrevocable letter of 2110
credit or gave bond in accordance with section 4707.11 of the 2111
Revised Code, the applicant first sought recovery under the 2112
irrevocable letter of credit or bond before applying for payment 2113
from the fund. 2114

The amount of any payment from the fund to the applicant 2115
shall consist of an amount that is equal to the portion of the 2116
actual and direct losses incurred by the applicant that remain 2117
unpaid. The amount of the payment is subject to the dollar 2118
limitation established in section 4707.29 of the Revised Code. 2119

If the hearing officer determines that not all of the items 2120

described in divisions (D)(1) to (5) of this section have been 2121
shown during the course of the adjudication hearing, the hearing 2122
officer shall issue a report and recommendation against making 2123
payment from the fund to the applicant. 2124

(E) Pursuant to section 119.09 of the Revised Code, a hearing 2125
officer or the hearing officer's representative shall forward by 2126
certified mail a copy of the hearing officer's written report and 2127
recommendation to the applicant or the applicant's attorney or 2128
other representative not later than five days after the date on 2129
which the report and recommendation are filed. 2130

Not later than ten days after receiving such a copy, the 2131
applicant may file with the department written objections to the 2132
report and recommendation. The department may grant extensions of 2133
time to the applicant within which to file objections. 2134

The objections shall be considered by the department before 2135
it approves, modifies, or disapproves the recommendation. The 2136
department may order additional testimony to be taken or permit 2137
the introduction of further documentary evidence. 2138

The recommendation of the hearing officer may be approved, 2139
modified, or disapproved by order of the director of agriculture. 2140
The order shall not be issued until more than ten days have 2141
elapsed following the applicant's receipt of the report and 2142
recommendation as provided by this section. The director's 2143
approval, modification, or disapproval of the hearing officer's 2144
recommendation shall have the same effect as if the hearing had 2145
been conducted by the director. 2146

No recommendation shall be final until approved, modified, or 2147
disapproved by the director as indicated by the order entered on 2148
the record of proceedings of the department. If the director 2149
modifies or disapproves the recommendations of the hearing 2150
officer, the director shall include in the record of the 2151

proceedings the reasons for the modification or disapproval. 2152

After an order is entered on its journal, the department 2153
shall make payment, if applicable, to the applicant from the 2154
auction recovery fund in accordance with the order and shall 2155
provide to the applicant by certified mail, return receipt 2156
requested, a copy of the order and a statement of the time and 2157
method by which an appeal may be perfected. In addition, the 2158
department shall mail a copy of the order to the attorney or other 2159
representative of the applicant. 2160

(F) An order of the director issued under this section 2161
constitutes a final determination of the director for purposes of 2162
appeal. An applicant who is denied compensation from the auction 2163
recovery fund or who receives an award less than the award 2164
requested may appeal the order of the director. Notices of appeal 2165
shall be filed in the manner provided in section 119.12 of the 2166
Revised Code. 2167

Sec. 4707.32. (A) A person who asserts that the person has 2168
been aggrieved solely by the actions of an auction firm that 2169
resulted in actual and direct losses to the aggrieved person may 2170
seek recovery under the auction firm's financial responsibility 2171
that is required under section 4707.074 of the Revised Code. The 2172
director of agriculture shall adopt rules under section 4707.19 of 2173
the Revised Code that do all of the following: 2174

(1) Establish procedures for filing a claim against an 2175
auction firm's financial responsibility; 2176

(2) Establish procedures that provide for the equitable 2177
disbursement of money for multiple claims against the auction firm 2178
that resulted from the same circumstances; 2179

(3) Establish procedures for providing notice to the 2180
department of agriculture from a person seeking recovery under 2181

this division; 2182

(4) Limit an aggrieved person's recovery to the actual and 2183
direct losses caused by the auction firm. 2184

(B) A person who asserts that the person has been aggrieved 2185
by the actions of both an auction firm and a licensed auctioneer 2186
related to an auction that resulted in actual and direct losses to 2187
the aggrieved person may file a cause of action with a court of 2188
competent jurisdiction claiming that a violation of this chapter 2189
or rules adopted under it resulted in the actual and direct 2190
losses. The court shall determine if there was a violation of this 2191
chapter or rules adopted under it that resulted in those losses. 2192
If the court determines that the auction firm, the licensed 2193
auctioneer, or both violated this chapter or rules adopted under 2194
it and that the violation resulted in the aggrieved person's 2195
actual and direct losses, the court shall determine the percentage 2196
of culpability, in relation to one hundred per cent, that is 2197
attributable to each party to the action from whom the complainant 2198
seeks recovery. 2199

If the court finds that the percentage of culpability that is 2200
attributable to the licensed auctioneer is greater than zero, the 2201
aggrieved person may initiate a claim against the auction recovery 2202
fund in accordance with sections 4707.26 to 4707.31 of the Revised 2203
Code to recover that percentage of the actual and direct losses 2204
sustained by the person. If the court finds that the percentage of 2205
culpability that is attributable to the auction firm is greater 2206
than zero, the aggrieved person may recover that percentage of the 2207
actual and direct losses sustained by the person under the auction 2208
firm's financial responsibility that is required under section 2209
4707.074 of the Revised Code. 2210

The total aggregate amount that is paid to the aggrieved 2211
person from the auction recovery fund and the auction firm's 2212

financial responsibility shall not exceed the actual and direct 2213
losses sustained by the person. In addition, the total aggregate 2214
amount that is paid from the auction recovery fund shall not 2215
exceed the dollar limitations established in section 4707.29 of 2216
the Revised Code, and the total aggregate amount that is paid from 2217
the auction firm's financial responsibility shall not exceed the 2218
dollar limitations established in section 4707.074 of the Revised 2219
Code. 2220

(C) If a person files a cause of action under division (B) of 2221
this section, the person immediately shall send written notice to 2222
the department of agriculture. 2223

Sec. 4707.99. (A) ~~Whoever acts as an auctioneer, apprentice~~ 2224
~~auctioneer, or special auctioneer as defined in~~ 2225
~~4707.01~~ 4707.02 ~~of the Revised Code, without first obtaining a~~ 2226
~~license, upon conviction thereof, shall be fined not less than one~~ 2227
~~hundred nor more than one thousand dollars, or imprisoned not more~~ 2228
~~than ninety days, or both~~ is guilty of a misdemeanor of the first 2229
degree on the first offense and a felony of the fifth degree on 2230
each subsequent offense. 2231

(B) ~~Whoever violates this chapter or any rule promulgated~~ 2232
~~adopted~~ by the department of agriculture in the administration of 2233
~~this chapter, for the violation of which no penalty is provided,~~ 2234
~~shall be fined not less than fifty nor more than two hundred~~ 2235
~~dollars~~ is guilty of a misdemeanor of the first degree. 2236

(C) ~~Whoever violates section 4707.151 of the Revised Code~~ 2237
~~shall be fined not more than fifty thousand dollars, or imprisoned~~ 2238
~~not more than one year, or both~~ is guilty of a felony of the fifth 2239
degree on the first offense and a felony of the fourth degree on 2240
each subsequent offense. 2241

(D) Notwithstanding section 1901.31, 1907.20, or 2335.37 of 2242

the Revised Code, the clerk of the court shall transmit to the 2243
treasurer of state for deposit into the state treasury to the 2244
credit of the auction education fund created in section 4707.171 2245
of the Revised Code fifty per cent of any fine imposed under this 2246
section. 2247

Sec. 4727.03. (A) As used in this section, "experience and 2248
fitness in the capacity involved" means that the applicant for a 2249
pawnbroker's license demonstrates sufficient financial 2250
responsibility, reputation, and experience in the pawnbroker 2251
business, or in a related business, to act as a pawnbroker in 2252
compliance with this chapter. "Experience and fitness in the 2253
capacity involved" shall be determined by: 2254

(1) Prior or current ownership or management of, or 2255
employment in, a pawnshop; 2256

(2) Demonstration to the satisfaction of the superintendent 2257
of financial institutions of a thorough working knowledge of all 2258
pawnbroker laws and rules as they relate to the actual operation 2259
of a pawnshop. 2260

A demonstration shall include a demonstration of an ability 2261
to properly complete forms, knowledge of how to properly calculate 2262
interest and storage charges, and knowledge of legal notice and 2263
forfeiture procedures. The final determination of whether an 2264
applicant's demonstration is adequate rests with the 2265
superintendent ~~of financial institutions.~~ 2266

(3) A submission by the applicant and any stockholders, 2267
owners, managers, directors, or officers of the pawnshop, and 2268
employees of the applicant to a police record check; and 2269

(4) Liquid assets in a minimum amount of one hundred thousand 2270
dollars at the time of applying for initial licensure and 2271
demonstration of the ability to maintain the liquid assets at a 2272

minimum amount of fifty thousand dollars for the duration of 2273
holding a valid pawnbroker's license. 2274

(B) The superintendent may grant a license to act as a 2275
pawnbroker to any person of good character and having experience 2276
and fitness in the capacity involved to engage in the business of 2277
pawnbroking upon the payment to the superintendent of a license 2278
fee determined by the superintendent pursuant to section 1321.20 2279
of the Revised Code. A license is not transferable or assignable. 2280

(C) The superintendent may consider an application withdrawn 2281
and may retain the investigation fee required under division (D) 2282
of this section if both of the following are true: 2283

(1) An application for a license does not contain all of the 2284
information required under division (B) of this section. 2285

(2) The information is not submitted to the superintendent 2286
within ninety days after the superintendent requests the 2287
information from the applicant in writing. 2288

(D) The superintendent shall require an applicant for a 2289
pawnbroker's license to pay to the superintendent a nonrefundable 2290
initial investigation fee of two hundred dollars, which is for the 2291
exclusive use of the state. ~~The~~ 2292

(E)(1) Except as otherwise provided in division (E)(2) of 2293
this section, a pawnbroker's license shall be issued by the 2294
superintendent ~~and shall expire~~ expires on the thirtieth day of 2295
June next following the date of its issuance, and may be renewed 2296
annually by the thirtieth day of June in accordance with the 2297
standard renewal procedure set forth in Chapter 4745. of the 2298
Revised Code. Fifty per cent of the annual license fee shall be 2299
for the use of the state, and fifty per cent shall be paid by the 2300
state to the municipal corporation, or if outside the limits of 2301
any municipal corporation, to the county, in which the office of 2302
the licensee is located. All such fees payable to municipal 2303

corporations or counties shall be paid annually. 2304

~~(E) Every (2) A pawnbroker's license shall be issued or~~ 2305
~~renewed annually by the thirtieth day of June according to~~ 2306
~~superintendent on or after January 1, 2006, expires on the~~ 2307
~~thirtieth day of June in the even-numbered year next following the~~ 2308
~~date of its issuance or renewal, as applicable, and may be renewed~~ 2309
~~biennially by the thirtieth day of June in accordance with the~~ 2310
~~standard renewal procedure of set forth in Chapter 4745. of the~~ 2311
~~Revised Code. Fifty per cent of the biennial license fee shall be~~ 2312
~~for the use of the state, and fifty per cent shall be paid by the~~ 2313
~~state to the municipal corporation, or if outside the limits of~~ 2314
~~any municipal corporation, to the county, in which the office of~~ 2315
~~the licensee is located. All such fees payable to municipal~~ 2316
~~corporations or counties shall be paid biennially.~~ 2317

(F) The fee for renewal of a license shall be equivalent to 2318
the fee for an initial license established by the superintendent 2319
pursuant to section 1321.20 of the Revised Code. Any licensee who 2320
wishes to renew the pawnbroker's license but who fails to do so on 2321
or before the ~~thirtieth day of June~~ date the license expires shall 2322
reapply for licensure in the same manner and pursuant to the same 2323
requirements as for initial licensure, unless the licensee pays to 2324
the superintendent on or before the thirty-first day of August of 2325
the year the license expires, a late renewal penalty of one 2326
hundred dollars in addition to the regular renewal fee. Any 2327
licensee who fails to renew the license on or before the ~~thirtieth~~ 2328
~~day of June~~ date the license expires is prohibited from acting as 2329
a pawnbroker until the license is renewed or a new license is 2330
issued under this section. Any licensee who renews a license 2331
between the first day of July and the thirty-first day of August 2332
of the year the license expires is not relieved from complying 2333
with this division. The superintendent may refuse to issue to or 2334
renew the license of any licensee who violates this division. 2335

~~(F)~~(G) No license shall be granted to any person not a 2336
resident of or the principal office of which is not located in the 2337
municipal corporation or county designated in such license unless 2338
that applicant, in writing and in due form approved by and filed 2339
with the superintendent, first appoints an agent, a resident of 2340
the state, and city or county where the office is to be located, 2341
upon whom all judicial and other process, or legal notice, 2342
directed to the applicant may be served. In case of the death, 2343
removal from the state, or any legal disability or any 2344
disqualification of any such agent, service of such process or 2345
notice may be made upon the superintendent. 2346

The superintendent may, upon notice to the licensee and 2347
reasonable opportunity to be heard, suspend or revoke any license 2348
or assess a penalty against the licensee if the licensee, or the 2349
licensee's officers, agents, or employees, has violated this 2350
chapter. Any penalty shall be appropriate to the violation but in 2351
no case shall the penalty be less than two hundred nor more than 2352
two thousand dollars. Whenever, for any cause, a license is 2353
suspended or revoked, the superintendent shall not issue another 2354
license to the licensee nor to the legal spouse of the licensee, 2355
nor to any business entity of which the licensee is an officer or 2356
member or partner, nor to any person employed by the licensee, 2357
until the expiration of at least two years from the date of 2358
revocation or suspension of the license. The superintendent shall 2359
deposit all penalties allocated pursuant to this section into the 2360
state treasury to the credit of the consumer finance fund. 2361

Any proceedings for the revocation or suspension of a license 2362
or to assess a penalty against a licensee are subject to Chapter 2363
119. of the Revised Code. 2364

~~(G)~~(H) If a licensee surrenders or chooses not to renew the 2365
pawnbroker's license, the licensee shall notify the superintendent 2366
thirty days prior to the date on which the licensee intends to 2367

close the licensee's business as a pawnbroker. Prior to the date, 2368
the licensee shall do either of the following with respect to all 2369
active loans: 2370

(1) Dispose of an active loan by selling the loan to another 2371
person holding a valid pawnbroker's license issued under this 2372
section; 2373

(2) Reduce the rate of interest on pledged articles held as 2374
security for a loan to eight per cent per annum or less effective 2375
on the date that the pawnbroker's license is no longer valid. 2376

Sec. 4727.04. (A) An application for a pawnbroker's license 2377
shall state fully the name and address of the applicant and of 2378
every member, partner, stockholder, or owner of an applicant, and 2379
the location of the office or place of business in which the 2380
business is conducted; and in the case of a corporation, shall 2381
also state the date and place of its incorporation, the name and 2382
address of its manager, the names and addresses of its directors, 2383
the name and address of the agent as provided in section 4727.03 2384
of the Revised Code, and any other information required by the 2385
superintendent of financial institutions. 2386

The license shall be kept posted in a conspicuous place in 2387
the office where the business is transacted. No person so licensed 2388
shall transact or solicit business under any other name or at any 2389
location other than at the address stated in the person's license. 2390
No licensee may move the licensee's business location without 2391
prior notification to the superintendent of at least thirty days. 2392
If the licensee moves out of the municipal corporation or county 2393
in which the licensee was originally licensed, the licensee shall 2394
pay an additional ~~annual~~ license fee equivalent to the fee for an 2395
initial license to be distributed in accordance with section 2396
4727.03 of the Revised Code. 2397

(B) The superintendent may issue to a pawnbroker licensed 2398

under this chapter a temporary exhibition permit pursuant to 2399
division (C)(1) of section 4728.04 of the Revised Code. 2400

(1) A licensee who wishes to be issued a temporary permit 2401
pursuant to division (C)(1) of section 4728.04 of the Revised Code 2402
shall make request for such issuance by letter addressed to the 2403
superintendent. The letter of request shall contain the licensee's 2404
name, permanent business address, and license number. 2405

(2) Upon receipt of a temporary exhibition permit, the permit 2406
holder shall conspicuously display the permit at the place where 2407
the permit holder transacts business at any auction, convention, 2408
exhibition, fair, or show. 2409

(3) Every permit holder who wishes to participate in an 2410
auction, convention, exhibition, fair, or show, at least two weeks 2411
prior to its opening, shall notify the superintendent and the 2412
chief of police of the municipal corporation in which the event is 2413
to take place, or if the event is to take place outside of any 2414
municipal corporation, then the sheriff of the county in which the 2415
event is to take place. Such notification shall be by letter and 2416
shall include the permit holder's name, permanent business 2417
address, and permit number, and the place where the event is 2418
scheduled to be held. 2419

(C) Every licensee shall post at the main door of the 2420
licensee's place of business the hours or times when the 2421
establishment is open for business. No licensee shall collect 2422
interest and storage on any loan for any regular business day that 2423
the establishment is not open for business as posted, unless prior 2424
notice of a closing is posted on the door or the closing is 2425
occasioned by an act of God, unforeseen emergency, or other event 2426
beyond the control of the licensee. A licensee shall notify the 2427
superintendent of any change in the posted hours of operation. 2428

(D) No licensee shall fail to observe the posted hours of 2429

operation pursuant to division (C) of this section except as 2430
authorized by that division. 2431

Sec. 4727.06. (A) No pawnbroker shall charge, receive, or 2432
demand interest for any loan in excess of five per cent per month 2433
or fraction of a month on the unpaid principal. Interest shall be 2434
computed on a monthly basis on the amount of the principal 2435
remaining unpaid on the first day of the month and shall not be 2436
compounded. 2437

(B) In addition to the rate of interest limitation imposed 2438
pursuant to division (A) of this section, the licensee may charge 2439
no more than: 2440

(1) ~~Three~~ Four dollars per month or fraction of a month for 2441
all pledged articles held as security or stored for a loan, to be 2442
agreed to in writing at the time the loan is made; 2443

(2) Four dollars plus the actual cost of shipping, when the 2444
licensee is to deliver or forward the pledged article by express 2445
or parcel post to the pledgor; 2446

(3) Two dollars for the loss of the original statement issued 2447
to the pledgor by the licensee pursuant to section 4727.07 of the 2448
Revised Code upon redemption of the pledged articles; 2449

(4) Two dollars for the cost of notifying a pledgor by mail 2450
that the pledged articles may be forfeited to the licensee 2451
pursuant to section 4727.11 of the Revised Code. 2452

(C) A licensee who complies with the requirements or 2453
procedures of this state pursuant to the application of the "Brady 2454
Handgun Violence Protection Act," 107 Stat. 1536 (1993), 18 2455
U.S.C.A. 922, as amended, may charge any fee the licensee is 2456
required by law to pay in order to comply with such requirements 2457
or procedures. The licensee may charge no more than two dollars 2458
for providing services in compliance with such requirements or 2459

procedures. 2460

(D) A pledgor may pay a portion of the outstanding principal 2461
loan balance at any time. A pledgor may redeem a pawn loan at any 2462
time after seventy-two hours have passed since the pledge was 2463
made. A pledgor may not prepay interest or storage charges, except 2464
when the pledgor redeems the pledged property. 2465

Section 2. That existing sections 505.94, 1321.20, 2925.01, 2466
4517.02, 4707.01, 4707.02, 4707.021, 4707.03, 4707.04, 4707.05, 2467
4707.06, 4707.07, 4707.071, 4707.072, 4707.08, 4707.09, 4707.10, 2468
4707.11, 4707.111, 4707.12, 4707.14, 4707.15, 4707.151, 4707.16, 2469
4707.171, 4707.18, 4707.19, 4707.20, 4707.21, 4707.22, 4707.26, 2470
4707.99, 4727.03, 4727.04, and 4727.06 of the Revised Code are 2471
hereby repealed. 2472

Section 3. To facilitate implementation of the schedule for 2473
the biennial expiration of auctioneer's licenses and special 2474
auctioneer's licenses that is established in division (B)(2) of 2475
section 4707.10 of the Revised Code, as amended by this act, both 2476
of the following apply with respect to such licenses that are 2477
issued during the time period beginning July 1, 2005, and ending 2478
June 30, 2006: 2479

(A) Upon payment of a licensure fee in the amount of two 2480
hundred dollars, an applicant for an initial license or license 2481
renewal whose last name or business name, as applicable, begins 2482
with the letters "A" through "J" or with the letters "X" through 2483
"Z" shall be issued a license that expires on June 30, 2007. 2484

(B) Upon payment of a licensure fee in the amount of one 2485
hundred dollars, an applicant for an initial license or license 2486
renewal whose last name or business name, as applicable, begins 2487
with the letters "K" through "W" shall be issued a license that 2488
expires on June 30, 2006. 2489

The provisions concerning license renewal that are	2490
established in section 4707.10 of the Revised Code, as amended by	2491
this act, apply to all licenses that expire after the effective	2492
date of this act.	2493