

**As Introduced**

**126th General Assembly  
Regular Session  
2005-2006**

**H. B. No. 122**

**Representatives Wagoner, McGregor, Martin, Wagner, T. Patton, Hoops,  
Uecker, Seitz, Combs, Gibbs, Flowers, Collier, D. Evans, Calvert, Reidelbach,  
Setzer, Strahorn, Garrison, Latta, C. Evans, Kearns, Blasdel, Law, Gilb,  
Webster, Ujvagi, Harwood, Daniels**

—

**A B I L L**

To amend section 3770.07 of the Revised Code to 1  
prohibit the claiming and payment of a lottery 2  
prize award with a value in excess of \$599 until 3  
the beneficial owner's name, address, and Social 4  
Security number are disclosed to the State Lottery 5  
Commission. 6

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

**Section 1.** That section 3770.07 of the Revised Code be 7  
amended to read as follows: 8

**Sec. 3770.07.** (A)(1) Except as provided in division (A)(2) of 9  
this section, lottery prize awards shall be claimed by the holder 10  
of the winning lottery ticket, or by the executor or 11  
administrator, or the trustee of a trust, of the estate of a 12  
deceased holder of a winning lottery ticket, in a manner to be 13  
determined by the state lottery commission, within one hundred 14  
eighty days after the date on which the prize award was announced 15  
if the lottery game is an ~~on-line~~ online game, and within one 16  
hundred eighty days after the close of the game if the lottery 17

game is an instant game. No lottery prize award with a value that 18  
exceeds five hundred ninety-nine dollars shall be claimed by or 19  
paid to any person, as defined in section 1.59 of the Revised Code 20  
or as defined by rule or order of the state lottery commission, 21  
until the name, address, and social security number of each 22  
beneficial owner of the prize award are disclosed to the 23  
commission. Except with a beneficial owner's permission, the name, 24  
address, and social security number of that beneficial owner in 25  
the commission's records as a result of that disclosure are not 26  
subject to inspection or copying under section 149.43 of the 27  
Revised Code as a public record. 28

(2) An eligible person serving on active military duty in any 29  
branch of the United States armed forces during a war or national 30  
emergency declared in accordance with federal law may submit a 31  
delayed claim for a lottery prize award. The eligible person shall 32  
do so by notifying the state lottery commission about the claim 33  
not later than the five hundred fortieth day after the date on 34  
which the prize award was announced if the lottery game is an 35  
~~en-line~~ online game or after the date on which the lottery game 36  
closed if the lottery game is an instant game. 37

(3) If no valid claim to a lottery prize award is made within 38  
the prescribed period, the prize money, the cost of goods and 39  
services awarded as prizes, or, if goods or services awarded as 40  
prizes are resold by the state lottery commission, the proceeds 41  
from their sale shall be returned to the state lottery fund and 42  
distributed in accordance with section 3770.06 of the Revised 43  
Code. 44

(4) As used in this division: 45

(a) "Eligible person" means a person who is entitled to a 46  
lottery prize award and who falls into either of the following 47  
categories: 48

(i) While on active military duty in this state, the person, 49  
as the result of a war or national emergency declared in 50  
accordance with federal law, is transferred out of this state 51  
before the one hundred eightieth day after the date on which the 52  
winner of the lottery prize award is selected. 53

(ii) While serving in the reserve forces in this state, the 54  
person, as the result of a war or national emergency declared in 55  
accordance with federal law, is placed on active military duty and 56  
is transferred out of this state before the expiration of the one 57  
hundred eightieth day after the date on which the prize drawing 58  
occurs for an ~~on-line~~ online game or before the expiration of the 59  
one hundred eightieth day following the close of an instant game 60  
as determined by the commission. 61

(b) "Active military duty" means that a person is covered by 62  
the "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003), 50 63  
U.S.C. 501 et seq., as amended, or the "Uniformed Services 64  
Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 65  
38 U.S.C. 4301 et seq., as amended. 66

(c) "Each beneficial owner" means the ultimate recipient or, 67  
if there is more than one, each ultimate recipient of a lottery 68  
prize award. 69

(B) If a prize winner, as defined in section 3770.10 of the 70  
Revised Code, is under eighteen years of age, or is under some 71  
other legal disability, and the prize money or the cost of goods 72  
or services awarded as a prize exceeds one thousand dollars, the 73  
director of the state lottery commission shall order that payment 74  
be made to the order of the legal guardian of that prize winner. 75  
If the amount of the prize money or the cost of goods or services 76  
awarded as a prize is one thousand dollars or less, the director 77  
may order that payment be made to the order of the adult member, 78  
if any, of that prize winner's family legally responsible for the 79

care of that prize winner. 80

(C) No right of any prize winner, as defined in section 81  
3770.10 of the Revised Code, to a prize award shall be the subject 82  
of a security interest or used as collateral. 83

(D)(1) No right of any prize winner, as defined in section 84  
3770.10 of the Revised Code, to a prize award shall be assignable, 85  
or subject to garnishment, attachment, execution, withholding, or 86  
deduction, except as follows: as provided in sections 3119.80, 87  
3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code; when 88  
the payment is to be made to the executor or administrator, or the 89  
trustee of a trust, of the estate of a winning ticket holder; when 90  
the award of a prize is disputed, any person may be awarded a 91  
prize award to which another has claimed title, pursuant to the 92  
order of a court of competent jurisdiction; when a person is 93  
awarded a prize award to which another has claimed title, pursuant 94  
to the order of a federal bankruptcy court under Title 11 of the 95  
United States Code; when the director is to make a payment 96  
pursuant to section 3770.071 or 3770.073 of the Revised Code; or 97  
as provided in sections 3770.10 to 3770.14 of the Revised Code. 98

(2) The state lottery commission shall adopt rules pursuant 99  
to section 3770.03 of the Revised Code concerning the payment of 100  
prize awards upon the death of a prize winner, as defined in 101  
section 3770.10 of the Revised Code. Upon the death of a prize 102  
winner, the remainder of the prize winner's prize award, to the 103  
extent it is not subject to a transfer agreement under sections 104  
3770.10 to 3770.14 of the Revised Code, may be paid to the 105  
executor, administrator, or trustee in the form of a discounted 106  
lump sum cash settlement. 107

(E) No lottery prize award shall be awarded to or for any 108  
officer or employee of the state lottery commission, any officer 109  
or employee of the auditor of state actively coordinating and 110

certifying commission drawings, or any blood relative or spouse of 111  
such an officer or employee of the commission or auditor of state 112  
living as a member of the officer's or employee's household, nor 113  
shall any such officer, employee, blood relative, or spouse 114  
attempt to claim a lottery prize award. 115

(F) The director may prohibit vendors to the state lottery 116  
commission and their employees from being awarded a lottery prize 117  
award. 118

(G) Upon the payment of prize awards pursuant to this 119  
section, the director and the state lottery commission are 120  
discharged from all further liability for their payment. 121

**Section 2.** That existing section 3770.07 of the Revised Code 122  
is hereby repealed. 123