

**As Passed by the House**

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

**Sub. H. B. No. 122**

**Representatives Wagoner, McGregor, Martin, Wagner, T. Patton, Hoops,  
Uecker, Seitz, Combs, Gibbs, Flowers, Collier, D. Evans, Calvert, Reidelbach,  
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DeBose, Distel, Dolan, Domenick, Faber, Hughes, Key, Miller, Sayre,  
Schaffer, Schneider, J. Stewart, Yuko**

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**A B I L L**

To amend sections 3770.07 and 3770.071 and to enact 1  
section 3123.89 of the Revised Code to prohibit 2  
the claiming and payment of a lottery prize award 3  
with a value in excess of \$599 until the 4  
beneficial owner's name, address, and Social 5  
Security number are disclosed to the State Lottery 6  
Commission, and to make changes in the procedure 7  
for the deduction of support from lottery prize 8  
awards. 9

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

**Section 1.** That sections 3770.07 and 3770.071 be amended and 10  
section 3123.89 of the Revised Code be enacted to read as follows: 11

**Sec. 3123.89.** (A) Subject to section 3770.071 of the Revised 12  
Code, a child support enforcement agency that determines that an 13  
obligor who is the recipient of a lottery prize award is subject 14

to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code shall issue an intercept directive to the director of the state lottery commission. A copy of this intercept directive shall be sent to the obligor.

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(B) The intercept directive shall require the director or the director's designee to transmit an amount or amounts from the proceeds of the specified lottery prize award to the office of child support in the department of job and family services. The intercept directive also shall contain all of the following information:

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(1) The name, address, and social security number or taxpayer identification number of the obligor;

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(2) A statement that the obligor has been determined to be in default under a support order;

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(3) The amount of the arrearage owed by the obligor as determined by the agency.

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(C) After receipt of an intercept directive and in accordance with section 3770.071 of the Revised Code, the director or the director's designee shall deduct the amount or amounts specified from the proceeds of the lottery prize award referred to in the directive and transmit the amounts to the office of child support.

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

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hundred eighty days after the close of the game if the lottery 45  
game is an instant game. No lottery prize award with a value that 46  
exceeds five hundred ninety-nine dollars shall be claimed by or 47  
paid to any person, as defined in section 1.59 of the Revised Code 48  
or as defined by rule or order of the state lottery commission, 49  
until the name, address, and social security number of each 50  
beneficial owner of the prize award are disclosed to the 51  
commission. Except with a beneficial owner's permission, the name, 52  
address, and social security number of that beneficial owner in 53  
the commission's records as a result of that disclosure shall not 54  
be subject to inspection or copying under section 149.43 of the 55  
Revised Code as a public record. Except as otherwise provided in 56  
division (A)(1) of this section or as otherwise provided by law, 57  
the name and address of any individual claiming a lottery prize 58  
award are subject to inspection or copying under section 149.43 of 59  
the Revised Code as a public record. 60

(2) An eligible person serving on active military duty in any 61  
branch of the United States armed forces during a war or national 62  
emergency declared in accordance with federal law may submit a 63  
delayed claim for a lottery prize award. The eligible person shall 64  
do so by notifying the state lottery commission about the claim 65  
not later than the five hundred fortieth day after the date on 66  
which the prize award was announced if the lottery game is an 67  
~~en-line~~ online game or after the date on which the lottery game 68  
closed if the lottery game is an instant game. 69

(3) If no valid claim to a lottery prize award is made within 70  
the prescribed period, the prize money, the cost of goods and 71  
services awarded as prizes, or, if goods or services awarded as 72  
prizes are resold by the state lottery commission, the proceeds 73  
from their sale shall be returned to the state lottery fund and 74  
distributed in accordance with section 3770.06 of the Revised 75  
Code. 76

(4) As used in this division:	77
(a) "Eligible person" means a person who is entitled to a lottery prize award and who falls into either of the following categories:	78 79 80
(i) While on active military duty in this state, the person, as the result of a war or national emergency declared in accordance with federal law, is transferred out of this state before the one hundred eightieth day after the date on which the winner of the lottery prize award is selected.	81 82 83 84 85
(ii) While serving in the reserve forces in this state, the person, as the result of a war or national emergency declared in accordance with federal law, is placed on active military duty and is transferred out of this state before the expiration of the one hundred eightieth day after the date on which the prize drawing occurs for an <del>on-line</del> <u>online</u> game or before the expiration of the one hundred eightieth day following the close of an instant game as determined by the commission.	86 87 88 89 90 91 92 93
(b) "Active military duty" means that a person is covered by the "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003), 50 U.S.C. 501 et seq., as amended, or the "Uniformed Services Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 38 U.S.C. 4301 et seq., as amended.	94 95 96 97 98
<u>(c) "Each beneficial owner" means the ultimate recipient or, if there is more than one, each ultimate recipient of a lottery prize award.</u>	99 100 101
(B) If a prize winner, as defined in section 3770.10 of the Revised Code, is under eighteen years of age, or is under some other legal disability, and the prize money or the cost of goods or services awarded as a prize exceeds one thousand dollars, the director of the state lottery commission shall order that payment be made to the order of the legal guardian of that prize winner.	102 103 104 105 106 107

If the amount of the prize money or the cost of goods or services awarded as a prize is one thousand dollars or less, the director may order that payment be made to the order of the adult member, if any, of that prize winner's family legally responsible for the care of that prize winner.

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

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

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

(E) No lottery prize award shall be awarded to or for any 140  
officer or employee of the state lottery commission, any officer 141  
or employee of the auditor of state actively coordinating and 142  
certifying commission drawings, or any blood relative or spouse of 143  
such an officer or employee of the commission or auditor of state 144  
living as a member of the officer's or employee's household, nor 145  
shall any such officer, employee, blood relative, or spouse 146  
attempt to claim a lottery prize award. 147

(F) The director may prohibit vendors to the state lottery 148  
commission and their employees from being awarded a lottery prize 149  
award. 150

(G) Upon the payment of prize awards pursuant to this 151  
section, the director and the state lottery commission are 152  
discharged from all further liability for their payment. 153

**Sec. 3770.071.** (A)(1) If the amount of the prize money or the 154  
cost of goods or services awarded as a lottery prize award is six 155  
hundred dollars or more, the director of the state lottery 156  
commission, or the director's designee, shall require the person 157  
entitled to the prize award to affirm in writing, under oath, 158  
whether or not the person is in default under a support order. The 159  
director or the director's designee also may take any additional 160  
appropriate steps to determine if the person entitled to the prize 161  
award is in default under a support order. If the person entitled 162  
to the prize award affirms that the person is in default under a 163  
support order, or if the director or the director's designee 164  
determines that the person is in default under a support order, 165  
the director or the director's designee shall temporarily withhold 166  
payment of the prize award and ~~inform~~ notify the ~~court~~ child 167  
support enforcement agency that ~~issued~~ administers the support 168  
order that the person is entitled to a prize award, of the amount 169  
of the prize award, and, if the prize award is to be paid in 170

annual installments, of the number of installments. 171

~~After (2) Upon~~ receipt of the notice from the director or the 172  
director's designee, the ~~court shall give the person notice of the~~ 173  
~~director's notice, schedule a hearing to determine if the person~~ 174  
~~is in default and the amount of the default, and give the person~~ 175  
~~notice of the date, time, and location of the hearing~~ child 176  
support enforcement agency shall conduct an investigation to 177  
determine whether the person entitled to the lottery prize award 178  
is subject to a final and enforceable determination of default 179  
made under sections 3123.01 to 3123.07 of the Revised Code. If the 180  
~~court at the hearing~~ agency determines that the person is ~~in~~ 181  
~~default so subject,~~ it shall issue an ~~order~~ intercept directive as 182  
described in section 3123.89 of the Revised Code to the director 183  
at lottery commission headquarters requiring the director or the 184  
director's designee to deduct from any unpaid prize award or any 185  
annual installment payment of ~~the~~ an unpaid prize award, a 186  
specified amount for ~~child support or spousal~~ support in 187  
satisfaction of the support order under which the person is in 188  
default. To the extent possible, the amount specified to be 189  
deducted under the ~~order issued under this section~~ intercept 190  
directive shall satisfy the amount ordered for ~~support or spousal~~ 191  
support in the support order under which the person is in default. 192  
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A child support enforcement agency shall issue an intercept 194  
directive within thirty days from the date the director or the 195  
director's designee notifies the agency under division (A)(1) of 196  
this section. Within thirty days after the date on which the ~~court~~ 197  
~~agency~~ issues the ~~order under this section to the director~~ 198  
intercept directive, the director or the director's designee shall 199  
pay the amount specified in ~~that order~~ the intercept directive to 200  
the office of child support in the department of job and family 201  
services. ~~If~~ But, if the prize award is to be paid in annual 202

installments, the director or the director's designee, on the date 203  
the next installment payment is due, shall ~~pay~~ deduct the amount 204  
specified in the ~~court order issued under this section~~ intercept 205  
directive from that installment and, if necessary, any subsequent 206  
annual installments, at the time ~~such~~ those installments become 207  
due and owing to the prize winner, and pay the amount to the 208  
office of child support. 209

(B) As used in this section: 210

(1) "Support order" has the same meaning as in section 211  
3119.01 of the Revised Code. 212

(2) "Default" has the same meaning as in section 3121.01 of 213  
the Revised Code. 214

(C) No person shall knowingly make a false affirmation or 215  
oath required by division (A) of this section. 216

**Section 2.** That existing sections 3770.07 and 3770.071 of the 217  
Revised Code are hereby repealed. 218