

**Sec. 923.45.** The director of agriculture ~~shall~~ may publish ~~at~~ 14451  
~~least~~ annually in such form as ~~he~~ the director considers proper: 14452

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(A) Information concerning the sale of commercial feed, 14454  
including any production and use data ~~he~~ the director considers 14455  
advisable, provided that the data does not disclose the operation 14456  
of any manufacturer or distributor; 14457

(B) A comparison of the analyses of official samples of 14458  
commercial feeds distributed in this state with the guaranteed 14459  
analyses on the label. 14460

**Sec. 923.46.** All moneys collected by the director of 14461  
agriculture under sections 923.41 to 923.55 of the Revised Code 14462  
shall be deposited into the state treasury to the credit of the 14463  
commercial feed, fertilizer, seed, and lime inspection and 14464  
laboratory fund created in section 905.38 of the Revised Code. 14465  
~~Money credited to the fund shall be used only for administering~~ 14466  
~~and enforcing this chapter and Chapter 905. of the Revised Code~~ 14467  
~~and rules adopted under them.~~ 14468

The director shall prepare and provide a report concerning 14469  
the fund in accordance with section 905.381 of the Revised Code. 14470

**Sec. 926.01.** As used in this chapter: 14471

(A) "Agricultural commodity" means barley, corn, oats, rye, 14472  
grain sorghum, soybeans, wheat, sunflower, speltz, or any other 14473  
agricultural crop ~~which~~ that the director of agriculture may 14474  
designate by rule. "Agricultural commodity" does not mean any 14475  
grain that is purchased for sale as seed. 14476

(B) "Agricultural commodity handling" or "handling" means any 14477  
of the following: 14478

(1) Engaging in or participating in the business of	14479
purchasing <del>an</del> <u>from producers</u> agricultural commodity for sale,	14480
<del>resale, processing, or commodities</del> for any <del>other</del> use in the	14481
<del>following volumes:</del>	14482
<del>(a) In the case of purchases made from producers, more than</del>	14483
<u>excess of</u> thirty thousand bushels annually;	14484
<del>(b) In the case of purchases made from agricultural commodity</del>	14485
<del>handlers, more than one hundred thousand bushels annually;</del>	14486
<del>(c) In the case of total purchases made from producers</del>	14487
<del>combined with total purchases made from handlers, more than one</del>	14488
<del>hundred thousand bushels annually.</del>	14489
(2) Operating a warehouse as a bailee for the receiving,	14490
storing, shipping, or conditioning of an agricultural commodity;	14491
(3) Receiving into a warehouse an agricultural commodity	14492
purchased under a delayed price agreement;	14493
(4) Providing marketing functions, including storage, delayed	14494
price marketing, deferred payment, feed agreements, or any other	14495
marketing transaction whereby control is exerted over the monetary	14496
proceeds of a producer's agricultural commodities by a person	14497
other than the producer.	14498
(C) "Agricultural commodity handler" or "handler" means any	14499
person who is engaged in the business of agricultural commodity	14500
handling. <del>"Agricultural commodity handler" or "handler" does not</del>	14501
<del>include a person who does not handle agricultural commodities as a</del>	14502
<del>bailee and who purchases agricultural commodities in the following</del>	14503
<del>volumes:</del>	14504
<del>(1) Thirty thousand or fewer bushels annually from producers;</del>	14505
<del>(2) One hundred thousand or fewer bushels annually from</del>	14506
<del>agricultural commodity handlers.</del>	14507
<del>A person who does not handle agricultural commodities as a</del>	14508

~~bailee and who annually purchases thirty thousand or fewer bushels of agricultural commodities from producers and one hundred thousand or fewer bushels of agricultural commodities from agricultural commodity handlers shall be considered to be an agricultural commodity handler if the combined annual volume of purchases from the producers and the agricultural commodity handlers exceeds one hundred thousand bushels.~~

(D) "Depositor" means: 14516

(1) Any person who delivers an agricultural commodity to a licensed handler for storage, conditioning, shipment, or sale; 14517  
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(2) Any owner or legal holder of a ticket or receipt issued for an agricultural commodity who is a creditor of the licensed handler for the value of the agricultural commodity; 14519  
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(3) Any licensed handler storing an agricultural commodity that the licensed handler owns solely, jointly, or in common with others in a warehouse owned or controlled by the licensed handler or any other licensed handler. 14522  
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(E) "Receipt" means a warehouse receipt issued by a licensed handler. 14526  
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(F) "Nonnegotiable receipt" means a receipt on which it is stated that the agricultural commodity received will be delivered to the depositor or to the order of any other person named in the receipt. 14528  
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(G) "Negotiable receipt" means a receipt on which it is stated that the agricultural commodity received will be delivered to the bearer or to the order of any person named in the receipt. 14532  
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(H) "Ticket" means a scale weight ticket, a load slip, or any evidence, other than a receipt, given to a depositor by a licensed handler upon delivery of an agricultural commodity to the handler. 14535  
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(I) "Warehouse" means any building, bin, protected enclosure, 14538

or similar premises under the control of a licensed or unlicensed  
handler used for receiving, storing, shipping, or handling an  
agricultural commodity.

(J) "Storage" means the deposit of an agricultural commodity  
into a warehouse either for the account of the licensed handler  
operating the warehouse or for the account of a depositor.

(K) "Producer" means any person who grows an agricultural  
commodity on land that the person owns or leases.

(L) "Agent" means any person, other than a producer, who  
delivers an agricultural commodity to a licensed handler, either  
for sale or for storage, for the account of the producer.

(M) "Agricultural commodity tester" or "tester" means a  
person who operates a moisture meter and other quality testing  
devices to determine the quality of an agricultural commodity.

(N) "Federally licensed grain inspector" means a person who  
is licensed by the United States department of agriculture under  
the "United States Grain Standards Act," 39 Stat. 482 (1916), 7  
U.S.C. 71, as amended, to test and grade grain, as "grain" is  
defined in that act.

(O) "Bailee" means a person to whom an agricultural commodity  
is delivered in trust for storage in a warehouse with title  
remaining in the name of the depositor.

(P) "Bailor" means a person who delivers an agricultural  
commodity to a bailee in trust for storage in a warehouse with  
title remaining in the name of the depositor.

(Q) "Bailment agreement" means a bailor-bailee agreement  
between a depositor and a licensed handler as stated in the terms  
of a receipt that is issued for an agricultural commodity in  
storage and subject to the requirements of this chapter governing  
the use of a receipt.

(R) "Delayed price agreement" means a written executory contract executed by and between a licensed handler and a depositor that covers the sale and transfer of title of an agricultural commodity and states in its written terms the service charges and the method for pricing the commodity at a later date.

(S) "Delayed price marketing" means the sale and transfer of title of an agricultural commodity with the price to be established at a later date according to the terms of a delayed price agreement.

(T) "Deferred payment" means the deferral of payment to a depositor by a licensed handler for an agricultural commodity to which the licensed handler has taken title, for the purpose of deferring income of the depositor from one tax year to another.

(U) "Feed agreement" means a written contract executed by and between a licensed handler and a producer or depositor who delivers an agricultural commodity to the licensed handler for storage whereby each of the following applies:

(1) The producer or depositor transfers title to the agricultural commodity to the licensed handler in exchange for a nominal sum;

(2) The producer, upon delivery of the agricultural commodity to the licensed handler, becomes a creditor of the licensed handler due to the lien that arises under section 926.021 of the Revised Code;

(3) All or part of the agricultural commodity is returned to the producer at a later date and used for feed purposes.

(V) Notwithstanding section 1.02 of the Revised Code, "and" shall not be read "or" and "or" shall not be read "and."

**Sec. 927.69.** To effect the purpose of sections 927.51 to 927.74 of the Revised Code, the director of agriculture or the

director's authorized representative may: 14599

(A) Make reasonable inspection of any premises in this state 14600  
and any property therein or thereon; 14601

(B) Stop and inspect in a reasonable manner, any means of 14602  
conveyance moving within this state upon probable cause to believe 14603  
it contains or carries any pest, host, commodity, or other article 14604  
that is subject to sections 927.51 to 927.72 of the Revised Code; 14605

(C) Conduct inspections of agricultural products that are 14606  
required by other states, the United States department of 14607  
agriculture, other federal agencies, or foreign countries to 14608  
determine whether the products are infested. If, upon making such 14609  
an inspection, the director or the director's authorized 14610  
representative determines that an agricultural product is not 14611  
infested, the director or the director's authorized representative 14612  
may issue a certificate, as required by other states, the United 14613  
States department of agriculture, other federal agencies, or 14614  
foreign countries, indicating that the product is not infested. 14615

If the director charges fees for any of the certificates, 14616  
agreements, or inspections specified in this section, the fees 14617  
shall be as follows: 14618

(1) Phyto sanitary certificates, twenty-five dollars; 14619

(2) Compliance agreements, twenty dollars; 14620

(3) Solid wood packing certificates, twenty dollars; 14621

(4) Agricultural products and their conveyances inspections, 14622  
sixty-five dollars an amount equal to the hourly rate of pay in 14623  
the highest step in the pay range, including fringe benefits, of a 14624  
plant pest control specialist multiplied by the number of hours 14625  
worked by such a specialist in conducting an inspection. 14626

The director may adopt rules under section 927.52 of the 14627  
Revised Code that define the certificates, agreements, and 14628

inspections.

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The fees shall be deposited into the state treasury to the credit of the pesticide program fund created in Chapter 921. of the Revised Code. Money credited to the fund shall be used to pay the costs incurred by the department of agriculture in administering this chapter, including employing a minimum of two additional inspectors.

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**Sec. 1111.04.** (A) Prior to soliciting or engaging in trust business in this state, a trust company shall pledge to the treasurer of state interest bearing securities authorized in division (B) of this section, having a par value, not including unaccrued interest, of one hundred thousand dollars, and approved by the superintendent of financial institutions. The trust company may pledge the securities either by delivery to the treasurer of state or by placing the securities with a qualified trustee for safekeeping to the account of the treasurer of state, the corporate fiduciary, and any other person having an interest in the securities under Chapter 1109. of the Revised Code, as their respective interests may appear and be asserted by written notice to or demand upon the qualified trustee or by order of judgment of a court.

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(B) Securities pledged by a trust company to satisfy the requirements of division (A) of this section shall be one or more of the following:

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(1) Bonds, notes, or other obligations of or guaranteed by the United States or for which the full faith and credit of the United States is pledged for the payment of principal and interest;

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(2) Bonds, notes, debentures, or other obligations or securities issued by any agency or instrumentality of the United

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(3) General obligations of this or any other state of the 14660  
United States or any subdivision of this or any other state of the 14661  
United States. 14662

(C) The treasurer of state shall accept delivery of 14663  
securities pursuant to this section when accompanied by the 14664  
superintendent's approval of the securities or the written receipt 14665  
of a qualified trustee describing the securities and showing the 14666  
superintendent's approval of the securities, and shall issue a 14667  
written acknowledgment of the delivery of the securities or the 14668  
qualified trustee's receipt and the superintendent's approval to 14669  
the trust company. 14670

(D) The superintendent shall approve securities to be pledged 14671  
by a trust company pursuant to this section if the securities are 14672  
all of the following: 14673

(1) Interest bearing and of the value required by division 14674  
(A) of this section; 14675

(2) Of one or more of the kinds authorized by division (B) of 14676  
this section and not a derivative of or merely an interest in any 14677  
of those securities; 14678

(3) Not in default. 14679

(E) The treasurer of state shall, with the approval of the 14680  
superintendent, permit a trust company to pledge securities in 14681  
substitution for securities pledged pursuant to this section and 14682  
the withdrawal of the securities substituted for so long as the 14683  
securities remaining pledged satisfy the requirements of division 14684  
(A) of this section. The treasurer of state shall permit a trust 14685  
company to collect interest paid on securities pledged pursuant to 14686  
this section so long as the trust company is solvent. The 14687  
treasurer of state shall, with the approval of the superintendent, 14688

permit a trust company to withdraw securities pledged pursuant to 14689  
this section when the trust company has ceased to solicit or 14690  
engage in trust business in this state. 14691

(F) For purposes of this section, a qualified trustee is a 14692  
federal reserve bank located in this state, a branch of a federal 14693  
reserve bank located in this state regardless of where the branch 14694  
is located, a federal home loan bank, or a trust company as 14695  
defined in section 1101.01 of the Revised Code, except a trust 14696  
company may not act as a qualified trustee for securities it or 14697  
any of its affiliates is pledging pursuant to this section. 14698

(G) The superintendent, with the approval of the treasurer of 14699  
state and the attorney general, shall prescribe the form of all 14700  
receipts and acknowledgments provided for by this section, and 14701  
upon request shall furnish a copy of each form, with the 14702  
superintendent's certification attached, to each qualified trustee 14703  
eligible to hold securities for safekeeping under this section. 14704

**Sec. 1327.511.** All money collected under section 1327.50 of 14705  
the Revised Code for services rendered by the department of 14706  
agriculture in operating the type evaluation program shall be 14707  
deposited in the state treasury to the credit of the metrology and 14708  
scale certification fund, which is hereby created. Money credited 14709  
to the fund shall be used to pay operating costs incurred by the 14710  
department in administering the program. 14711

**Sec. 1502.02.** (A) There is hereby created in the department 14712  
of natural resources the division of recycling and litter 14713  
prevention to be headed by the chief of recycling and litter 14714  
prevention. 14715

(B) There is hereby created in the state treasury the 14716  
recycling and litter prevention fund, consisting of moneys 14717  
distributed to it from fees, including the fee levied under 14718

division (A)(2) of section 3714.073 of the Revised Code, gifts, 14719  
donations, grants, reimbursements, and other sources, including 14720  
investment earnings. 14721

(C) The chief of recycling and litter prevention shall do all 14722  
of the following: 14723

(1) Use moneys credited to the fund exclusively for the 14724  
purposes set forth in sections 1502.03, 1502.04, and 1502.05 of 14725  
the Revised Code, with particular emphasis on programs relating to 14726  
recycling; 14727

(2) Expend for administration of the division not more than 14728  
ten per cent of any fiscal year's appropriation to the division, 14729  
excluding the amount assessed to the division for direct and 14730  
indirect central support charges; 14731

(3) Require recipients of grants under section 1502.05 of the 14732  
Revised Code, as a condition of receiving and retaining them, to 14733  
do all of the following: 14734

(a) Create a separate account for the grants and any cash 14735  
donations received that qualify for the donor credit allowed by 14736  
section 5733.064 of the Revised Code; 14737

(b) Make expenditures from the account exclusively for the 14738  
purposes for which the grants were received; 14739

(c) Use any auditing and accounting practices the chief 14740  
considers necessary regarding the account; 14741

(d) Report to the chief information regarding the amount and 14742  
donor of cash donations received as described by section 5733.064 14743  
of the Revised Code; 14744

(e) Use grants received to supplement and not to replace any 14745  
existing funding for such purposes. 14746

(4) Report to the tax commissioner information the chief 14747  
receives pursuant to division (C)(3)(d) of this section. 14748

**Sec. 1509.06.** (A) An application for a permit to drill a new well, drill an existing well deeper, reopen a well, convert a well to any use other than its original purpose, or plug back a well to a different source of supply shall be filed with the chief of the division of mineral resources management upon such form as the chief prescribes and shall contain each of the following that is applicable:

~~(A)~~(1) The name and address of the owner and, if a corporation, the name and address of the statutory agent;

~~(B)~~(2) The signature of the owner or the owner's authorized agent. When an authorized agent signs an application, it shall be accompanied by a certified copy of the appointment as such agent.

~~(C)~~(3) The names and addresses of all persons holding the royalty interest in the tract upon which the well is located or is to be drilled or within a proposed drilling unit;

~~(D)~~(4) The location of the tract or drilling unit on which the well is located or is to be drilled identified by section or lot number, city, village, township, and county;

~~(E)~~(5) Designation of the well by name and number;

~~(F)~~(6) The geological formation to be tested or used and the proposed total depth of the well;

~~(G)~~(7) The type of drilling equipment to be used;

~~(H)~~(8) If the well is for the injection of a liquid, identity of the geological formation to be used as the injection zone and the composition of the liquid to be injected;

~~(I)~~(9) For an application for a permit to drill a new well, a sworn statement that the applicant has provided notice of the application to the owner of each occupied dwelling unit that is located within five hundred feet of the surface location of the

well if the surface location will be less than five hundred feet 14778  
from the boundary of the drilling unit and more than fifteen 14779  
occupied dwelling units are located less than five hundred feet 14780  
from the surface location of the well, excluding any dwelling that 14781  
is located on real property all or any portion of which is 14782  
included in the drilling unit. The notice shall contain a 14783  
statement that an application has been filed with the division of 14784  
mineral resources management, identify the name of the applicant 14785  
and the proposed well location, include the name and address of 14786  
the division, and contain a statement that comments regarding the 14787  
application may be sent to the division. The notice may be 14788  
provided by hand delivery or regular mail. The identity of the 14789  
owners of occupied dwelling units shall be determined using the 14790  
tax records of the municipal corporation or county in which the 14791  
dwelling unit is located as of the date of the notice. 14792

~~(J)~~(10) A plan for restoration of the land surface disturbed 14793  
by drilling operations. The plan shall provide for compliance with 14794  
the restoration requirements of division (A) of section 1509.072 14795  
of the Revised Code and any rules adopted by the chief pertaining 14796  
to that restoration. 14797

~~(K)~~(11) A description by name or number of the county, 14798  
township, and municipal corporation roads, streets, and highways 14799  
that the applicant anticipates will be used for access to and 14800  
egress from the well site; 14801

~~(L)~~(12) Such other relevant information as the chief 14802  
prescribes by rule. 14803

Each application shall be accompanied by a map, on a scale 14804  
not smaller than four hundred feet to the inch, prepared by an 14805  
Ohio registered surveyor, showing the location of the well and 14806  
containing such other data as may be prescribed by the chief. If 14807  
the well is or is to be located within the excavations and 14808  
workings of a mine, the map also shall include the location of the 14809

mine, the name of the mine, and the name of the person operating  
the mine. 14810  
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(B) The chief shall cause a copy of the weekly circular 14812  
prepared by the division to be provided to the county engineer of 14813  
each county that contains active or proposed drilling activity. 14814  
The weekly circular shall contain, in the manner prescribed by the 14815  
chief, the names of all applicants for permits, the location of 14816  
each well or proposed well, the information required by division 14817  
~~(K)~~(A)(11) of this section, and any additional information the 14818  
chief prescribes. In addition, the chief promptly shall transfer 14819  
an electronic copy or facsimile, or if those methods are not 14820  
available to a municipal corporation or township, a copy via 14821  
regular mail, of a drilling permit application to the clerk of the 14822  
legislative authority of the municipal corporation or to the clerk 14823  
of the township in which the well or proposed well is or is to be 14824  
located if the legislative authority of the municipal corporation 14825  
or the board of township trustees has asked to receive copies of 14826  
such applications and the appropriate clerk has provided the chief 14827  
an accurate, current electronic mailing address or facsimile 14828  
number, as applicable. 14829

(C) The chief shall not issue a permit for at least ten days 14830  
after the date of filing of the application for the permit unless, 14831  
upon reasonable cause shown, the chief waives that period or a 14832  
request for expedited review is filed under this section. However, 14833  
the chief shall issue a permit within twenty-one days of the 14834  
filing of the application unless the chief denies the application 14835  
by order. 14836

(D) An applicant may file a request with the chief for 14837  
expedited review of a permit application if the well is not or is 14838  
not to be located in a gas storage reservoir or reservoir 14839  
protective area, as "reservoir protective area" is defined in 14840  
section 1571.01 of the Revised Code. If the well is or is to be 14841

located in a coal bearing township, the application shall be 14842  
accompanied by the affidavit of the landowner prescribed in 14843  
section 1509.08 of the Revised Code. 14844

In addition to a complete application for a permit that meets 14845  
the requirements of this section and the permit fee prescribed by 14846  
this section, a request for expedited review shall be accompanied 14847  
by a separate nonrefundable filing fee of five hundred dollars. 14848  
Upon the filing of a request for expedited review, the chief shall 14849  
cause the county engineer of the county in which the well is or is 14850  
to be located to be notified of the filing of the permit 14851  
application and the request for expedited review by telephone or 14852  
other means that in the judgment of the chief will provide timely 14853  
notice of the application and request. The chief shall issue a 14854  
permit within seven days of the filing of the request unless the 14855  
chief denies the application by order. Notwithstanding the 14856  
provisions of this section governing expedited review of permit 14857  
applications, the chief may refuse to accept requests for 14858  
expedited review if, in the chief's judgment, the acceptance of 14859  
the requests would prevent the issuance, within twenty-one days of 14860  
their filing, of permits for which applications are pending. 14861

(E) A well shall be drilled and operated in accordance with 14862  
the plans, sworn statements, and other information submitted in 14863  
the approved application. 14864

(F) The chief shall issue an order denying a permit if the 14865  
chief finds that there is a substantial risk that the operation 14866  
will result in violations of this chapter or rules adopted under 14867  
it that will present an imminent danger to public health or safety 14868  
or damage to the environment, provided that where the chief finds 14869  
that terms or conditions to the permit can reasonably be expected 14870  
to prevent such violations, the chief shall issue the permit 14871  
subject to those terms or conditions, including, if applicable, 14872  
terms and conditions regarding subjects identified in rules 14873

adopted under section 1509.03 of the Revised Code. 14874

(G) Each application for a permit required by section 1509.05 14875  
of the Revised Code, except an application to plug back an 14876  
existing well that is required by that section and an application 14877  
for a well drilled or reopened for purposes of section 1509.22 of 14878  
the Revised Code, also shall be accompanied by a nonrefundable fee 14879  
~~of two~~ as follows: 14880

(1) Two hundred fifty dollars for a permit to conduct 14881  
activities in a township with a population of fewer than five 14882  
thousand; 14883

(2) Five hundred dollars for a permit to conduct activities 14884  
in a township with a population of five thousand or more, but 14885  
fewer than ten thousand; 14886

(3) Seven hundred fifty dollars for a permit to conduct 14887  
activities in a township with a population of ten thousand or 14888  
more, but fewer than fifteen thousand; 14889

(4) One thousand dollars for a permit to conduct activities 14890  
in either of the following: 14891

(a) A township with a population of fifteen thousand or more; 14892

(b) A municipal corporation regardless of population. 14893

For purposes of calculating fee amounts, populations shall be 14894  
determined using the most recent federal decennial census. 14895

Each application for the revision or reissuance of a permit 14896  
shall be accompanied by a nonrefundable fee of two hundred fifty 14897  
dollars. 14898

(H) The chief may order the immediate suspension of drilling, 14899  
operating, or plugging activities after finding that any person is 14900  
causing, engaging in, or maintaining a condition or activity that 14901  
in the chief's judgment presents an imminent danger to public 14902  
health or safety or results in or is likely to result in immediate 14903

substantial damage to natural resources or for nonpayment of ~~the a~~ 14904  
fee required by this section. The chief may order the immediate 14905  
suspension of the drilling or reopening of a well in a coal 14906  
bearing township after determining that the drilling or reopening 14907  
activities present an imminent and substantial threat to public 14908  
health or safety or to miners' health or safety. Before issuing 14909  
any such order, the chief shall notify the owner in such manner as 14910  
in the chief's judgment would provide reasonable notification that 14911  
the chief intends to issue a suspension order. The chief may issue 14912  
such an order without prior notification if reasonable attempts to 14913  
notify the owner have failed, but in such an event notification 14914  
shall be given as soon thereafter as practical. Within five 14915  
calendar days after the issuance of the order, the chief shall 14916  
provide the owner an opportunity to be heard and to present 14917  
evidence that the condition or activity is not likely to result in 14918  
immediate substantial damage to natural resources or does not 14919  
present an imminent danger to public health or safety or to 14920  
miners' health or safety, if applicable. In the case of activities 14921  
in a coal bearing township, if the chief, after considering 14922  
evidence presented by the owner, determines that the activities do 14923  
not present such a threat, the chief shall revoke the suspension 14924  
order. Notwithstanding any provision of this chapter, the owner 14925  
may appeal a suspension order directly to the court of common 14926  
pleas of the county in which the activity is located or, if in a 14927  
coal bearing township, to the reclamation commission under section 14928  
1513.13 of the Revised Code. 14929

**Sec. 1509.072.** No oil or gas well owner or agent of an oil or 14930  
gas well owner shall fail to restore the land surface within the 14931  
area disturbed in siting, drilling, completing, and producing the 14932  
well as required in this section. 14933

(A) Within five months after the date upon which the surface 14934  
drilling of a well is commenced, the owner or the owner's agent, 14935

in accordance with the restoration plan filed under division 14936  
(~~J~~)(A)(10) of section 1509.06 of the Revised Code, shall fill all 14937  
the pits for containing brine, other waste substances resulting, 14938  
obtained, or produced in connection with exploration or drilling 14939  
for, or production of, oil or gas, or oil that are not required by 14940  
other state or federal law or regulation, and remove all concrete 14941  
bases, drilling supplies, and drilling equipment. Within nine 14942  
months after the date upon which the surface drilling of a well is 14943  
commenced, the owner or the owner's agent shall grade or terrace 14944  
and plant, seed, or sod the area disturbed that is not required in 14945  
production of the well where necessary to bind the soil and 14946  
prevent substantial erosion and sedimentation. If the chief of the 14947  
division of mineral resources management finds that a pit used for 14948  
containing brine, other waste substances, or oil is in violation 14949  
of section 1509.22 of the Revised Code or rules adopted or orders 14950  
issued under it, the chief may require the pit to be emptied and 14951  
closed before expiration of the five-month restoration period. 14952

(B) Within six months after a well that has produced oil or 14953  
gas is plugged, or after the plugging of a dry hole, the owner or 14954  
the owner's agent shall remove all production and storage 14955  
structures, supplies, and equipment, and any oil, salt water, and 14956  
debris, and fill any remaining excavations. Within that period the 14957  
owner or the owner's agent shall grade or terrace and plant, seed, 14958  
or sod the area disturbed where necessary to bind the soil and 14959  
prevent substantial erosion and sedimentation. 14960

The owner shall be released from responsibility to perform 14961  
any or all restoration requirements of this section on any part or 14962  
all of the area disturbed upon the filing of a request for a 14963  
waiver with and obtaining the written approval of the chief, which 14964  
request shall be signed by the surface owner to certify the 14965  
approval of the surface owner of the release sought. The chief 14966  
shall approve the request unless the chief finds upon inspection 14967

that the waiver would be likely to result in substantial damage to 14968  
adjoining property, substantial contamination of surface or 14969  
underground water, or substantial erosion or sedimentation. 14970

The chief, by order, may shorten the time periods provided 14971  
for under division (A) or (B) of this section if failure to 14972  
shorten the periods would be likely to result in damage to public 14973  
health or the waters or natural resources of the state. 14974

The chief, upon written application by an owner or an owner's 14975  
agent showing reasonable cause, may extend the period within which 14976  
restoration shall be completed under divisions (A) and (B) of this 14977  
section, but not to exceed a further six-month period, except 14978  
under extraordinarily adverse weather conditions or when essential 14979  
equipment, fuel, or labor is unavailable to the owner or the 14980  
owner's agent. 14981

If the chief refuses to approve a request for waiver or 14982  
extension, the chief shall do so by order. 14983

**Sec. 1509.31.** Whenever the entire interest of an oil and gas 14984  
lease is assigned or otherwise transferred, the assignor or 14985  
transferor shall notify the holders of the royalty interests, and, 14986  
if a well or wells exist on the lease, the division of mineral 14987  
resources management, of the name and address of the assignee or 14988  
transferee by certified mail, return receipt requested, not later 14989  
than thirty days after the date of the assignment or transfer. 14990  
When notice of any such assignment or transfer is required to be 14991  
provided to the division, it shall be provided on a form 14992  
prescribed and provided by the division and verified by both the 14993  
assignor or transferor and by the assignee or transferee. The 14994  
notice form applicable to assignments or transfers of a well to 14995  
the owner of the surface estate of the tract on which the well is 14996  
located shall contain a statement informing the landowner that the 14997  
well may require periodic servicing to maintain its productivity; 14998

that, upon assignment or transfer of the well to the landowner, 14999  
the landowner becomes responsible for compliance with the 15000  
requirements of this chapter and rules adopted under it, 15001  
including, without limitation, the proper disposal of brine 15002  
obtained from the well, the plugging of the well when it becomes 15003  
incapable of producing oil or gas, and the restoration of the well 15004  
site; and that, upon assignment or transfer of the well to the 15005  
landowner, the landowner becomes responsible for the costs of 15006  
compliance with the requirements of this chapter and rules adopted 15007  
under it and the costs for operating and servicing the well. 15008

The owner holding a permit under section 1509.05 of the 15009  
Revised Code is responsible for all obligations and liabilities 15010  
imposed by this chapter and any rules, orders, and terms and 15011  
conditions of a permit adopted or issued under it, and no 15012  
assignment or transfer by the owner relieves the owner of the 15013  
obligations and liabilities until and unless the assignee or 15014  
transferee files with the division the information described in 15015  
divisions ~~(A)~~(1), ~~(B)~~(2), ~~(C)~~(3), ~~(D)~~(4), ~~(E)~~(5), ~~(J)~~(10), 15016  
~~(K)~~(11), and ~~(L)~~(12) of section 1509.06 of the Revised Code; 15017  
obtains liability insurance coverage required by section 1509.07 15018  
of the Revised Code, except when none is required by that section; 15019  
and executes and files a surety bond, negotiable certificates of 15020  
deposit or irrevocable letters of credit, or cash, as described in 15021  
that section. Instead of a bond, but only upon acceptance by the 15022  
chief of the division of mineral resources management, the 15023  
assignee or transferee may file proof of financial responsibility, 15024  
described in section 1509.07 of the Revised Code. Section 1509.071 15025  
of the Revised Code applies to the surety bond, cash, and 15026  
negotiable certificates of deposit and irrevocable letters of 15027  
credit described in this section. Unless the chief approves a 15028  
modification, each assignee or transferee shall operate in 15029  
accordance with the plans and information filed by the permit 15030  
holder pursuant to section 1509.06 of the Revised Code. 15031

**Sec. 1515.14.** Within the limits of funds appropriated to the 15032  
department of natural resources and the soil and water 15033  
conservation district assistance fund created in this section, 15034  
there shall be paid in each calendar year to each local soil and 15035  
water conservation district an amount not to exceed one dollar for 15036  
each one dollar received in accordance with section 1515.10 of the 15037  
Revised Code, received from tax levies in excess of the ten-mill 15038  
levy limitation approved for the benefit of local soil and water 15039  
conservation districts, or received from an appropriation by a 15040  
municipal corporation or a township to a maximum of eight thousand 15041  
dollars, provided that the Ohio soil and water conservation 15042  
commission may approve payment to a district in an amount in 15043  
excess of eight thousand dollars in any calendar year upon receipt 15044  
of a request and justification from the district. The county 15045  
auditor shall credit such payments to the special fund established 15046  
pursuant to section 1515.10 of the Revised Code for the local soil 15047  
and water conservation district. The department may make advances 15048  
at least quarterly to each district on the basis of the estimated 15049  
contribution of the state to each district. Moneys received by 15050  
each district shall be expended for the purposes of the district. 15051

For the purpose of providing money to soil and water 15052  
conservation districts under this section, there is hereby created 15053  
in the state treasury the soil and water conservation district 15054  
assistance fund consisting of money credited to it under section 15055  
3714.073 of the Revised Code. 15056

**Sec. 1517.02.** There is hereby created in the department of 15057  
natural resources the division of natural areas and preserves, 15058  
which shall be administered by the chief of natural areas and 15059  
preserves. The chief shall take an oath of office and shall file 15060  
in the office of the secretary of state a bond signed by the chief 15061  
and by a surety approved by the governor for a sum fixed pursuant 15062

to section 121.11 of the Revised Code. 15063

The chief shall administer a system of nature preserves and 15064  
wild, scenic, and recreational river areas. The chief shall 15065  
establish a system of nature preserves through acquisition and 15066  
dedication of natural areas of state or national significance, 15067  
which shall include, but not be limited to, areas ~~which~~ that 15068  
represent characteristic examples of Ohio's natural landscape 15069  
types and its natural vegetation and geological history. The chief 15070  
shall encourage landowners to dedicate areas of unusual 15071  
significance as nature preserves, and shall establish and maintain 15072  
a registry of natural areas of unusual significance. 15073

The chief may supervise, operate, protect, and maintain wild, 15074  
scenic, and recreational river areas, as designated by the 15075  
director of natural resources. The chief may cooperate with 15076  
federal agencies administering any federal program concerning 15077  
wild, scenic, or recreational river areas. 15078

~~The chief may, with the approval of the director, enter into 15079  
an agreement with the United States department of commerce under 15080  
the "Coastal Zone Management Act of 1972," 86 Stat. 1280, 16 15081  
U.S.C.A. 1451, as amended, for the purpose of receiving grants to 15082  
continue the management, operation, research, and programming at 15083  
old woman creek national estuarine research reserve. 15084~~

The chief shall do the following: 15085

(A) Formulate policies and plans for the acquisition, use, 15086  
management, and protection of nature preserves; 15087

(B) Formulate policies for the selection of areas suitable 15088  
for registration; 15089

(C) Formulate policies for the dedication of areas as nature 15090  
preserves; 15091

(D) Prepare and maintain surveys and inventories of natural 15092

areas and habitats of rare and endangered species of plants and animals;	15093 15094
(E) Adopt rules for the use, visitation, and protection of nature preserves, "natural areas owned or managed through easement, license, or lease by the department and administered by the division," and lands owned "or managed through easement, license, or lease" by the department and administered by the division <del>which</del> <u>that</u> are within or adjacent to any wild, scenic, or recreational river area, in accordance with Chapter 119. of the Revised Code;	15095 15096 15097 15098 15099 15100 15101 15102
(F) Provide facilities and improvements within the state system of nature preserves that are necessary for their visitation, use, restoration, and protection and do not impair their natural character;	15103 15104 15105 15106
(G) Provide interpretive programs and publish and disseminate information pertaining to nature preserves and natural areas for their visitation and use;	15107 15108 15109
(H) Conduct and grant permits to qualified persons for the conduct of scientific research and investigations within nature preserves;	15110 15111 15112
(I) Establish an appropriate system for marking nature preserves;	15113 15114
(J) Publish and submit to the governor and the general assembly a biennial report of the status and condition of each nature preserve, activities conducted within each preserve, and plans and recommendations for natural area preservation.	15115 15116 15117 15118
<b>Sec. 1521.062.</b> (A) All dams, dikes, and levees constructed in this state and not exempted by this section or by the chief of the division of water under section 1521.06 of the Revised Code shall be inspected periodically by the chief <del>to</del> , <u>except for classes of</u>	15119 15120 15121 15122

dams that, in accordance with rules adopted under this section, 15123  
are required to be inspected by registered professional engineers 15124  
who have been approved for that purpose by the chief. The 15125  
inspection shall ensure that continued operation and use of the 15126  
dam, dike, or levee does not constitute a hazard to life, health, 15127  
or property. Periodic inspections shall not be required of the 15128  
following structures: 15129

(1) A dam that is less than ten feet in height and has a 15130  
storage capacity of not more than fifty acre-feet at the elevation 15131  
of the top of the dam, as determined by the chief. For the 15132  
purposes of this section, the height of a dam shall be measured 15133  
from the natural stream bed or lowest ground elevation at the 15134  
downstream or outside limit of the dam to the elevation of the top 15135  
of the dam. 15136

(2) A dam, regardless of height, that has a storage capacity 15137  
of not more than fifteen acre-feet at the elevation of the top of 15138  
the dam, as determined by the chief; 15139

(3) A dam, regardless of storage capacity, that is six feet 15140  
or less in height, as determined by the chief; 15141

(4) A dam, dike, or levee belonging to a class exempted by 15142  
the chief; 15143

(5) A dam, dike, or levee that has been exempted in 15144  
accordance with rules adopted under section 1521.064 of the 15145  
Revised Code. 15146

(B) In accordance with rules adopted under this section, the 15147  
owner of a dam that is in a class of dams that is designated in 15148  
the rules for inspection by registered professional engineers 15149  
shall obtain the services of a registered professional engineer 15150  
who has been approved by the chief to conduct the periodic 15151  
inspection of dams pursuant to schedules and other standards and 15152  
procedures established in the rules. The registered professional 15153

engineer shall prepare a report of the inspection in accordance 15154  
with the rules and provide the inspection report to the dam owner 15155  
who shall submit it to the chief. A dam that is designated under 15156  
the rules for inspection by a registered professional engineer but 15157  
that is not inspected within a five-year period may be inspected 15158  
by the chief at the owner's expense. 15159

(C) Intervals between periodic inspections shall be 15160  
determined by the chief, but shall not exceed five years. ~~The~~ 15161  
~~chief may use inspection reports prepared for the owner of the~~ 15162  
~~dam, dike, or levee by a registered professional engineer.~~ 15163

~~(C) The owner~~ (D) In the case of a dam, dike, or levee that 15164  
the chief inspects, the chief shall be furnished furnish a report 15165  
of each the inspection and to the owner of the dam, dike, or 15166  
levee. With regard to a dam, dike, or levee that has been 15167  
inspected, either by the chief or by a registered professional 15168  
engineer, and that is the subject of an inspection report prepared 15169  
or received by the chief, the chief shall be informed of inform 15170  
the owner of any required repairs, maintenance, investigations, 15171  
and other remedial and operational measures ~~by the chief~~. The 15172  
chief shall order the owner to perform such repairs, maintenance, 15173  
investigations, or other remedial or operational measures as ~~he~~ 15174  
the chief considers necessary to safeguard life, health, or 15175  
property. The order shall permit the owner a reasonable time in 15176  
which to perform the needed repairs, maintenance, investigations, 15177  
or other remedial measures, and the cost thereof shall be borne by 15178  
the owner. All orders of the chief are subject to appeal as 15179  
provided in Chapter 119. of the Revised Code. The attorney 15180  
general, upon written request of the chief, may bring an action 15181  
for an injunction against any person who violates this section or 15182  
to enforce an order of the chief made pursuant to this section. 15183

~~(D)~~(E) The owner of a dam, dike, or levee shall monitor, 15184  
maintain, and operate the structure and its appurtenances safely 15185

in accordance with state rules, terms and conditions of permits, 15186  
orders, and other requirements issued pursuant to this section or 15187  
section 1521.06 of the Revised Code. The owner shall fully and 15188  
promptly notify the division of water and other responsible 15189  
authorities of any condition ~~which~~ that threatens the safety of 15190  
the structure and shall take all necessary actions to safeguard 15191  
life, health, and property. 15192

~~(E)~~(F) Before commencing the repair, improvement, alteration, 15193  
or removal of a dam, dike, or levee, the owner shall file an 15194  
application including plans, specifications, and other required 15195  
information with the division and shall secure written approval of 15196  
the application by the chief. Emergency actions by the owner 15197  
required to safeguard life, health, or property are exempt from 15198  
this requirement. The chief may, by rule, define maintenance, 15199  
repairs, or other remedial measures of a routine nature ~~which~~ that 15200  
are exempt from this requirement. 15201

~~(F)~~(G) The chief may remove or correct, at the expense of the 15202  
owner, any unsafe structures found to be constructed or maintained 15203  
in violation of this section or section 1521.06 of the Revised 15204  
Code. In the case of an owner other than a governmental agency, 15205  
the cost of removal or correction of any unsafe structure, 15206  
together with a description of the property on which the unsafe 15207  
structure is located, shall be certified by the chief to the 15208  
county auditor and placed by the county auditor upon the tax 15209  
duplicate. This cost is a lien upon the lands from the date of 15210  
entry and shall be collected as other taxes and returned to the 15211  
division. In the case of an owner that is a governmental agency, 15212  
the cost of removal or correction of any unsafe structure shall be 15213  
recoverable from the owner by appropriate action in a court of 15214  
competent jurisdiction. 15215

~~(G)~~(H) If the condition of any dam, dike, or levee is found, 15216  
in the judgment of the chief, to be so dangerous to the safety of 15217

life, health, or property as not to permit time for the issuance 15218  
and enforcement of an order relative to repair, maintenance, or 15219  
operation, the chief shall employ any of the following remedial 15220  
means necessary to protect life, health, and property: 15221

(1) Lower the water level of the lake or reservoir by 15222  
releasing water; 15223

(2) Completely drain the lake or reservoir; 15224

(3) Take such other measures or actions as ~~he~~ the chief 15225  
considers necessary to safeguard life, health, and property. 15226

The chief shall continue in full charge and control of the 15227  
dam, dike, or levee until the structure is rendered safe. The cost 15228  
of the remedy shall be recoverable from the owner of the structure 15229  
by appropriate action in a court of competent jurisdiction. 15230

~~(H)~~(I) The chief may accept and expend gifts, bequests, and 15231  
grants from the United States government or from any other public 15232  
or private source and may contract with the United States 15233  
government or any other agency or entity for the purpose of 15234  
carrying out the dam safety functions set forth in this section 15235  
and section 1521.06 of the Revised Code. 15236

(J) In accordance with Chapter 119. of the Revised Code, the 15237  
chief shall adopt, and may amend or rescind, rules that do all of 15238  
the following: 15239

(1) Designate classes of dams for which dam owners must 15240  
obtain the services of a registered professional engineer to 15241  
periodically inspect the dams and to prepare reports of the 15242  
inspections for submittal to the chief; 15243

(2) Establish standards in accordance with which the chief 15244  
must approve or disapprove registered professional engineers to 15245  
inspect dams together with procedures governing the approval 15246  
process; 15247

(3) Establish schedules, standards, and procedures governing 15248  
periodic inspections and standards and procedures governing the 15249  
preparation and submittal of inspection reports; 15250

(4) Establish provisions regarding the enforcement of this 15251  
section and rules adopted under it. 15252

**Sec. 1531.27.** The chief of the division of wildlife shall pay 15253  
to the treasurers of the several counties wherein lands owned by 15254  
the state and administered by the division are ~~situate~~ located an 15255  
annual amount determined in the following manner: in each such 15256  
county one per cent of the total value of such lands exclusive of 15257  
improvements, as shown on the auditor's records of taxable value 15258  
of real property existing at the time when the state acquired the 15259  
tract or tracts comprising ~~such~~ the lands. 15260

~~Such~~ The payments shall be made from funds accruing to the 15261  
division ~~of wildlife~~ from the sale of hunting or fishing licenses 15262  
and ~~federal wildlife restoration funds, and the~~ from fines, 15263  
penalties, and forfeitures deposited into the state treasury to 15264  
the credit of the wildlife fund created in section 1531.17 of the 15265  
Revised Code. The allocation of amounts to be paid from ~~such~~ those 15266  
sources shall be determined by the director of natural resources. 15267

~~Such~~ The payments to the treasurers of the several counties 15268  
shall be credited to the fund for school purposes within the 15269  
school districts wherein ~~such~~ the lands are ~~situate~~ located. 15270

**Sec. 1533.10.** Except as provided in this section or division 15271  
(A) (2) of section 1533.12 of the Revised Code, no person shall 15272  
hunt any wild bird or wild quadruped without a hunting license. 15273  
Each day that any person hunts within the state without procuring 15274  
such a license constitutes a separate offense. Except as otherwise 15275  
provided in this section, every applicant for a hunting license 15276  
who is a resident of the state and ~~sixteen~~ eighteen years of age 15277

or more shall procure a resident hunting license, the fee for 15278  
which shall be eighteen dollars, unless the rules adopted under 15279  
division (B) of section 1533.12 of the Revised Code provide for 15280  
issuance of a resident hunting license to the applicant free of 15281  
charge. Except as provided in rules adopted under division (B)(2) 15282  
of that section, each applicant who is a resident of this state 15283  
and who at the time of application is sixty-six years of age or 15284  
older shall procure a special senior hunting license, the fee for 15285  
which shall be one-half of the regular hunting license fee. Every 15286  
applicant who is under the age of ~~sixteen~~ eighteen years shall 15287  
procure a special youth hunting license, the fee for which shall 15288  
be one-half of the regular hunting license fee. The owner of lands 15289  
in the state and the owner's children of any age and grandchildren 15290  
under eighteen years of age may hunt on the lands without a 15291  
hunting license. The tenant and children of the tenant, residing 15292  
on lands in the state, may hunt on them without a hunting license. 15293  
~~Every~~ Except as otherwise provided in division (A)(1) of section 15294  
1533.12 of the Revised Code, every applicant for a hunting license 15295  
who is a nonresident of the state and who is ~~sixteen~~ eighteen 15296  
years of age or older shall procure a nonresident hunting license, 15297  
the fee for which shall be one hundred twenty-four dollars, unless 15298  
the applicant is a resident of a state that is a party to an 15299  
agreement under section 1533.91 of the Revised Code, in which case 15300  
the fee shall be eighteen dollars. 15301

The chief of the division of wildlife may issue a small game 15302  
hunting license expiring three days from the effective date of the 15303  
license to a nonresident of the state, the fee for which shall be 15304  
thirty-nine dollars. No person shall take or possess deer, wild 15305  
turkeys, fur-bearing animals, ducks, geese, brant, or any nongame 15306  
animal while possessing only a small game hunting license. A small 15307  
game hunting license does not authorize the taking or possessing 15308  
of ducks, geese, or brant without having obtained, in addition to 15309  
the small game hunting license, a wetlands habitat stamp as 15310

provided in section 1533.112 of the Revised Code. A small game  
hunting license does not authorize the taking or possessing of  
deer, wild turkeys, or fur-bearing animals. A nonresident of the  
state who wishes to take or possess deer, wild turkeys, or  
fur-bearing animals in this state shall procure, respectively, a  
special deer or wild turkey permit as provided in section 1533.11  
of the Revised Code or a fur taker permit as provided in section  
1533.111 of the Revised Code in addition to a nonresident hunting  
license or a special youth hunting license, as applicable, as  
provided in this section.

No person shall procure or attempt to procure a hunting  
license by fraud, deceit, misrepresentation, or any false  
statement.

This section does not authorize the taking and possessing of  
deer or wild turkeys without first having obtained, in addition to  
the hunting license required by this section, a special deer or  
wild turkey permit as provided in section 1533.11 of the Revised  
Code or the taking and possessing of ducks, geese, or brant  
without first having obtained, in addition to the hunting license  
required by this section, a wetlands habitat stamp as provided in  
section 1533.112 of the Revised Code.

This section does not authorize the hunting or trapping of  
fur-bearing animals without first having obtained, in addition to  
a hunting license required by this section, a fur taker permit as  
provided in section 1533.111 of the Revised Code.

No hunting license shall be issued unless it is accompanied  
by a written explanation of the law in section 1533.17 of the  
Revised Code and the penalty for its violation, including a  
description of terms of imprisonment and fines that may be  
imposed.

No hunting license shall be issued unless the applicant

presents to the agent authorized to issue the license a previously 15342  
held hunting license or evidence of having held such a license in 15343  
content and manner approved by the chief, a certificate of 15344  
completion issued upon completion of a hunter education and 15345  
conservation course approved by the chief, or evidence of 15346  
equivalent training in content and manner approved by the chief. 15347

No person shall issue a hunting license to any person who 15348  
fails to present the evidence required by this section. No person 15349  
shall purchase or obtain a hunting license without presenting to 15350  
the issuing agent the evidence required by this section. Issuance 15351  
of a hunting license in violation of the requirements of this 15352  
section is an offense by both the purchaser of the illegally 15353  
obtained hunting license and the clerk or agent who issued the 15354  
hunting license. Any hunting license issued in violation of this 15355  
section is void. 15356

The chief, with approval of the wildlife council, shall adopt 15357  
rules prescribing a hunter education and conservation course for 15358  
first-time hunting license buyers and for volunteer instructors. 15359  
The course shall consist of subjects including, but not limited 15360  
to, hunter safety and health, use of hunting implements, hunting 15361  
tradition and ethics, the hunter and conservation, the law in 15362  
section 1533.17 of the Revised Code along with the penalty for its 15363  
violation, including a description of terms of imprisonment and 15364  
fines that may be imposed, and other law relating to hunting. 15365  
Authorized personnel of the division or volunteer instructors 15366  
approved by the chief shall conduct such courses with such 15367  
frequency and at such locations throughout the state as to 15368  
reasonably meet the needs of license applicants. The chief shall 15369  
issue a certificate of completion to each person who successfully 15370  
completes the course and passes an examination prescribed by the 15371  
chief. 15372

Sec. 1533.11. (A) Except as provided in this section, no 15373  
person shall hunt deer on lands of another without first obtaining 15374  
an annual special deer permit. Except as provided in this section, 15375  
no person shall hunt wild turkeys on lands of another without 15376  
first obtaining an annual special wild turkey permit. Each 15377  
applicant for a special deer or wild turkey permit shall pay an 15378  
annual fee of twenty-three dollars for each permit unless the 15379  
rules adopted under division (B) of section 1533.12 of the Revised 15380  
Code provide for issuance of a deer or wild turkey permit to the 15381  
applicant free of charge. Except as provided in rules adopted 15382  
under division (B)(2) of that section, each applicant who is a 15383  
resident of this state and who at the time of application is 15384  
sixty-six years of age or older shall procure a special senior 15385  
deer or wild turkey permit, the fee for which shall be one-half of 15386  
the regular special deer or wild turkey permit fee. Each applicant 15387  
who is under the age of ~~sixteen~~ eighteen years shall procure a 15388  
special youth deer or wild turkey permit, the fee for which shall 15389  
be one-half of the regular special deer or wild turkey permit fee. 15390  
Except as provided in division (A)(2) of section 1533.12 of the 15391  
Revised Code, a deer or wild turkey permit shall run concurrently 15392  
with the hunting license. The money received shall be paid into 15393  
the state treasury to the credit of the wildlife fund, created in 15394  
section 1531.17 of the Revised Code, exclusively for the use of 15395  
the division of wildlife in the acquisition and development of 15396  
land for deer or wild turkey management, for investigating deer or 15397  
wild turkey problems, and for the stocking, management, and 15398  
protection of deer or wild turkey. Every person, while hunting 15399  
deer or wild turkey on lands of another, shall carry the person's 15400  
special deer or wild turkey permit and exhibit it to any 15401  
enforcement officer so requesting. Failure to so carry and exhibit 15402  
such a permit constitutes an offense under this section. The chief 15403  
of the division of wildlife shall adopt any additional rules the 15404

chief considers necessary to carry out this section and section 15405  
1533.10 of the Revised Code. 15406

The owner and the children of the owner of lands in this 15407  
state may hunt deer or wild turkey thereon without a special deer 15408  
or wild turkey permit. The tenant and children of the tenant may 15409  
hunt deer or wild turkey on lands where they reside without a 15410  
special deer or wild turkey permit. 15411

(B) A special deer or wild turkey permit is not transferable. 15412  
No person shall carry a special deer or wild turkey permit issued 15413  
in the name of another person. 15414

(C) The wildlife refunds fund is hereby created in the state 15415  
treasury. The fund shall consist of money received from 15416  
application fees for special deer permits that are not issued. 15417  
Money in the fund shall be used to make refunds of such 15418  
application fees. 15419

**Sec. 1533.111.** Except as provided in this section or division 15420  
(A)(2) of section 1533.12 of the Revised Code, no person shall 15421  
hunt or trap fur-bearing animals on land of another without first 15422  
obtaining an annual fur taker permit. Each applicant for a fur 15423  
taker permit shall pay an annual fee of fourteen dollars for the 15424  
permit, except as otherwise provided in this section or unless the 15425  
rules adopted under division (B) of section 1533.12 of the Revised 15426  
Code provide for issuance of a fur taker permit to the applicant 15427  
free of charge. Except as provided in rules adopted under division 15428  
(B)(2) of that section, each applicant who is a resident of this 15429  
state and who at the time of application is sixty-six years of age 15430  
or older shall procure a special senior fur taker permit, the fee 15431  
for which shall be one-half of the regular fur taker permit fee. 15432  
Each applicant ~~who is a resident of the state and~~ under the age of 15433  
~~sixteen~~ eighteen years shall procure a special youth fur taker 15434  
permit, the fee for which shall be one-half of the regular fur 15435

taker permit fee. The fur taker permit shall run concurrently with 15436  
the hunting license. The money received shall be paid into the 15437  
state treasury to the credit of the fund established in section 15438  
1533.15 of the Revised Code. 15439

No fur taker permit shall be issued unless it is accompanied 15440  
by a written explanation of the law in section 1533.17 of the 15441  
Revised Code and the penalty for its violation, including a 15442  
description of terms of imprisonment and fines that may be 15443  
imposed. 15444

No fur taker permit shall be issued unless the applicant 15445  
presents to the agent authorized to issue a fur taker permit a 15446  
previously held hunting license or trapping or fur taker permit or 15447  
evidence of having held such a license or permit in content and 15448  
manner approved by the chief of the division of wildlife, a 15449  
certificate of completion issued upon completion of a trapper 15450  
education course approved by the chief, or evidence of equivalent 15451  
training in content and manner approved by the chief. 15452

No person shall issue a fur taker permit to any person who 15453  
fails to present the evidence required by this section. No person 15454  
shall purchase or obtain a fur taker permit without presenting to 15455  
the issuing agent the evidence required by this section. Issuance 15456  
of a fur taker permit in violation of the requirements of this 15457  
section is an offense by both the purchaser of the illegally 15458  
obtained permit and the clerk or agent who issued the permit. Any 15459  
fur taker permit issued in violation of this section is void. 15460

The chief, with approval of the wildlife council, shall adopt 15461  
rules prescribing a trapper education course for first-time fur 15462  
taker permit buyers and for volunteer instructors. The course 15463  
shall consist of subjects that include, but are not limited to, 15464  
trapping techniques, animal habits and identification, trapping 15465  
tradition and ethics, the trapper and conservation, the law in 15466  
section 1533.17 of the Revised Code along with the penalty for its 15467

violation, including a description of terms of imprisonment and 15468  
fines that may be imposed, and other law relating to trapping. 15469  
Authorized personnel of the division of wildlife or volunteer 15470  
instructors approved by the chief shall conduct the courses with 15471  
such frequency and at such locations throughout the state as to 15472  
reasonably meet the needs of permit applicants. The chief shall 15473  
issue a certificate of completion to each person who successfully 15474  
completes the course and passes an examination prescribed by the 15475  
chief. 15476

Every person, while hunting or trapping fur-bearing animals 15477  
on lands of another, shall carry the person's fur taker permit 15478  
~~affixed to the person's hunting license~~ with the person's 15479  
signature written ~~across the face of~~ on the permit. Failure to 15480  
carry such a signed permit constitutes an offense under this 15481  
section. The chief shall adopt any additional rules the chief 15482  
considers necessary to carry out this section. 15483

The owner and the children of the owner of lands in this 15484  
state may hunt or trap fur-bearing animals thereon without a fur 15485  
taker permit. The tenant and children of the tenant may hunt or 15486  
trap fur-bearing animals on lands where they reside without a fur 15487  
taker permit. 15488

A fur taker permit is not transferable. No person shall carry 15489  
a fur taker permit issued in the name of another person. 15490

A fur taker permit entitles a nonresident to take from this 15491  
state fur-bearing animals taken and possessed by the nonresident 15492  
as provided by law or division rule. 15493

**Sec. 1533.112.** Except as provided in this section or unless 15494  
otherwise provided by division rule, no person shall hunt ducks, 15495  
geese, or brant on the lands of another without first obtaining an 15496  
annual wetlands habitat stamp. The annual fee for the wetlands 15497

habitat stamp shall be fourteen dollars for each stamp unless the 15498  
rules adopted under division (B) of section 1533.12 provide for 15499  
issuance of a wetlands habitat stamp to the applicant free of 15500  
charge. 15501

Moneys received from the stamp fee shall be paid into the 15502  
state treasury to the credit of the wetlands habitat fund, which 15503  
is hereby established. Moneys shall be paid from the fund on the 15504  
order of the director of natural resources for the following 15505  
purposes: 15506

(A) Sixty per cent for projects that the division approves 15507  
for the acquisition, development, management, or preservation of 15508  
waterfowl areas within the state; 15509

(B) Forty per cent for contribution by the division to an 15510  
appropriate nonprofit organization for the acquisition, 15511  
development, management, or preservation of lands and waters 15512  
within the United States or Canada that provide or will provide 15513  
habitat for waterfowl with migration routes that cross this state. 15514

No moneys derived from the issuance of wetlands habitat 15515  
stamps shall be spent for purposes other than those specified by 15516  
this section. All investment earnings of the fund shall be 15517  
credited to the fund. 15518

Wetlands habitat stamps shall be furnished by and in a form 15519  
prescribed by the chief of the division of wildlife and issued by 15520  
clerks and other agents authorized to issue licenses and permits 15521  
under section 1533.13 of the Revised Code. The record of stamps 15522  
kept by the clerks and other agents shall be uniform throughout 15523  
the state, in such form or manner as the director prescribes, and 15524  
open at all reasonable hours to the inspection of any person. 15525  
Unless otherwise provided by rule, each stamp shall remain in 15526  
force until midnight of the thirty-first day of August next 15527  
ensuing. Wetlands habitat stamps may be issued in any manner to 15528

any person on any date, whether or not that date is within the 15529  
period in which they are effective. 15530

Every person to whom this section applies, while hunting 15531  
ducks, geese, or brant, shall carry an unexpired wetlands habitat 15532  
stamp that is validated by the person's signature written on the 15533  
stamp in ink and shall exhibit the stamp to any enforcement 15534  
officer so requesting. No person shall fail to carry and exhibit 15535  
the person's stamp. 15536

A wetlands habitat stamp is not transferable. 15537

The chief shall establish a procedure to obtain subject 15538  
matter to be printed on the wetlands habitat stamp and shall use, 15539  
dispose of, or distribute the subject matter as the chief 15540  
considers necessary. The chief also shall adopt rules necessary to 15541  
administer this section. 15542

This section does not apply to persons under sixteen years of 15543  
age nor to persons exempted from procuring a hunting license under 15544  
section 1533.10 or division (A)(2) of section 1533.12 of the 15545  
Revised Code. 15546

**Sec. 1533.12.** (A)(1) Except as otherwise provided in division 15547  
(A)(2) of this section, every person on active duty in the armed 15548  
forces of the United States who is stationed in this state and who 15549  
wishes to engage in an activity for which a license, permit, or 15550  
stamp is required under this chapter first shall obtain the 15551  
requisite license, permit, or stamp. Such a person is eligible to 15552  
obtain a resident hunting or fishing license regardless of whether 15553  
the person qualifies as a resident of this state. To obtain a 15554  
resident hunting or fishing license, the person shall present a 15555  
card or other evidence identifying the person as being on active 15556  
duty in the armed forces of the United States and as being 15557  
stationed in this state. 15558

(2) Every person on active duty in the armed forces of the United States, while on leave or furlough, may take or catch fish of the kind lawfully permitted to be taken or caught within the state, may hunt any wild bird or wild quadruped lawfully permitted to be hunted within the state, and may trap fur-bearing animals lawfully permitted to be trapped within the state, without procuring a fishing license, a hunting license, a fur taker permit, or a wetlands habitat stamp required by this chapter, provided that the person shall carry on the person when fishing, hunting, or trapping, a card or other evidence identifying the person as being on active duty in the armed forces of the United States, and provided that the person is not otherwise violating any of the hunting, fishing, and trapping laws of this state.

In order to hunt deer or wild turkey, any such person shall obtain a special deer or wild turkey permit, as applicable, under section 1533.11 of the Revised Code. However, the person need not obtain a hunting license in order to obtain such a permit.

(B) The chief of the division of wildlife shall provide by rule adopted under section 1531.10 of the Revised Code all of the following:

(1) Every resident of this state with a disability that has been determined by the veterans administration to be permanently and totally disabling, who receives a pension or compensation from the veterans administration, and who received an honorable discharge from the armed forces of the United States, and every veteran to whom the registrar of motor vehicles has issued a set of license plates under section 4503.41 of the Revised Code, shall be issued an annual fishing license, hunting license, fur taker permit, deer or wild turkey permit, or wetlands habitat stamp, or any combination of those licenses, permits, and stamp, free of charge when application is made to the chief in the manner prescribed by and on forms provided by the chief.

(2) Every resident of the state who was born on or before 15591  
December 31, 1937, shall be issued an annual fishing license, 15592  
hunting license, fur taker permit, deer or wild turkey permit, or 15593  
wetlands habitat stamp, or any combination of those licenses, 15594  
permits, and stamp, free of charge when application is made to the 15595  
chief in the manner prescribed by and on forms provided by the 15596  
chief. 15597

(3) Every resident of state or county institutions, 15598  
charitable institutions, and military homes in this state shall be 15599  
issued an annual fishing license free of charge when application 15600  
is made to the chief in the manner prescribed by and on forms 15601  
provided by the chief. 15602

(4) Any mobility impaired or blind person, as defined in 15603  
section 955.011 of the Revised Code, who is a resident of this 15604  
state and who is unable to engage in fishing without the 15605  
assistance of another person shall be issued an annual fishing 15606  
license free of charge when application is made to the chief in 15607  
the manner prescribed by and on forms provided by the chief. The 15608  
person who is assisting the mobility impaired or blind person may 15609  
assist in taking or catching fish of the kind permitted to be 15610  
taken or caught without procuring the license required under 15611  
section 1533.32 of the Revised Code, provided that only one line 15612  
is used by both persons. 15613

(5) As used in division (B)(5) of this section, "prisoner of 15614  
war" means any regularly appointed, enrolled, enlisted, or 15615  
inducted member of the military forces of the United States who 15616  
was captured, separated, and incarcerated by an enemy of the 15617  
United States. 15618

Any person who has been a prisoner of war, was honorably 15619  
discharged from the military forces, and is a resident of this 15620  
state shall be issued an annual fishing license, hunting license, 15621

fur taker permit, or wetlands habitat stamp, or any combination of 15622  
those licenses, permits, and stamp, free of charge when 15623  
application is made to the chief in the manner prescribed by and 15624  
on forms provided by the chief. 15625

(C) The chief shall adopt rules pursuant to section 1531.08 15626  
of the Revised Code designating not more than two days, which need 15627  
not be consecutive, in each year as "free sport fishing days" on 15628  
which any resident may exercise the privileges accorded the holder 15629  
of a fishing license issued under section 1533.32 of the Revised 15630  
Code without procuring such a license, provided that the person is 15631  
not otherwise violating any of the fishing laws of this state. 15632

**Sec. 1533.32.** Except as provided in this section or division 15633  
(A)(2) or (C) of section 1533.12 of the Revised Code, no person, 15634  
including nonresidents, shall take or catch any fish by angling in 15635  
any of the waters in the state or engage in fishing in those 15636  
waters without a license. No person shall take or catch frogs or 15637  
turtles without a valid fishing license, except as provided in 15638  
this section. Persons fishing in privately owned ponds, lakes, or 15639  
reservoirs to or from which fish are not accustomed to migrate are 15640  
exempt from the license requirements set forth in this section. 15641  
Persons fishing in privately owned ponds, lakes, or reservoirs 15642  
that are open to public fishing through an agreement or lease with 15643  
the division of wildlife shall comply with the license 15644  
requirements set forth in this section. 15645

The fee for an annual license shall be thirty-nine dollars 15646  
for a resident of a state that is not a party to an agreement 15647  
under section 1533.91 of the Revised Code. The fee for an annual 15648  
license shall be eighteen dollars for a resident of a state that 15649  
is a party to such an agreement. The fee for an annual license for 15650  
residents of this state shall be eighteen dollars unless the rules 15651  
adopted under division (B) of section 1533.12 of the Revised Code 15652

provide for issuance of a resident fishing license to the 15653  
applicant free of charge. Except as provided in rules adopted 15654  
under division (B)(2) of that section, each applicant who is a 15655  
resident of this state and who at the time of application is 15656  
sixty-six years of age or older shall procure a special senior 15657  
fishing license, the fee for which shall be one-half of the annual 15658  
resident fishing license fee. 15659

Any person under the age of sixteen years may take or catch 15660  
frogs and turtles and take or catch fish by angling without a 15661  
license. 15662

The chief of the division of wildlife may issue a tourist's 15663  
license expiring three days from the effective date of the license 15664  
to a resident of a state that is not a party to an agreement under 15665  
section 1533.91 of the Revised Code. The fee for a tourist's 15666  
license shall be eighteen dollars. 15667

The chief shall adopt rules under section 1531.10 of the 15668  
Revised Code providing for the issuance of a one-day fishing 15669  
license to a resident of this state or of any other state. The fee 15670  
for such a license shall be fifty-five per cent of the amount 15671  
established under this section for a tourist's license, rounded up 15672  
to the nearest whole dollar. A one-day fishing license shall allow 15673  
the holder to take or catch fish by angling in the waters in the 15674  
state, engage in fishing in those waters, or take or catch frogs 15675  
or turtles in those waters for one day without obtaining an annual 15676  
license or a tourist's license under this section. At the request 15677  
of a holder of a one-day fishing license who wishes to obtain an 15678  
annual license, a clerk or agent authorized to issue licenses 15679  
under section 1533.13 of the Revised Code, not later than the last 15680  
day on which the one-day license would be valid if it were an 15681  
annual license, shall credit the amount of the fee paid for the 15682  
one-day license toward the fee charged for the annual license if 15683  
so authorized by the chief. The clerk or agent shall issue the 15684

annual license upon presentation of the one-day license and 15685  
payment of a fee in an amount equal to the difference between the 15686  
fee for the annual license and the fee for the one-day license. 15687

- 15688

Unless otherwise provided by division rule, each annual 15689  
license shall begin on the first day of March of the current year 15690  
and expire on the last day of February of the following year. 15691

No person shall alter a fishing license or possess a fishing 15692  
license that has been altered. 15693

No person shall procure or attempt to procure a fishing 15694  
license by fraud, deceit, misrepresentation, or any false 15695  
statement. 15696

Owners of land over, through, upon, or along which any water 15697  
flows or stands, except where the land is in or borders on state 15698  
parks or state-owned lakes, together with the members of the 15699  
immediate families of such owners, may take frogs and turtles and 15700  
may take or catch fish of the kind permitted to be taken or caught 15701  
therefrom without procuring a license provided for in this 15702  
section. This exemption extends to tenants actually residing upon 15703  
such lands and to the members of the immediate families of the 15704  
tenants. Residents of state or county institutions, charitable 15705  
institutions, and military homes in this state may take frogs and 15706  
turtles without procuring the required license, provided that a 15707  
member of the institution or home has an identification card, 15708  
which shall be carried on that person when fishing. 15709

Every fisher required to be licensed, while fishing or taking 15710  
or attempting to take frogs or turtles, shall carry the license 15711  
and exhibit it to any person. Failure to so carry and exhibit the 15712  
license constitutes an offense under this section. 15713

**Sec. 1541.03.** All lands and waters dedicated and set apart 15714

for state park purposes shall be under the control and management 15715  
of the division of parks and recreation, which shall protect, 15716  
maintain, and keep them in repair. The division shall have the 15717  
following powers over all such lands and waters: 15718

(A) To make alterations and improvements; 15719

(B) To construct and maintain dikes, wharves, landings, 15720  
docks, dams, and other works; 15721

(C) To construct and maintain roads and drives in, around, 15722  
upon, and to the lands and waters to make them conveniently 15723  
accessible and useful to the public; 15724

(D) ~~To~~ Except as otherwise provided in this section, to 15725  
adopt, amend, and rescind, in accordance with Chapter 119. of the 15726  
Revised Code, rules necessary for the proper management of state 15727  
parks, bodies of water, and the lands adjacent to them under its 15728  
jurisdiction and control, including the following: 15729

(1) Governing opening and closing times and dates of the 15730  
parks; 15731

(2) Establishing fees and charges for ~~admission to state~~ 15732  
~~parks and for~~ use of facilities in ~~them~~ state parks; 15733

(3) Governing camps, camping, and fees for camps and camping; 15734

(4) Governing the application for and rental of, rental fees 15735  
for, and the use of cabins; 15736

(5) Relating to public use of state park lands, and governing 15737  
the operation of motor vehicles, including speeds, and parking on 15738  
those lands; 15739

(6) Governing all advertising within state parks and the 15740  
requirements for the operation of places selling tangible personal 15741  
property and control of food service sales on lands and waters 15742  
under the control of the division, which rules shall establish 15743  
uniform requirements; 15744

(7) Providing uniform standards relating to the size, type, 15745  
location, construction, and maintenance of structures and devices 15746  
used for fishing or moorage of watercraft, rowboats, sailboats, 15747  
and powercraft, as those terms are defined in section 1547.01 of 15748  
the Revised Code, over waters under the control of the division 15749  
and establishing reasonable fees for the construction of and 15750  
annual use permits for those structures and devices; 15751

(8) Governing state beaches, swimming, inflatable devices, 15752  
and fees for them; 15753

(9) Governing the removal and disposition of any watercraft, 15754  
rowboat, sailboat, or powercraft, as those terms are defined in 15755  
section 1547.01 of the Revised Code, left unattended for more than 15756  
seven days on any lands or waters under the control of the 15757  
division; 15758

(10) Governing the establishment and collection of check 15759  
collection charges for checks that are returned to the division or 15760  
dishonored for any reason. 15761

The division shall adopt rules under this section 15762  
establishing a discount program for all persons who are issued a 15763  
golden buckeye card under section 173.06 of the Revised Code. The 15764  
discount program shall provide a discount for all park services 15765  
and rentals, but shall not provide a discount for the purchase of 15766  
merchandise. 15767

The division shall not adopt rules establishing fees or 15768  
charges for parking a motor vehicle in a state park or for 15769  
admission to a state park. 15770

Every resident of this state with a disability that has been 15771  
determined by the veterans administration to be permanently and 15772  
totally disabling, who receives a pension or compensation from the 15773  
veterans administration, and who received an honorable discharge 15774  
from the armed forces of the United States, and every veteran to 15775

whom the registrar of motor vehicles has issued a set of license  
plates under section 4503.41 of the Revised Code, shall be exempt  
from the fees for camping, provided that the resident or veteran  
carries in the state park such evidence of the resident's or  
veteran's disability as the chief of the division of parks and  
recreation prescribes by rule.

~~Every~~ Unless otherwise provided by division rule, every  
resident of this state who is sixty-five years of age or older or  
who is permanently and totally disabled and who furnishes evidence  
of that age or disability in a manner prescribed by division rule  
shall be charged one-half of the regular fee for camping, except  
on the weekends and holidays designated by the division. ~~Such a~~  
~~person, and~~ shall not be charged more than ninety per cent of the  
regular charges for state recreational facilities, equipment,  
services, and food service operations utilized by the person at  
any time of year, whether maintained or operated by the state or  
leased for operation by another entity.

As used in this section, "food service operations" means  
restaurants that are owned by the department of natural resources  
at Hocking Hills, Lake Hope, Malabar Farm, and Rocky Fork state  
parks or are part of a state park lodge. "Food service operations"  
does not include automatic vending machines, concession stands, or  
snack bars.

As used in this section, "prisoner of war" means any  
regularly appointed, enrolled, enlisted, or inducted member of the  
military forces of the United States who was captured, separated,  
and incarcerated by an enemy of the United States. Any person who  
has been a prisoner of war, was honorably discharged from the  
military forces, and is a resident of this state is exempt from  
the fees for camping. To claim this exemption, the person shall  
present written evidence in the form of a record of separation, a  
letter from one of the military forces of the United States, or

such other evidence as the chief prescribes by rule that satisfies 15808  
the eligibility criteria established by this section. 15809

Sec. 1547.721. As used in sections 1547.721 to 1547.726 of 15810  
the Revised Code: 15811

(A) "Eligible project" means a project that involves the 15812  
acquisition, construction, establishment, reconstruction, 15813  
rehabilitation, renovation, enlargement, improvement, equipping, 15814  
furnishing, or development of either of the following: 15815

(1) Marine recreational facilities; 15816

(2) Refuge harbors and other projects for the harboring, 15817  
mooring, docking, launching, and storing of light draft vessels. 15818

(B) "Marine recreational facilities," "refuge harbors," 15819  
"light draft vessels," and "allowable costs" have the meanings 15820  
established in rules adopted under section 1547.723 of the Revised 15821  
Code. 15822

(C) "Revolving loan program" means the loan program 15823  
established under sections 1547.721 to 1547.726 of the Revised 15824  
Code. 15825

(D) "State agency" has the same meaning as in section 9.66 of 15826  
the Revised Code. 15827

Sec. 1547.722. There is hereby created in the state treasury 15828  
the watercraft revolving loan fund consisting of money 15829  
appropriated or transferred to it, money received and credited to 15830  
the fund under section 1547.726 of the Revised Code, and any 15831  
grants, gifts, or contributions of moneys received for deposit to 15832  
the credit of the fund. 15833

The director of natural resources shall use money in the 15834  
watercraft revolving loan fund for the purpose of making loans 15835  
under section 1547.724 of the Revised Code for eligible projects 15836

and taking actions under sections 1547.721 to 1547.726 of the 15837  
Revised Code necessary to fulfill that purpose. The director may 15838  
establish separate accounts in the fund for particular projects or 15839  
otherwise. Income from the investment of money in the fund shall 15840  
be credited to the fund, and, if the director so requires, to 15841  
particular accounts in the fund. 15842

Sec. 1547.723. (A) The director of natural resources shall 15843  
adopt rules under Chapter 119. of the Revised Code that the 15844  
director determines to be necessary for the implementation of the 15845  
revolving loan program. The rules shall include a definition of 15846  
what constitutes "allowable costs" of an eligible project for 15847  
purposes of the program together with a definition of "marine 15848  
recreational facilities," "refuge harbors," and "light draft 15849  
vessels," respectively. 15850

(B) The director may delegate any of the director's duties or 15851  
responsibilities under sections 1547.721 to 1547.726 of the 15852  
Revised Code to the chief of the division of watercraft. 15853

Sec. 1547.724. (A) With the approval of the controlling 15854  
board, and subject to the other applicable provisions of sections 15855  
1547.721 to 1547.726 of the Revised Code, the director of natural 15856  
resources may lend moneys in the watercraft revolving loan fund to 15857  
public or private entities for the purpose of paying the allowable 15858  
costs of an eligible project. Loans shall be made under this 15859  
division only if the director determines that all of the following 15860  
apply: 15861

(1) The project is an eligible project and is economically 15862  
sound; 15863

(2) The borrower is unable to finance the necessary allowable 15864  
costs through ordinary financial channels upon comparable terms; 15865

(3) The repayment of the loan will be adequately secured by a 15866

mortgage, lien, assignment, or pledge at a level of priority as 15867  
the director may require; 15868

(4) The amount of the loan does not exceed ninety per cent of 15869  
the total cost of the project. 15870

(B) The determinations of the director under division (A) of 15871  
this section shall be conclusive for purposes of the validity of a 15872  
loan commitment evidenced by a loan agreement signed by the 15873  
director. Further, the director's determinations that a project 15874  
constitutes an eligible project and that the costs of such a 15875  
project are allowable costs, together with all other 15876  
determinations relevant to the project or to an action taken or 15877  
agreement entered into under sections 1547.721 to 1547.726 of the 15878  
Revised Code shall be conclusive for purposes of the validity and 15879  
enforceability of rights of parties arising from actions taken and 15880  
agreements entered into under those sections. 15881

(C) The director may take any actions necessary or 15882  
appropriate with respect to a loan made under this section, 15883  
including facilitating the collection of amounts due on a loan. 15884

**Sec. 1547.725.** For purposes of the revolving loan program, 15885  
the director of natural resources may do any of the following: 15886

(A) Establish fees, charges, rates of interest, times of 15887  
payment of interest and principal, and other terms, conditions, 15888  
and provisions of and security for loans made from the watercraft 15889  
revolving loan fund that the director determines to be appropriate 15890  
and in furtherance of the purpose for which the loans are made; 15891

(B) Retain the services of or employ financial consultants, 15892  
appraisers, consulting engineers, superintendents, managers, 15893  
construction and accounting experts, attorneys, and employees, 15894  
agents, and independent contractors that the director determines 15895  
to be necessary and fix the compensation for their services; 15896

(C) Receive and accept from any person grants, gifts, contributions of money, property, labor, and other things of value to be held, used, and applied only for the purpose for which such grants, gifts, and contributions are made; 15897  
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(D) Enter into appropriate agreements with other governmental entities to provide for all of the following: 15901  
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(1) Payment of allowable costs related to the development of eligible projects for which loans have been made from the watercraft revolving loan fund; 15903  
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(2) Any governmental action a governmental entity is authorized to take, including undertaking on behalf and at the request of the director any action that the director is authorized to undertake pursuant to sections 1547.721 to 1547.725 of the Revised Code; 15906  
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(3) The operation of facilities associated with eligible projects. 15911  
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All state agencies shall cooperate with and provide assistance to the director as is necessary for the administration of sections 1547.721 to 1547.726 of the Revised Code. 15913  
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**Sec. 1547.726.** All money received by the state from the repayment of loans made from the watercraft revolving loan fund, including interest, fees, and charges associated with such loans, shall be deposited to the credit of the watercraft revolving loan fund. 15916  
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**Sec. 1548.06.** (A)(1) Application for a certificate of title for a watercraft or outboard motor shall be made upon a form prescribed by the chief of the division of watercraft and shall be sworn to before a notary public or other officer empowered to administer oaths. The application shall be filed with the clerk of 15921  
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any court of common pleas. An application for a certificate of title may be filed electronically by any electronic means approved by the chief in any county with the clerk of the court of common pleas of that county. The application shall be accompanied by the fee prescribed in section 1548.10 of the Revised Code. The fee shall be retained by the clerk who issues the certificate of title and shall be distributed in accordance with that section. If a clerk of a court of common pleas, other than the clerk of the court of common pleas of an applicant's county of residence, issues a certificate of title to the applicant, the clerk shall transmit data related to the transaction to the automated title processing system.

(2) If a certificate of title previously has been issued for the watercraft or outboard motor, the application for a certificate of title also shall be accompanied by the certificate of title duly assigned unless otherwise provided in this chapter. If a certificate of title previously has not been issued for the watercraft or outboard motor in this state, the application, unless otherwise provided in this chapter, shall be accompanied by a manufacturer's or importer's certificate; by a sworn statement of ownership if the watercraft or outboard motor was purchased by the applicant on or before October 9, 1963, or if the watercraft is less than fourteen feet long with a permanently affixed mechanical means of propulsion and was purchased by the applicant on or before January 1, 2000; or by a certificate of title, bill of sale, or other evidence of ownership required by the law of another state from which the watercraft or outboard motor was brought into this state. Evidence of ownership of a watercraft or outboard motor for which an Ohio certificate of title previously has not been issued and which watercraft or outboard motor does not have permanently affixed to it a manufacturer's serial number shall be accompanied by the certificate of assignment of a hull identification number assigned by the chief as provided in section

1548.07 of the Revised Code. 15959

(3) The clerk shall retain the evidence of title presented by 15960  
the applicant and on which the certificate of title is issued, 15961  
except that, if an application for a certificate of title is filed 15962  
electronically, by a vendor on behalf of a purchaser of a 15963  
watercraft or outboard motor, the clerk shall retain the completed 15964  
electronic record to which the vendor converted the certificate of 15965  
title application and other required documents. The chief, after 15966  
consultation with the attorney general, shall adopt rules that 15967  
govern the location at which, and the manner in which, are stored 15968  
the actual application and all other documents relating to the 15969  
sale of a watercraft or outboard motor when a vendor files the 15970  
application for a certificate of title electronically on behalf of 15971  
a purchaser. 15972

(B) The clerk shall use reasonable diligence in ascertaining 15973  
whether the facts in the application are true by checking the 15974  
application and documents accompanying it or the electronic record 15975  
to which a vendor converted the application and accompanying 15976  
documents with the records of watercraft and outboard motors in 15977  
the clerk's office. If the clerk is satisfied that the applicant 15978  
is the owner of the watercraft or outboard motor and that the 15979  
application is in the proper form, the clerk shall issue a 15980  
physical certificate of title over the clerk's signature and 15981  
sealed with the clerk's seal unless the applicant specifically 15982  
requests the clerk not to issue a physical certificate of title 15983  
and instead to issue an electronic certificate of title. However, 15984  
if the evidence indicates and an investigation shows that one or 15985  
more Ohio titles already exist for the watercraft or outboard 15986  
motor, the chief may cause the redundant title or titles to be 15987  
canceled. 15988

(C) In the case of the sale of a watercraft or outboard motor 15989  
by a vendor to a general purchaser or user, the certificate of 15990

title shall be obtained in the name of the purchaser by the vendor 15991  
upon application signed by the purchaser. In all other cases, the 15992  
certificate shall be obtained by the purchaser. In all cases of 15993  
transfer of watercraft or outboard motors, the application for 15994  
certificate of title shall be filed within thirty days after the 15995  
later of the date of purchase or assignment of ownership of the 15996  
watercraft or outboard motor. If the application for certificate 15997  
of title is not filed within thirty days after the later of the 15998  
date of purchase or assignment of ownership of the watercraft or 15999  
outboard motor, the clerk shall charge a late penalty fee of five 16000  
dollars in addition to the fee prescribed by section 1548.10 of 16001  
the Revised Code. The clerk shall retain the entire amount of each 16002  
late penalty fee. 16003

(D) The clerk shall refuse to accept an application for 16004  
certificate of title unless the applicant either tenders with the 16005  
application payment of all taxes levied by or pursuant to Chapter 16006  
5739. or 5741. of the Revised Code based on the applicant's county 16007  
of residence less, in the case of a sale by a vendor, any discount 16008  
to which the vendor is entitled under section 5739.12 of the 16009  
Revised Code, or submits any of the following: 16010

~~(A)~~(1) A receipt issued by the tax commissioner or a clerk of 16011  
courts showing payment of the tax; 16012

~~(B)~~(2) A copy of the unit certificate of exemption completed 16013  
by the purchaser at the time of sale as provided in section 16014  
5739.03 of the Revised Code; 16015

~~(C)~~(3) An exemption certificate, in a form prescribed by the 16016  
tax commissioner, that specifies why the purchase is not subject 16017  
to the tax imposed by Chapter 5739. or 5741. of the Revised Code. 16018

Payment of the tax shall be in accordance with rules issued 16019  
by the tax commissioner, and the clerk shall issue a receipt in 16020  
the form prescribed by the tax commissioner to any applicant who 16021

tenders payment of the tax with the application for the certificate of title.

(E)(1) For receiving and disbursing the taxes paid to the clerk by a resident of the clerk's county, the clerk may retain a poundage fee of one and one one-hundredth per cent of the taxes collected, which shall be paid into the certificate of title administration fund created by section 325.33 of the Revised Code. The clerk shall not retain a poundage fee from payments of taxes by persons who do not reside in the clerk's county.

(2) A clerk, however, may retain from the taxes paid to the clerk an amount equal to the poundage fees associated with certificates of title issued by other clerks of courts of common pleas to applicants who reside in the first clerk's county. The chief of the division of watercraft, in consultation with the tax commissioner and the clerks of the courts of common pleas, shall develop a report from the automated title processing system that informs each clerk of the amount of the poundage fees that the clerk is permitted to retain from those taxes because of certificates of title issued by the clerks of other counties to applicants who reside in the first clerk's county.

(F) In the case of casual sales of watercraft or outboard motors that are subject to the tax imposed by Chapter 5739. or 5741. of the Revised Code, the purchase price for the purpose of determining the tax shall be the purchase price on an affidavit executed and filed with the clerk by the vendor on a form to be prescribed by the chief, which shall be prima-facie evidence of the price for the determination of the tax. In addition to the information required by section 1548.08 of the Revised Code, each certificate of title shall contain in bold lettering the following notification and statements: "WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND BUYER). You are required by law to state the true selling price. A false statement is a violation of section 2921.13

of the Revised Code and is punishable by six months imprisonment 16054  
or a fine of up to one thousand dollars, or both. All transfers 16055  
are audited by the department of taxation. The seller and buyer 16056  
must provide any information requested by the department of 16057  
taxation. The buyer may be assessed any additional tax found to be 16058  
due." 16059

~~The clerk shall forward all payments of taxes, less poundage 16060  
fees, to the treasurer of state in a manner to be prescribed by 16061  
the tax commissioner and shall furnish information to the 16062  
commissioner as the commissioner may require. (G) Each county 16063  
clerk of courts shall forward to the treasurer of state all sales 16064  
and use tax collections resulting from sales of titled watercraft 16065  
and outboard motors during a calendar week on or before the Friday 16066  
following the close of that week. If, on any Friday, the offices 16067  
of the clerk of courts or the state are not open for business, the 16068  
tax shall be forwarded to the treasurer of state on or before the 16069  
next day on which the offices are open. Every remittance of tax 16070  
under this division shall be accompanied by a remittance report in 16071  
such form as the tax commissioner prescribes. Upon receipt of a 16072  
tax remittance and remittance report, the treasurer of state shall 16073  
date stamp the report and forward it to the tax commissioner. If 16074  
the tax due for any week is not remitted by a clerk of courts as 16075  
required under this division, the clerk shall forfeit the poundage 16076  
fees for the sales made during that week. The treasurer of state 16077  
may require the clerks of courts to transmit tax collections and 16078  
remittance reports electronically. 16079~~

(H) For purposes of a transfer of a certificate of title, if 16080  
the clerk is satisfied that a secured party has discharged a lien 16081  
but has not canceled the lien notation with a clerk, the clerk may 16082  
cancel the lien notation on the automated title processing system 16083  
and notify the clerk of the county of origin. 16084

(I) Every clerk shall have the capability to transact by 16085

electronic means all procedures and transactions relating to the 16086  
issuance of watercraft or outboard motor certificates of title 16087  
that are described in the Revised Code as being accomplished by 16088  
electronic means. 16089

**Sec. 1707.01.** As used in this chapter: 16090

(A) Whenever the context requires it, "division" or "division 16091  
of securities" may be read as "director of commerce" or as 16092  
"commissioner of securities." 16093

(B) "Security" means any certificate or instrument, or any 16094  
oral, written, or electronic agreement, understanding, or 16095  
opportunity, that represents title to or interest in, or is 16096  
secured by any lien or charge upon, the capital, assets, profits, 16097  
property, or credit of any person or of any public or governmental 16098  
body, subdivision, or agency. It includes shares of stock, 16099  
certificates for shares of stock, an uncertificated security, 16100  
membership interests in limited liability companies, voting-trust 16101  
certificates, warrants and options to purchase securities, 16102  
subscription rights, interim receipts, interim certificates, 16103  
promissory notes, all forms of commercial paper, evidences of 16104  
indebtedness, bonds, debentures, land trust certificates, fee 16105  
certificates, leasehold certificates, syndicate certificates, 16106  
endowment certificates, interests in or under profit-sharing or 16107  
participation agreements, interests in or under oil, gas, or 16108  
mining leases, preorganization or reorganization subscriptions, 16109  
preorganization certificates, reorganization certificates, 16110  
interests in any trust or pretended trust, any investment 16111  
contract, any life settlement interest, any instrument evidencing 16112  
a promise or an agreement to pay money, warehouse receipts for 16113  
intoxicating liquor, and the currency of any government other than 16114  
those of the United States and Canada, but sections 1707.01 to 16115  
1707.45 of the Revised Code do not apply to the sale of real 16116

estate. 16117

(C)(1) "Sale" has the full meaning of "sale" as applied by or 16118  
accepted in courts of law or equity, and includes every 16119  
disposition, or attempt to dispose, of a security or of an 16120  
interest in a security. "Sale" also includes a contract to sell, 16121  
an exchange, an attempt to sell, an option of sale, a solicitation 16122  
of a sale, a solicitation of an offer to buy, a subscription, or 16123  
an offer to sell, directly or indirectly, by agent, circular, 16124  
pamphlet, advertisement, or otherwise. 16125

(2) "Sell" means any act by which a sale is made. 16126

(3) The use of advertisements, circulars, or pamphlets in 16127  
connection with the sale of securities in this state exclusively 16128  
to the purchasers specified in division (D) of section 1707.03 of 16129  
the Revised Code is not a sale when the advertisements, circulars, 16130  
and pamphlets describing and offering those securities bear a 16131  
readily legible legend in substance as follows: "This offer is 16132  
made on behalf of dealers licensed under sections 1707.01 to 16133  
1707.45 of the Revised Code, and is confined in this state 16134  
exclusively to institutional investors and licensed dealers." 16135

(4) The offering of securities by any person in conjunction 16136  
with a licensed dealer by use of advertisement, circular, or 16137  
pamphlet is not a sale if that person does not otherwise attempt 16138  
to sell securities in this state. 16139

(5) Any security given with, or as a bonus on account of, any 16140  
purchase of securities is conclusively presumed to constitute a 16141  
part of the subject of that purchase and has been "sold." 16142

(6) "Sale" by an owner, pledgee, or mortgagee, or by a person 16143  
acting in a representative capacity, includes sale on behalf of 16144  
such party by an agent, including a licensed dealer or 16145  
salesperson. 16146

(D) "Person," except as otherwise provided in this chapter, 16147  
means a natural person, firm, partnership, limited partnership, 16148  
partnership association, syndicate, joint-stock company, 16149  
unincorporated association, trust or trustee except where the 16150  
trust was created or the trustee designated by law or judicial 16151  
authority or by a will, and a corporation or limited liability 16152  
company organized under the laws of any state, any foreign 16153  
government, or any political subdivision of a state or foreign 16154  
government. 16155

(E)(1) "Dealer," except as otherwise provided in this 16156  
chapter, means every person, other than a salesperson, who engages 16157  
or professes to engage, in this state, for either all or part of 16158  
the person's time, directly or indirectly, either in the business 16159  
of the sale of securities for the person's own account, or in the 16160  
business of the purchase or sale of securities for the account of 16161  
others in the reasonable expectation of receiving a commission, 16162  
fee, or other remuneration as a result of engaging in the purchase 16163  
and sale of securities. "Dealer" does not mean any of the 16164  
following: 16165

(a) Any issuer, including any officer, director, employee, or 16166  
trustee of, or member or manager of, or partner in, or any general 16167  
partner of, any issuer, that sells, offers for sale, or does any 16168  
act in furtherance of the sale of a security that represents an 16169  
economic interest in that issuer, provided no commission, fee, or 16170  
other similar remuneration is paid to or received by the issuer 16171  
for the sale; 16172

(b) Any licensed attorney, public accountant, or firm of such 16173  
attorneys or accountants, whose activities are incidental to the 16174  
practice of the attorney's, accountant's, or firm's profession; 16175

(c) Any person that, for the account of others, engages in 16176  
the purchase or sale of securities that are issued and outstanding 16177

before such purchase and sale, if a majority or more of the equity 16178  
interest of an issuer is sold in that transaction, and if, in the 16179  
case of a corporation, the securities sold in that transaction 16180  
represent a majority or more of the voting power of the 16181  
corporation in the election of directors; 16182

(d) Any person that brings an issuer together with a 16183  
potential investor and whose compensation is not directly or 16184  
indirectly based on the sale of any securities by the issuer to 16185  
the investor; 16186

(e) Any bank; 16187

(f) Any person that the division of securities by rule 16188  
exempts from the definition of "dealer" under division (E)(1) of 16189  
this section. 16190

(2) "Licensed dealer" means a dealer licensed under this 16191  
chapter. 16192

(F)(1) "Salesman" or "salesperson" means every natural 16193  
person, other than a dealer, who is employed, authorized, or 16194  
appointed by a dealer to sell securities within this state. 16195

(2) The general partners of a partnership, and the executive 16196  
officers of a corporation or unincorporated association, licensed 16197  
as a dealer are not salespersons within the meaning of this 16198  
definition, nor are such clerical or other employees of an issuer 16199  
or dealer as are employed for work to which the sale of securities 16200  
is secondary and incidental; but the division of securities may 16201  
require a license from any such partner, executive officer, or 16202  
employee if it determines that protection of the public 16203  
necessitates the licensing. 16204

(3) "Licensed salesperson" means a salesperson licensed under 16205  
this chapter. 16206

(G) "Issuer" means every person who has issued, proposes to 16207

issue, or issues any security. 16208

(H) "Director" means each director or trustee of a 16209  
corporation, each trustee of a trust, each general partner of a 16210  
partnership, except a partnership association, each manager of a 16211  
partnership association, and any person vested with managerial or 16212  
directory power over an issuer not having a board of directors or 16213  
trustees. 16214

(I) "Incorporator" means any incorporator of a corporation 16215  
and any organizer of, or any person participating, other than in a 16216  
representative or professional capacity, in the organization of an 16217  
unincorporated issuer. 16218

(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent 16219  
practices," or "fraudulent transactions" means anything recognized 16220  
on or after July 22, 1929, as such in courts of law or equity; any 16221  
device, scheme, or artifice to defraud or to obtain money or 16222  
property by means of any false pretense, representation, or 16223  
promise; any fictitious or pretended purchase or sale of 16224  
securities; and any act, practice, transaction, or course of 16225  
business relating to the purchase or sale of securities that is 16226  
fraudulent or that has operated or would operate as a fraud upon 16227  
the seller or purchaser. 16228

(K) Except as otherwise specifically provided, whenever any 16229  
classification or computation is based upon "par value," as 16230  
applied to securities without par value, the average of the 16231  
aggregate consideration received or to be received by the issuer 16232  
for each class of those securities shall be used as the basis for 16233  
that classification or computation. 16234

(L)(1) "Intangible property" means patents, copyrights, 16235  
secret processes, formulas, services, good will, promotion and 16236  
organization fees and expenses, trademarks, trade brands, trade 16237  
names, licenses, franchises, any other assets treated as 16238

intangible according to generally accepted accounting principles, 16239  
and securities, accounts receivable, or contract rights having no 16240  
readily determinable value. 16241

(2) "Tangible property" means all property other than 16242  
intangible property and includes securities, accounts receivable, 16243  
and contract rights, when the securities, accounts receivable, or 16244  
contract rights have a readily determinable value. 16245

(M) "Public utilities" means those utilities defined in 16246  
sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised 16247  
Code; in the case of a foreign corporation, it means those 16248  
utilities defined as public utilities by the laws of its domicile; 16249  
and in the case of any other foreign issuer, it means those 16250  
utilities defined as public utilities by the laws of the situs of 16251  
its principal place of business. The term always includes 16252  
railroads whether or not they are so defined as public utilities. 16253

(N) "State" means any state of the United States, any 16254  
territory or possession of the United States, the District of 16255  
Columbia, and any province of Canada. 16256

(O) "Bank" means any bank, trust company, savings and loan 16257  
association, savings bank, or credit union that is incorporated or 16258  
organized under the laws of the United States, any state of the 16259  
United States, Canada, or any province of Canada and that is 16260  
subject to regulation or supervision by that country, state, or 16261  
province. 16262

(P) "Include," when used in a definition, does not exclude 16263  
other things or persons otherwise within the meaning of the term 16264  
defined. 16265

(Q)(1) "Registration by description" means that the 16266  
requirements of section 1707.08 of the Revised Code have been 16267  
complied with. 16268

(2) "Registration by qualification" means that the requirements of sections 1707.09 and 1707.11 of the Revised Code have been complied with.

(3) "Registration by coordination" means that there has been compliance with section 1707.091 of the Revised Code. Reference in this chapter to registration by qualification also shall be deemed to include registration by coordination unless the context otherwise indicates.

(R) "Intoxicating liquor" includes all liquids and compounds that contain more than three and two-tenths per cent of alcohol by weight and are fit for use for beverage purposes.

(S) "Institutional investor" means any corporation, bank, insurance company, pension fund or pension fund trust, employees' profit-sharing fund or employees' profit-sharing trust, any association engaged, as a substantial part of its business or operations, in purchasing or holding securities, or any trust in respect of which a bank is trustee or cotrustee. "Institutional investor" does not include any business entity formed for the primary purpose of evading sections 1707.01 to 1707.45 of the Revised Code.

(T) "Securities Act of 1933," 48 Stat. 74, 15 U.S.C. 77a, "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78a, "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, "Investment Advisers Act of 1940," 54 Stat. 847, 15 U.S.C. 80b, and "Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C. 80a mean the federal statutes of those names as amended before or after March 18, 1999.

(U) "Securities and exchange commission" means the securities and exchange commission established by the Securities Exchange Act of 1934.

(V)(1) "Control bid" means the purchase of or offer to

purchase any equity security of a subject company from a resident 16300  
of this state if either of the following applies: 16301

(a) After the purchase of that security, the offeror would be 16302  
directly or indirectly the beneficial owner of more than ten per 16303  
cent of any class of the issued and outstanding equity securities 16304  
of the issuer. 16305

(b) The offeror is the subject company, there is a pending 16306  
control bid by a person other than the issuer, and the number of 16307  
the issued and outstanding shares of the subject company would be 16308  
reduced by more than ten per cent. 16309

(2) For purposes of division (V)(1) of this section, "control 16310  
bid" does not include any of the following: 16311

(a) A bid made by a dealer for the dealer's own account in 16312  
the ordinary course of business of buying and selling securities; 16313

(b) An offer to acquire any equity security solely in 16314  
exchange for any other security, or the acquisition of any equity 16315  
security pursuant to an offer, for the sole account of the 16316  
offeror, in good faith and not for the purpose of avoiding the 16317  
provisions of this chapter, and not involving any public offering 16318  
of the other security within the meaning of Section 4 of Title I 16319  
of the "Securities Act of 1933," 48 Stat. 77, 15 U.S.C.A. 77d(2), 16320  
as amended; 16321

(c) Any other offer to acquire any equity security, or the 16322  
acquisition of any equity security pursuant to an offer, for the 16323  
sole account of the offeror, from not more than fifty persons, in 16324  
good faith and not for the purpose of avoiding the provisions of 16325  
this chapter. 16326

(W) "Offeror" means a person who makes, or in any way 16327  
participates or aids in making, a control bid and includes persons 16328  
acting jointly or in concert, or who intend to exercise jointly or 16329

in concert any voting rights attached to the securities for which 16330  
the control bid is made and also includes any subject company 16331  
making a control bid for its own securities. 16332

(X)(1) "Investment adviser" means any person who, for 16333  
compensation, engages in the business of advising others, either 16334  
directly or through publications or writings, as to the value of 16335  
securities or as to the advisability of investing in, purchasing, 16336  
or selling securities, or who, for compensation and as a part of 16337  
regular business, issues or promulgates analyses or reports 16338  
concerning securities. 16339

(2) "Investment adviser" does not mean any of the following: 16340

(a) Any attorney, accountant, engineer, or teacher, whose 16341  
performance of investment advisory services described in division 16342  
(X)(1) of this section is solely incidental to the practice of the 16343  
attorney's, accountant's, engineer's, or teacher's profession; 16344

(b) A publisher of any bona fide newspaper, news magazine, or 16345  
business or financial publication of general and regular 16346  
circulation; 16347

(c) A person who acts solely as an investment adviser 16348  
representative; 16349

(d) A bank holding company, as defined in the "Bank Holding 16350  
Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, that is not an 16351  
investment company; 16352

(e) A bank, or any receiver, conservator, or other 16353  
liquidating agent of a bank; 16354

(f) Any licensed dealer or licensed salesperson whose 16355  
performance of investment advisory services described in division 16356  
(X)(1) of this section is solely incidental to the conduct of the 16357  
dealer's or salesperson's business as a licensed dealer or 16358  
licensed salesperson and who receives no special compensation for 16359

the services; 16360

(g) Any person, the advice, analyses, or reports of which do 16361  
not relate to securities other than securities that are direct 16362  
obligations of, or obligations guaranteed as to principal or 16363  
interest by, the United States, or securities issued or guaranteed 16364  
by corporations in which the United States has a direct or 16365  
indirect interest, and that have been designated by the secretary 16366  
of the treasury as exempt securities as defined in the "Securities 16367  
Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78c; 16368

(h) Any person that is excluded from the definition of 16369  
investment adviser pursuant to section 202(a)(11)(A) to (E) of the 16370  
"Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), or that 16371  
has received an order from the securities and exchange commission 16372  
under section 202(a)(11)(F) of the "Investment Advisers Act of 16373  
1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that the person is not 16374  
within the intent of section 202(a)(11) of the Investment Advisers 16375  
Act of 1940. 16376

(i) A person who acts solely as a state retirement system 16377  
investment officer or as a bureau of workers' compensation chief 16378  
investment officer; 16379

(j) Any other person that the division designates by rule, if 16380  
the division finds that the designation is necessary or 16381  
appropriate in the public interest or for the protection of 16382  
investors or clients and consistent with the purposes fairly 16383  
intended by the policy and provisions of this chapter. 16384

(Y)(1) "Subject company" means an issuer that satisfies both 16385  
of the following: 16386

(a) Its principal place of business or its principal 16387  
executive office is located in this state, or it owns or controls 16388  
assets located within this state that have a fair market value of 16389  
at least one million dollars. 16390

(b) More than ten per cent of its beneficial or record equity security holders are resident in this state, more than ten per cent of its equity securities are owned beneficially or of record by residents in this state, or more than one thousand of its beneficial or record equity security holders are resident in this state. 16391  
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(2) The division of securities may adopt rules to establish more specific application of the provisions set forth in division (Y)(1) of this section. Notwithstanding the provisions set forth in division (Y)(1) of this section and any rules adopted under this division, the division, by rule or in an adjudicatory proceeding, may make a determination that an issuer does not constitute a "subject company" under division (Y)(1) of this section if appropriate review of control bids involving the issuer is to be made by any regulatory authority of another jurisdiction. 16397  
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(Z) "Beneficial owner" includes any person who directly or indirectly through any contract, arrangement, understanding, or relationship has or shares, or otherwise has or shares, the power to vote or direct the voting of a security or the power to dispose of, or direct the disposition of, the security. "Beneficial ownership" includes the right, exercisable within sixty days, to acquire any security through the exercise of any option, warrant, or right, the conversion of any convertible security, or otherwise. Any security subject to any such option, warrant, right, or conversion privilege held by any person shall be deemed to be outstanding for the purpose of computing the percentage of outstanding securities of the class owned by that person, but shall not be deemed to be outstanding for the purpose of computing the percentage of the class owned by any other person. A person shall be deemed the beneficial owner of any security beneficially owned by any relative or spouse or relative of the spouse residing in the home of that person, any trust or estate in which that 16406  
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person owns ten per cent or more of the total beneficial interest 16423  
or serves as trustee or executor, any corporation or entity in 16424  
which that person owns ten per cent or more of the equity, and any 16425  
affiliate or associate of that person. 16426

(AA) "Offeree" means the beneficial or record owner of any 16427  
security that an offeror acquires or offers to acquire in 16428  
connection with a control bid. 16429

(BB) "Equity security" means any share or similar security, 16430  
or any security convertible into any such security, or carrying 16431  
any warrant or right to subscribe to or purchase any such 16432  
security, or any such warrant or right, or any other security 16433  
that, for the protection of security holders, is treated as an 16434  
equity security pursuant to rules of the division of securities. 16435

(CC)(1) "Investment adviser representative" means a 16436  
supervised person of an investment adviser, provided that the 16437  
supervised person has more than five clients who are natural 16438  
persons other than excepted persons defined in division (EE) of 16439  
this section, and that more than ten per cent of the supervised 16440  
person's clients are natural persons other than excepted persons 16441  
defined in division (EE) of this section. "Investment adviser 16442  
representative" does not mean any of the following: 16443

(a) A supervised person that does not on a regular basis 16444  
solicit, meet with, or otherwise communicate with clients of the 16445  
investment adviser; 16446

(b) A supervised person that provides only investment 16447  
advisory services described in division (X)(1) of this section by 16448  
means of written materials or oral statements that do not purport 16449  
to meet the objectives or needs of specific individuals or 16450  
accounts; 16451

(c) Any other person that the division designates by rule, if 16452  
the division finds that the designation is necessary or 16453

appropriate in the public interest or for the protection of 16454  
investors or clients and is consistent with the provisions fairly 16455  
intended by the policy and provisions of this chapter. 16456

(2) For the purpose of the calculation of clients in division 16457  
(CC)(1) of this section, a natural person and the following 16458  
persons are deemed a single client: Any minor child of the natural 16459  
person; any relative, spouse, or relative of the spouse of the 16460  
natural person who has the same principal residence as the natural 16461  
person; all accounts of which the natural person or the persons 16462  
referred to in division (CC)(2) of this section are the only 16463  
primary beneficiaries; and all trusts of which the natural person 16464  
or persons referred to in division (CC)(2) of this section are the 16465  
only primary beneficiaries. Persons who are not residents of the 16466  
United States need not be included in the calculation of clients 16467  
under division (CC)(1) of this section. 16468

(3) If subsequent to March 18, 1999, amendments are enacted 16469  
or adopted defining "investment adviser representative" for 16470  
purposes of the Investment Advisers Act of 1940 or additional 16471  
rules or regulations are promulgated by the securities and 16472  
exchange commission regarding the definition of "investment 16473  
adviser representative" for purposes of the Investment Advisers 16474  
Act of 1940, the division of securities shall, by rule, adopt the 16475  
substance of the amendments, rules, or regulations, unless the 16476  
division finds that the amendments, rules, or regulations are not 16477  
necessary for the protection of investors or in the public 16478  
interest. 16479

(DD) "Supervised person" means a natural person who is any of 16480  
the following: 16481

(1) A partner, officer, or director of an investment adviser, 16482  
or other person occupying a similar status or performing similar 16483  
functions with respect to an investment adviser; 16484

(2) An employee of an investment adviser;	16485
(3) A person who provides investment advisory services described in division (X)(1) of this section on behalf of the investment adviser and is subject to the supervision and control of the investment adviser.	16486 16487 16488 16489
(EE) "Excepted person" means a natural person to whom any of the following applies:	16490 16491
(1) Immediately after entering into the investment advisory contract with the investment adviser, the person has at least seven hundred fifty thousand dollars under the management of the investment adviser.	16492 16493 16494 16495
(2) The investment adviser reasonably believes either of the following at the time the investment advisory contract is entered into with the person:	16496 16497 16498
(a) The person has a net worth, together with assets held jointly with a spouse, of more than one million five hundred thousand dollars.	16499 16500 16501
(b) The person is a qualified purchaser as defined in division (FF) of this section.	16502 16503
(3) Immediately prior to entering into an investment advisory contract with the investment adviser, the person is either of the following:	16504 16505 16506
(a) An executive officer, director, trustee, general partner, or person serving in a similar capacity, of the investment adviser;	16507 16508 16509
(b) An employee of the investment adviser, other than an employee performing solely clerical, secretarial, or administrative functions or duties for the investment adviser, which employee, in connection with the employee's regular functions or duties, participates in the investment activities of	16510 16511 16512 16513 16514

the investment adviser, provided that, for at least twelve months, 16515  
the employee has been performing such nonclerical, nonsecretarial, 16516  
or nonadministrative functions or duties for or on behalf of the 16517  
investment adviser or performing substantially similar functions 16518  
or duties for or on behalf of another company. 16519

If subsequent to March 18, 1999, amendments are enacted or 16520  
adopted defining "excepted person" for purposes of the Investment 16521  
Advisers Act of 1940 or additional rules or regulations are 16522  
promulgated by the securities and exchange commission regarding 16523  
the definition of "excepted person" for purposes of the Investment 16524  
Advisers Act of 1940, the division of securities shall, by rule, 16525  
adopt the substance of the amendments, rules, or regulations, 16526  
unless the division finds that the amendments, rules, or 16527  
regulations are not necessary for the protection of investors or 16528  
in the public interest. 16529

(FF)(1) "Qualified purchaser" means either of the following: 16530

(a) A natural person who owns not less than five million 16531  
dollars in investments as defined by rule by the division of 16532  
securities; 16533

(b) A natural person, acting for the person's own account or 16534  
accounts of other qualified purchasers, who in the aggregate owns 16535  
and invests on a discretionary basis, not less than twenty-five 16536  
million dollars in investments as defined by rule by the division 16537  
of securities. 16538

(2) If subsequent to March 18, 1999, amendments are enacted 16539  
or adopted defining "qualified purchaser" for purposes of the 16540  
Investment Advisers Act of 1940 or additional rules or regulations 16541  
are promulgated by the securities and exchange commission 16542  
regarding the definition of "qualified purchaser" for purposes of 16543  
the Investment Advisers Act of 1940, the division of securities 16544  
shall, by rule, adopt the amendments, rules, or regulations, 16545

unless the division finds that the amendments, rules, or 16546  
regulations are not necessary for the protection of investors or 16547  
in the public interest. 16548

(GG)(1) "Purchase" has the full meaning of "purchase" as 16549  
applied by or accepted in courts of law or equity and includes 16550  
every acquisition of, or attempt to acquire, a security or an 16551  
interest in a security. "Purchase" also includes a contract to 16552  
purchase, an exchange, an attempt to purchase, an option to 16553  
purchase, a solicitation of a purchase, a solicitation of an offer 16554  
to sell, a subscription, or an offer to purchase, directly or 16555  
indirectly, by agent, circular, pamphlet, advertisement, or 16556  
otherwise. 16557

(2) "Purchase" means any act by which a purchase is made. 16558

(3) Any security given with, or as a bonus on account of, any 16559  
purchase of securities is conclusively presumed to constitute a 16560  
part of the subject of that purchase. 16561

(HH) "Life settlement interest" means the entire interest or 16562  
any fractional interest in an insurance policy or certificate of 16563  
insurance, or in an insurance benefit under such a policy or 16564  
certificate, that is the subject of a life settlement contract. 16565

For purposes of this division, "life settlement contract" 16566  
means an agreement for the purchase, sale, assignment, transfer, 16567  
devise, or bequest of any portion of the death benefit or 16568  
ownership of any life insurance policy or contract, in return for 16569  
consideration or any other thing of value that is less than the 16570  
expected death benefit of the life insurance policy or contract. 16571  
"Life settlement contract" includes a viatical settlement contract 16572  
as defined in section 3916.01 of the Revised Code, but does not 16573  
include any of the following: 16574

(1) A loan by an insurer under the terms of a life insurance 16575  
policy, including, but not limited to, a loan secured by the cash 16576

value of the policy;	16577
(2) An agreement with a bank that takes an assignment of a life insurance policy as collateral for a loan;	16578
(3) The provision of accelerated benefits as defined in section 3915.21 of the Revised Code;	16580
(4) Any agreement between an insurer and a reinsurer;	16582
(5) An agreement by an individual to purchase an existing life insurance policy or contract from the original owner of the policy or contract, if the individual does not enter into more than one life settlement contract per calendar year;	16583
(6) The initial purchase of an insurance policy or certificate of insurance from its owner by a viatical settlement provider, as defined in section 3916.01 of the Revised Code, that is licensed under Chapter 3916. of the Revised Code.	16584
(II) "State retirement system" means the public employees retirement system, Ohio police and fire pension fund, state teachers retirement system, school employees retirement system, and state highway patrol retirement system.	16585
(JJ) "State retirement system investment officer" means an individual employed by a state retirement system as a chief investment officer, assistant investment officer, or the person in charge of a class of assets or in a position that is substantially equivalent to chief investment officer, assistant investment officer, or person in charge of a class of assets.	16586
<u>(KK) "Bureau of workers' compensation chief investment officer" means an individual employed by the bureau of workers' compensation as a chief investment officer in a position that is substantially equivalent to a chief investment officer.</u>	16587
<u>Sec. 1707.164. (A) No person shall act as a bureau of</u>	16588
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workers' compensation chief investment officer unless the person 16606  
is licensed as a bureau of workers' compensation chief investment 16607  
officer by the division of securities. 16608

(B) No bureau of workers' compensation chief investment 16609  
officer shall act as a dealer, salesperson, investment advisor, or 16610  
investment advisor representative. 16611

**Sec. 1707.165.** (A) Application for a bureau of workers' 16612  
compensation chief investment officer's license shall be made in 16613  
accordance with this section by filing with the division of 16614  
securities the information, materials, and forms specified in 16615  
rules adopted by the division. 16616

(B) The division may investigate any applicant for a license 16617  
and may require any additional information as it considers 16618  
necessary to determine the applicant's business repute and 16619  
qualifications to act as a chief investment officer. If the 16620  
application for a bureau of workers' compensation chief investment 16621  
officer's license involves investigation outside of this state, 16622  
the applicant may be required by the division to advance 16623  
sufficient funds to pay any of the actual expenses of the 16624  
investigation. The division shall furnish the applicant with an 16625  
itemized statement of the expenses the applicant is required to 16626  
pay. 16627

(C) The division shall by rule require an applicant for a 16628  
bureau of workers' compensation chief investment officer's license 16629  
to pass an examination designated by the division or achieve a 16630  
specified professional designation unless the applicant meets both 16631  
of the following requirements: 16632

(1) Acts as a bureau of workers' compensation chief 16633  
investment officer on the effective date of this section; 16634

(2) Has experience or education acceptable to the division. 16635

(D) If the division finds that the applicant is of good business repute, appears to be qualified to act as a bureau of workers' compensation chief investment officer, and has complied with this chapter and rules adopted by the division under this chapter, the division, upon receipt of the fees prescribed by division (B) of section 1707.17 of the Revised Code, shall issue to the applicant a license authorizing the applicant to act as a bureau of workers' compensation chief investment officer.

**Sec. 1707.17.** (A)(1) The license of every dealer in and salesperson of securities shall expire on the thirty-first day of December of each year, and may be renewed upon the filing with the division of securities of an application for renewal, and the payment of the fee prescribed in this section. The division shall give notice, without unreasonable delay, of its action on any application for renewal of a dealer's or salesperson's license.

(2) The license of every investment adviser and investment adviser representative licensed under section 1707.141 or 1707.161 of the Revised Code shall expire on the thirty-first day of December of each year. The licenses may be renewed upon the filing with the division of an application for renewal, and the payment of the fee prescribed in division (B) of this section. The division shall give notice, without unreasonable delay, of its action on any application for renewal.

(3) An investment adviser required to make a notice filing under division (B) of section 1707.141 of the Revised Code annually shall file with the division the notice filing and the fee prescribed in division (B) of this section, no later than the thirty-first day of December of each year.

(4) The license of every state retirement system investment officer licensed under section 1707.163 of the Revised Code and the license of a bureau of workers' compensation chief investment

officer issued under section 1707.165 of the Revised Code shall 16667  
expire on the thirtieth day of June of each year. The licenses may 16668  
be renewed on the filing with the division of an application for 16669  
renewal, and the payment of the fee prescribed in division (B) of 16670  
this section. The division shall give notice, without unreasonable 16671  
delay, of its action on any application for renewal. 16672

(B)(1) The fee for each dealer's license, and for each annual 16673  
renewal thereof, shall be one hundred dollars. 16674

(2) The fee for each salesperson's license, and for each 16675  
annual renewal thereof, shall be fifty dollars. 16676

(3) The fee for each investment adviser's license, and for 16677  
each annual renewal thereof, shall be fifty dollars. 16678

(4) The fee for each investment adviser notice filing 16679  
required by division (B) of section 1707.141 of the Revised Code 16680  
shall be fifty dollars. 16681

(5) The fee for each investment adviser representative's 16682  
license, and for each annual renewal thereof, shall be thirty-five 16683  
dollars. 16684

(6) The fee for each state retirement system investment 16685  
officer's license, and for each annual renewal thereof, shall be 16686  
fifty dollars. 16687

(7) The fee for a bureau of workers' compensation chief 16688  
investment officer's license, and for each annual renewal thereof, 16689  
shall be fifty dollars. 16690

(C) A dealer's, salesperson's, investment adviser's, 16691  
investment adviser representative's, bureau of workers' 16692  
compensation chief investment officer's, or state retirement 16693  
system investment officer's license may be issued at any time for 16694  
the remainder of the calendar year. In that event, the annual fee 16695  
shall not be reduced. 16696

Sec. 1707.19. (A) An original license, or a renewal thereof, 16697  
applied for by a dealer or salesperson of securities, or by an 16698  
investment adviser, investment adviser representative, bureau of 16699  
workers' compensation chief investment officer, or state 16700  
retirement system investment officer, may be refused, and any such 16701  
license granted may be suspended and, after notice and hearing in 16702  
accordance with Chapter 119. of the Revised Code, may be revoked, 16703  
by the division of securities, if the division determines that the 16704  
applicant or the licensed dealer, salesperson, investment adviser, 16705  
investment adviser representative, bureau of workers' compensation 16706  
chief investment officer, or state retirement system investment 16707  
officer: 16708

(1) Is not of good business repute; 16709

(2) Is conducting an illegitimate or fraudulent business; 16710

(3) Is, in the case of a dealer or investment adviser, 16711  
insolvent; 16712

(4) Has knowingly violated any provision of sections 1707.01 16713  
to 1707.45 of the Revised Code, or any regulation or order made 16714  
thereunder; 16715

(5) Has knowingly made a false statement of a material fact 16716  
or an omission of a material fact in an application for a license, 16717  
in a description or application that has been filed, or in any 16718  
statement made to the division under such sections; 16719

(6) Has refused to comply with any lawful order or 16720  
requirement of the division under section 1707.23 of the Revised 16721  
Code; 16722

(7) Has been guilty of any fraudulent act in connection with 16723  
the sale of any securities or in connection with acting as an 16724  
investment adviser, investment adviser representative, bureau of 16725  
workers' compensation chief investment officer, or state 16726

retirement system investment officer; 16727

(8) Conducts business in purchasing or selling securities at 16728  
such variations from the existing market as in the light of all 16729  
the circumstances are unconscionable; 16730

(9) Conducts business in violation of such rules and 16731  
regulations as the division prescribes for the protection of 16732  
investors, clients, or prospective clients; 16733

(10)(a) Has failed to furnish to the division any information 16734  
with respect to the purchases or sales of securities within this 16735  
state that may be reasonably requested by the division as 16736  
pertinent to the protection of investors in this state. 16737

(b) Has failed to furnish to the division any information 16738  
with respect to acting as an investment adviser, investment 16739  
adviser representative, bureau of workers' compensation chief 16740  
investment officer, or state retirement system investment officer 16741  
within this state that may be reasonably requested by the 16742  
division. 16743

(B) For the protection of investors the division may 16744  
prescribe reasonable rules defining fraudulent, evasive, 16745  
deceptive, or grossly unfair practices or devices in the purchase 16746  
or sale of securities. 16747

(C) For the protection of investors, clients, or prospective 16748  
clients, the division may prescribe reasonable rules regarding the 16749  
acts and practices of an investment adviser or an investment 16750  
adviser representative. 16751

(D) Pending any investigation or hearing provided for in 16752  
sections 1707.01 to 1707.45 of the Revised Code, the division may 16753  
order the suspension of any dealer's, salesperson's, investment 16754  
adviser's, investment adviser representative's, bureau of workers' 16755  
compensation chief investment officer's, or state retirement 16756  
system investment officer's license by notifying the party 16757

concerned of such suspension and the cause for it. If it is a 16758  
salesperson whose license is suspended, the division shall also 16759  
notify the dealer employing the salesperson. If it is an 16760  
investment adviser representative whose license is suspended, the 16761  
division also shall notify the investment adviser with whom the 16762  
investment adviser representative is employed or associated. If it 16763  
is a state retirement system investment officer whose license is 16764  
suspended, the division shall also notify the state retirement 16765  
system with whom the state retirement system investment officer is 16766  
employed. If it is a bureau of workers' compensation chief 16767  
investment officer whose license is suspended, the division shall 16768  
also notify the bureau of workers' compensation. 16769

(E)(1) The suspension or revocation of the dealer's license 16770  
suspends the licenses of all the dealer's salespersons. 16771

(2) The suspension or revocation of the investment adviser's 16772  
license suspends the licenses of all the investment adviser's 16773  
investment adviser representatives. The suspension or revocation 16774  
of an investment adviser's registration under section 203 of the 16775  
"Investment Advisers Act of 1940," 15 U.S.C. 80b-3, suspends the 16776  
licenses of all the investment adviser's investment adviser 16777  
representatives. 16778

(F) It is sufficient cause for refusal, revocation, or 16779  
suspension of the license in case of a partnership, partnership 16780  
association, corporation, or unincorporated association if any 16781  
general partner of the partnership, manager of the partnership 16782  
association, or executive officer of the corporation or 16783  
unincorporated association is not of good business repute or has 16784  
been guilty of any act or omission which would be cause for 16785  
refusing or revoking the license of an individual dealer, 16786  
salesperson, investment adviser, or investment adviser 16787  
representative. 16788

Sec. 1707.20. (A) The division of securities may adopt, 16789  
amend, and rescind such rules, forms, and orders as are necessary 16790  
to carry out sections 1707.01 to 1707.45 of the Revised Code, 16791  
including rules and forms governing registration statements, 16792  
applications, and reports, and defining any terms, whether or not 16793  
used in sections 1707.01 to 1707.45 of the Revised Code, insofar 16794  
as the definitions are not inconsistent with these sections. For 16795  
the purpose of rules and forms, the division may classify 16796  
securities, persons, and matters within its jurisdiction, and 16797  
prescribe different requirements for different classes. 16798

(B) No rule, form, or order may be made, amended, or 16799  
rescinded unless the division finds that the action is necessary 16800  
or appropriate in the public interest or for the protection of 16801  
investors, clients, prospective clients, ~~or~~ state retirement 16802  
systems, or the workers' compensation system and consistent with 16803  
the purposes fairly intended by the policy and provisions of 16804  
sections 1707.01 to 1707.45 of the Revised Code. In prescribing 16805  
rules and forms and in otherwise administering sections 1707.01 to 16806  
1707.45 of the Revised Code, the division may cooperate with the 16807  
securities administrators of the other states and the securities 16808  
and exchange commission with a view of effectuating the policy of 16809  
this section to achieve maximum uniformity in the form and content 16810  
of registration statements, applications, reports, and overall 16811  
securities regulation wherever practicable. 16812

(C) The division may by rule or order prescribe: 16813

(1) The form and content of financial statements required 16814  
under sections 1707.01 to 1707.45 of the Revised Code; 16815

(2) The circumstances under which consolidated financial 16816  
statements shall be filed; 16817

(3) Whether any required financial statements shall be 16818

certified by independent or certified public accountants. All 16819  
financial statements shall be prepared in accordance with 16820  
generally accepted accounting practices. 16821

(D) All rules and forms of the division shall be published; 16822  
and in addition to fulfilling the requirements of Chapter 119. of 16823  
the Revised Code, the division shall prescribe, and shall publish 16824  
and make available its rules regarding the sale of securities, the 16825  
administration of sections 1707.01 to 1707.45 of the Revised Code, 16826  
and the procedure and practice before the division. 16827

(E) No provision of sections 1707.01 to 1707.45 of the 16828  
Revised Code imposing any liability applies to any act done or 16829  
omitted in good faith in conformity with any rule, form, or order 16830  
of the division of securities, notwithstanding that the rule, 16831  
form, or order may later be amended or rescinded or be determined 16832  
by judicial or other authority to be invalid for any reason, 16833  
except that the issuance of an order granting effectiveness to a 16834  
registration under section 1707.09 or 1707.091 of the Revised Code 16835  
for the purposes of this division shall not be deemed an order 16836  
other than as the establishment of the fact of registration. 16837

**Sec. 1707.22.** Whenever a dealer's, salesperson's, investment 16838  
adviser's, investment adviser representative's, bureau of workers' 16839  
compensation chief investment officer's, or state retirement 16840  
system investment officer's license has been refused, suspended, 16841  
or revoked, or a renewal thereof has been denied, by the division 16842  
of securities, or whenever the division has refused to qualify 16843  
securities or has suspended or revoked the registration of any 16844  
particular security by description or by qualification, or the 16845  
right to buy, sell, or deal in any particular security whether it 16846  
is registered or qualified or exempt, or whether the transactions 16847  
in it are registered or exempt, the aggrieved party may appeal in 16848  
accordance with Chapter 119. of the Revised Code. 16849

An order sustaining the refusal of the division to grant or 16850  
renew a dealer's, salesperson's, investment adviser's, investment 16851  
adviser representative's, bureau of workers' compensation chief 16852  
investment officer's, or state retirement system investment 16853  
officer's license or to grant qualification of securities, or an 16854  
order sustaining the division in suspending or revoking a 16855  
dealer's, salesperson's, investment adviser's, investment adviser 16856  
representative's, bureau of workers' compensation chief investment 16857  
officer's, or state retirement system investment officer's 16858  
license, the registration of any particular security by 16859  
description or by qualification, or the right to buy, sell, or 16860  
deal in any particular security, shall not bar, after ten days 16861  
from the order, a new registration by description, or a new 16862  
application of the plaintiff for such a license or qualification 16863  
or for a withdrawal of a revocation or suspension; nor shall an 16864  
order in favor of the plaintiff prevent the division, after proper 16865  
notice and hearing, from thereafter revoking or suspending such 16866  
license, registration, or right to buy, sell, or deal in a 16867  
particular security, for any proper cause which may, after the 16868  
order, accrue or be discovered. 16869

**Sec. 1707.23.** Whenever it appears to the division of 16870  
securities, from its files, upon complaint, or otherwise, that any 16871  
person has engaged in, is engaged in, or is about to engage in any 16872  
practice declared to be illegal or prohibited by this chapter or 16873  
rules adopted under this chapter by the division, or defined as 16874  
fraudulent in this chapter or rules adopted under this chapter by 16875  
the division, or any other deceptive scheme or practice in 16876  
connection with the sale of securities, or acting as a dealer, a 16877  
salesperson, an investment adviser, investment adviser 16878  
representative, bureau of workers' compensation chief investment 16879  
officer, or state retirement system investment officer or when the 16880  
division believes it to be in the best interests of the public and 16881

necessary for the protection of investors, the division may do any 16882  
of the following: 16883

(A) Require any person to file with it, on such forms as it 16884  
prescribes, an original or additional statement or report in 16885  
writing, under oath or otherwise, as to any facts or circumstances 16886  
concerning the issuance, sale, or offer for sale of securities 16887  
within this state by the person, as to the person's acts or 16888  
practices as a dealer, a salesperson, an investment adviser, 16889  
investment adviser representative, bureau of workers' compensation 16890  
chief investment officer, or state retirement system investment 16891  
officer within this state, and as to other information as it deems 16892  
material or relevant thereto; 16893

(B) Examine any investment adviser, investment adviser 16894  
representative, state retirement system investment officer, bureau 16895  
of workers' compensation chief investment officer, or any seller, 16896  
dealer, salesperson, or issuer of any securities, and any of their 16897  
agents, employees, partners, officers, directors, members, or 16898  
shareholders, wherever located, under oath; and examine and 16899  
produce records, books, documents, accounts, and papers as the 16900  
division deems material or relevant to the inquiry; 16901

(C) Require the attendance of witnesses, and the production 16902  
of books, records, and papers, as are required either by the 16903  
division or by any party to a hearing before the division, and for 16904  
that purpose issue a subpoena for any witness, or a subpoena duces 16905  
tecum to compel the production of any books, records, or papers. 16906  
The subpoena shall be served by personal service or by certified 16907  
mail, return receipt requested. If the subpoena is returned 16908  
because of inability to deliver, or if no return is received 16909  
within thirty days of the date of mailing, the subpoena may be 16910  
served by ordinary mail. If no return of ordinary mail is received 16911  
within thirty days after the date of mailing, service shall be 16912

deemed to have been made. If the subpoena is returned because of  
inability to deliver, the division may designate a person or  
persons to effect either personal or residence service upon the  
witness. The person designated to effect personal or residence  
service under this division may be the sheriff of the county in  
which the witness resides or may be found or any other duly  
designated person. The fees and mileage of the person serving the  
subpoena shall be the same as those allowed by the courts of  
common pleas in criminal cases, and shall be paid from the funds  
of the division. Fees and mileage for the witness shall be the  
same as those allowed for witnesses by the courts of common pleas  
in criminal cases, and shall be paid from the funds of the  
division upon request of the witness following the hearing.

(D) Initiate criminal proceedings under section 1707.042 or  
1707.44 of the Revised Code or rules adopted under those sections  
by the division by laying before the prosecuting attorney of the  
proper county any evidence of criminality which comes to its  
knowledge; and in the event of the neglect or refusal of the  
prosecuting attorney to prosecute such violations, or at the  
request of the prosecuting attorney, the division shall submit the  
evidence to the attorney general, who may proceed in the  
prosecution with all the rights, privileges, and powers conferred  
by law on prosecuting attorneys, including the power to appear  
before grand juries and to interrogate witnesses before such grand  
juries.

(E) Require any dealers immediately to furnish to the  
division copies of prospectuses, circulars, or advertisements  
respecting securities that they publish or generally distribute,  
or require any investment advisers immediately to furnish to the  
division copies of brochures, advertisements, publications,  
analyses, reports, or other writings that they publish or  
distribute;

(F) Require any dealers to mail to the division, prior to 16945  
sale, notices of intention to sell, in respect to all securities 16946  
which are not exempt under section 1707.02 of the Revised Code, or 16947  
which are sold in transactions not exempt under section 1707.03 or 16948  
1707.04 of the Revised Code; 16949

(G) Issue and cause to be served by certified mail upon all 16950  
persons affected an order requiring the person or persons to cease 16951  
and desist from the acts or practices appearing to the division to 16952  
constitute violations of this chapter or rules adopted under this 16953  
chapter by the division. The order shall state specifically the 16954  
section or sections of this chapter or the rule or rules adopted 16955  
under this chapter by the division that appear to the division to 16956  
have been violated and the facts constituting the violation. If 16957  
after the issuance of the order it appears to the division that 16958  
any person or persons affected by the order have engaged in any 16959  
act or practice from which the person or persons shall have been 16960  
required, by the order, to cease and desist, the director of 16961  
commerce may apply to the court of common pleas of any county for, 16962  
and upon proof of the validity of the order of the division, the 16963  
delivery of the order to the person or persons affected, and of 16964  
the illegality and the continuation of the acts or practices that 16965  
are the subject of the order, the court may grant an injunction 16966  
implementing the order of the division. 16967

(H) Issue and initiate contempt proceedings in this state 16968  
regarding subpoenas and subpoenas duces tecum at the request of 16969  
the securities administrator of another state, if it appears to 16970  
the division that the activities for which the information is 16971  
sought would violate this chapter if the activities had occurred 16972  
in this state. 16973

(I) The remedies provided by this section are cumulative and 16974  
concurrent with any other remedy provided in this chapter, and the 16975  
exercise of one remedy does not preclude or require the exercise 16976

of any other remedy.

16977

**Sec. 1707.25.** In case any person fails to file any statement 16978  
or report required by sections 1707.01 to 1707.45 of the Revised 16979  
Code, to obey any subpoena the issuance of which is provided for 16980  
in those sections, or to produce books, records, or papers, give 16981  
testimony, or answer questions, as required by those sections, the 16982  
director of commerce may apply to a court of common pleas of any 16983  
county for, and upon proof of such failure the court may grant, an 16984  
injunction restraining the acting as an investment adviser, 16985  
investment adviser representative, bureau of workers' compensation 16986  
chief investment officer, or state retirement system investment 16987  
officer, or the issuance, sale, or offer for sale of any 16988  
securities by the person or by its agents, employees, partners, 16989  
officers, directors, or shareholders, until such failure has been 16990  
remedied and other relief as the facts may warrant has been had. 16991  
Such injunctive relief is available in addition to the other 16992  
remedies provided for in sections 1707.01 to 1707.45 of the 16993  
Revised Code. 16994

Where the person refusing to comply with such order of court 16995  
is an issuer of securities, the court may enjoin the sale by any 16996  
dealer of any securities of the issuer, and the division of 16997  
securities may revoke the qualification of the securities of the 16998  
issuer, or suspend or revoke the sale of any securities of the 16999  
issuer which have been registered by description, and such 17000  
securities shall not thereafter be sold by any dealer until the 17001  
order of the court or of the division is withdrawn. 17002

**Sec. 1707.261.** (A) If a court of common pleas grants an 17003  
injunction pursuant to section 1707.26 of the Revised Code, after 17004  
consultation with the attorney general the director of commerce 17005  
may request that court to order the defendant or defendants that 17006

are subject to the injunction to make restitution or rescission to 17007  
any purchaser or holder of securities damaged by the defendant's 17008  
or defendants' violation of any provision of sections 1707.01 to 17009  
1707.45 of the Revised Code. 17010

(B) If the court of common pleas is satisfied with the 17011  
sufficiency of the director's request for restitution or 17012  
rescission under division (A) of this section and with the 17013  
sufficiency of the proof of a substantial violation of any 17014  
provision of sections 1707.01 to 1707.45 of the Revised Code, or 17015  
of the use of any act, practice, or transaction declared to be 17016  
illegal or prohibited or defined as fraudulent by those sections 17017  
or rules adopted under those sections by the division of 17018  
securities, to the material prejudice of a purchaser or holder of 17019  
securities, the court may order the defendant or defendants 17020  
subject to the injunction to make restitution or rescission to any 17021  
purchaser or holder of securities damaged by the defendant's or 17022  
defendants' violation of sections 1707.01 to 1707.45 of the 17023  
Revised Code. 17024

(C) A court order granting restitution or rescission based 17025  
upon a request made pursuant to division (A) of this section shall 17026  
meet the requirements of division (B) of this section and may not 17027  
be based solely upon a final order issued by the division of 17028  
securities pursuant to Chapter 119. of the Revised Code or upon an 17029  
action to enforce a final order issued by the division pursuant to 17030  
that chapter. Notwithstanding the foregoing provision, a request 17031  
for restitution or rescission pursuant to division (A) of this 17032  
section may concern the same acts, practices, or transactions that 17033  
were, or may later be, the subject of a division of securities 17034  
action for a violation of any provision of sections 1707.01 to 17035  
1707.45 of the Revised Code. If a request for restitution or 17036  
rescission pursuant to division (A) of this section concerns the 17037  
same acts, practices, or transactions that were the subject of a 17038

final order issued by the division of securities pursuant to 17039  
Chapter 119. of the Revised Code, the court shall review the 17040  
request in accordance with division (B) of this section, and the 17041  
standard of review in section 119.12 of the Revised Code shall not 17042  
apply to the request. 17043

(D) No purchaser or holder of securities who is entitled to 17044  
restitution or rescission under this section shall recover, 17045  
pursuant to this section or any other proceeding, a total amount 17046  
in excess of the person's purchase price for the securities sold 17047  
in violation of sections 1707.01 to 1707.45 of the Revised Code. 17048

(E)(1) If a court of common pleas grants an injunction 17049  
pursuant to section 1707.26 of the Revised Code against any state 17050  
retirement system investment officer, after consultation with the 17051  
attorney general, the director of commerce may request that court 17052  
to order the state retirement system investment officer or 17053  
officers that are subject to the injunction to make restitution to 17054  
the state retirement system damaged by the state retirement system 17055  
investment officer's or officers' violation of any provision of 17056  
sections 1707.01 to 1707.45 of the Revised Code. 17057

(2) If the court of common pleas is satisfied with the 17058  
sufficiency of the director's request for restitution under 17059  
division (E)(1) of this section and with the sufficiency of the 17060  
proof of a substantial violation of any provision of sections 17061  
1707.01 to 1707.45 of the Revised Code, or of the use of any act, 17062  
practice, or transaction declared to be illegal or prohibited or 17063  
defined as fraudulent by those sections or rules adopted under 17064  
those sections by the division of securities, to the material 17065  
prejudice of a state retirement system, the court may order the 17066  
state retirement system investment officer or officers subject to 17067  
the injunction to make restitution to the state retirement system 17068  
damaged by the state retirement system investment officer's or 17069  
officers' violation of sections 1707.01 to 1707.45 of the Revised 17070

Code. A request for restitution pursuant to division (E)(1) of  
this section may concern the same acts, practices, or transactions  
that were, or may later be, the subject of a division of  
securities action for a violation of any provision of section  
1707.01 to 1707.45 of the Revised Code.

(F)(1) If a court of common pleas grants an injunction  
pursuant to section 1707.26 of the Revised Code against a bureau  
of workers' compensation chief investment officer, after  
consultation with the attorney general, the director of commerce  
may request that court to order the bureau of workers'  
compensation chief investment officer who is subject to the  
injunction to make restitution to the bureau of workers'  
compensation damaged by the bureau of workers' compensation chief  
investment officer's violation of any provision of sections  
1707.01 to 1707.45 of the Revised Code.

(2) If the court of common pleas is satisfied with the  
sufficiency of the director's request for restitution under  
division (F)(1) of this section and with the sufficiency of the  
proof of a substantial violation of any provision of sections  
1707.01 to 1707.45 of the Revised Code, or of the use of any act,  
practice, or transaction declared to be illegal or prohibited or  
defined as fraudulent by those sections or rules adopted under  
those sections by the division of securities, to the material  
prejudice of the bureau of workers' compensation, the court may  
order the bureau of workers' compensation chief investment officer  
subject to the injunction to make restitution to the bureau of  
workers' compensation damaged by the bureau of workers'  
compensation chief investment officer's violation of sections  
1707.01 to 1707.45 of the Revised Code. A request for restitution  
pursuant to division (F)(1) of this section may concern the same  
acts, practices, or transactions that were, or may later be, the  
subject of a division of securities action for a violation of any

provision of section 1707.01 to 1707.45 of the Revised Code. 17103

**Sec. 1707.431.** For purposes of this section, the following 17104  
persons shall not be deemed to have effected, participated in, or 17105  
aided the seller in any way in making, a sale or contract of sale 17106  
in violation of sections 1707.01 to 1707.45 of the Revised Code: 17107

(A) Any attorney, accountant, or engineer whose performance 17108  
is incidental to the practice of the person's profession; 17109

(B) Any person, other than an investment adviser, investment 17110  
adviser representative, bureau of workers' compensation chief 17111  
investment officer, or state retirement system investment officer, 17112  
who brings any issuer together with any potential investor, 17113  
without receiving, directly or indirectly, a commission, fee, or 17114  
other remuneration based on the sale of any securities by the 17115  
issuer to the investor. Remuneration received by the person solely 17116  
for the purpose of offsetting the reasonable out-of-pocket costs 17117  
incurred by the person shall not be deemed a commission, fee, or 17118  
other remuneration. 17119

Any person claiming exemption under this division for a 17120  
publicly advertised meeting shall file a notice with the division 17121  
of securities indicating an intent to cause or hold such a meeting 17122  
at least twenty-one days prior to the meeting. The division may, 17123  
upon receipt of such notice, issue an order denying the 17124  
availability of an exemption under this division not more than 17125  
fourteen days after receipt of the notice based on a finding that 17126  
the applicant is not entitled to the exemption. Notwithstanding 17127  
the notice described in this section, a failure to file the notice 17128  
does not create a presumption that a person was participating in 17129  
or aiding in the making of a sale or contract of sale in violation 17130  
of this chapter. 17131

(C) Any person whom the division exempts from this provision 17132

by rule.	17133
<b>Sec. 1707.44.</b> (A)(1) No person shall engage in any act or	17134
practice that violates division (A), (B), or (C) of section	17135
1707.14 of the Revised Code, and no salesperson shall sell	17136
securities in this state without being licensed pursuant to	17137
section 1707.16 of the Revised Code.	17138
(2) No person shall engage in any act or practice that	17139
violates division (A) of section 1707.141 or section 1707.161 of	17140
the Revised Code.	17141
(3) No person shall engage in any act or practice that	17142
violates section 1707.162 of the Revised Code.	17143
<u>(4) No person shall engage in any act or practice that</u>	17144
<u>violates section 1707.164 of the Revised Code.</u>	17145
(B) No person shall knowingly make or cause to be made any	17146
false representation concerning a material and relevant fact, in	17147
any oral statement or in any prospectus, circular, description,	17148
application, or written statement, for any of the following	17149
purposes:	17150
(1) Registering securities or transactions, or exempting	17151
securities or transactions from registration, under this chapter;	17152
(2) Securing the qualification of any securities under this	17153
chapter;	17154
(3) Procuring the licensing of any dealer, salesperson,	17155
investment adviser, investment adviser representative, <u>bureau of</u>	17156
<u>workers' compensation chief investment officer</u> , or state	17157
retirement system investment officer under this chapter;	17158
(4) Selling any securities in this state;	17159
(5) Advising for compensation, as to the value of securities	17160
or as to the advisability of investing in, purchasing, or selling	17161

securities;	17162
(6) Submitting a notice filing to the division under division	17163
(X) of section 1707.03 or section 1707.092 or 1707.141 of the	17164
Revised Code.	17165
(C) No person shall knowingly sell, cause to be sold, offer	17166
for sale, or cause to be offered for sale, any security which	17167
comes under any of the following descriptions:	17168
(1) Is not exempt under section 1707.02 of the Revised Code,	17169
nor the subject matter of one of the transactions exempted in	17170
section 1707.03, 1707.04, or 1707.34 of the Revised Code, has not	17171
been registered by coordination or qualification, and is not the	17172
subject matter of a transaction that has been registered by	17173
description;	17174
(2) The prescribed fees for registering by description, by	17175
coordination, or by qualification have not been paid in respect to	17176
such security;	17177
(3) The person has been notified by the division, or has	17178
knowledge of the notice, that the right to buy, sell, or deal in	17179
such security has been suspended or revoked, or that the	17180
registration by description, by coordination, or by qualification	17181
under which it may be sold has been suspended or revoked;	17182
(4) The offer or sale is accompanied by a statement that the	17183
security offered or sold has been or is to be in any manner	17184
indorsed by the division.	17185
(D) No person who is an officer, director, or trustee of, or	17186
a dealer for, any issuer, and who knows such issuer to be	17187
insolvent in that the liabilities of the issuer exceed its assets,	17188
shall sell any securities of or for any such issuer, without	17189
disclosing the fact of the insolvency to the purchaser.	17190
(E) No person with intent to aid in the sale of any	17191

securities on behalf of the issuer, shall knowingly make any 17192  
representation not authorized by such issuer or at material 17193  
variance with statements and documents filed with the division by 17194  
such issuer. 17195

(F) No person, with intent to deceive, shall sell, cause to 17196  
be sold, offer for sale, or cause to be offered for sale, any 17197  
securities of an insolvent issuer, with knowledge that such issuer 17198  
is insolvent in that the liabilities of the issuer exceed its 17199  
assets, taken at their fair market value. 17200

(G) No person in purchasing or selling securities shall 17201  
knowingly engage in any act or practice that is, in this chapter, 17202  
declared illegal, defined as fraudulent, or prohibited. 17203

(H) No licensed dealer shall refuse to buy from, sell to, or 17204  
trade with any person because the person appears on a blacklist 17205  
issued by, or is being boycotted by, any foreign corporate or 17206  
governmental entity, nor sell any securities of or for any issuer 17207  
who is known in relation to the issuance or sale of the securities 17208  
to have engaged in such practices. 17209

(I) No dealer in securities, knowing that the dealer's 17210  
liabilities exceed the reasonable value of the dealer's assets, 17211  
shall accept money or securities, except in payment of or as 17212  
security for an existing debt, from a customer who is ignorant of 17213  
the dealer's insolvency, and thereby cause the customer to lose 17214  
any part of the customer's securities or the value of those 17215  
securities, by doing either of the following without the 17216  
customer's consent: 17217

(1) Pledging, selling, or otherwise disposing of such 17218  
securities, when the dealer has no lien on or any special property 17219  
in such securities; 17220

(2) Pledging such securities for more than the amount due, or 17221  
otherwise disposing of such securities for the dealer's own 17222

benefit, when the dealer has a lien or indebtedness on such securities. 17223  
17224

It is an affirmative defense to a charge under this division that, at the time the securities involved were pledged, sold, or disposed of, the dealer had in the dealer's possession or control, and available for delivery, securities of the same kinds and in amounts sufficient to satisfy all customers entitled to the securities, upon demand and tender of any amount due on the securities. 17225  
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(J) No person, with purpose to deceive, shall make, issue, publish, or cause to be made, issued, or published any statement or advertisement as to the value of securities, or as to alleged facts affecting the value of securities, or as to the financial condition of any issuer of securities, when the person knows that such statement or advertisement is false in any material respect. 17232  
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(K) No person, with purpose to deceive, shall make, record, or publish or cause to be made, recorded, or published, a report of any transaction in securities which is false in any material respect. 17238  
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(L) No dealer shall engage in any act that violates the provisions of section 15(c) or 15(g) of the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C.A. 78o(c) or (g), or any rule or regulation promulgated by the securities and exchange commission thereunder. If, subsequent to October 11, 1994, additional amendments to section 15(c) or 15(g) are adopted, or additional rules or regulations are promulgated pursuant to such sections, the division of securities shall, by rule, adopt the amendments, rules, or regulations, unless the division finds that the amendments, rules, or regulations are not necessary for the protection of investors or in the public interest. 17242  
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(M)(1) No investment adviser or investment adviser 17253

representative shall do any of the following: 17254

(a) Employ any device, scheme, or artifice to defraud any 17255  
person; 17256

(b) Engage in any act, practice, or course of business that 17257  
operates or would operate as a fraud or deceit upon any person; 17258

(c) In acting as principal for the investment adviser's or 17259  
investment adviser representative's own account, knowingly sell 17260  
any security to or purchase any security from a client, or in 17261  
acting as salesperson for a person other than such client, 17262  
knowingly effect any sale or purchase of any security for the 17263  
account of such client, without disclosing to the client in 17264  
writing before the completion of the transaction the capacity in 17265  
which the investment adviser or investment adviser representative 17266  
is acting and obtaining the consent of the client to the 17267  
transaction. Division (M)(1)(c) of this section does not apply to 17268  
any investment adviser registered with the securities and exchange 17269  
commission under section 203 of the "Investment Advisers Act of 17270  
1940," 15 U.S.C. 80b-3, or to any transaction with a customer of a 17271  
licensed dealer or salesperson if the licensed dealer or 17272  
salesperson is not acting as an investment adviser or investment 17273  
adviser representative in relation to the transaction. 17274

(d) Engage in any act, practice, or course of business that 17275  
is fraudulent, deceptive, or manipulative. The division of 17276  
securities may adopt rules reasonably designed to prevent such 17277  
acts, practices, or courses of business that are fraudulent, 17278  
deceptive, or manipulative. 17279

(2) No investment adviser or investment adviser 17280  
representative licensed or required to be licensed under this 17281  
chapter shall take or have custody of any securities or funds of 17282  
any person, except as provided in rules adopted by the division. 17283

(3) In the solicitation of clients or prospective clients, no 17284

person shall make any untrue statement of a material fact or omit  
to state a material fact necessary in order to make the statements  
made not misleading in light of the circumstances under which the  
statements were made.

(N) No person knowingly shall influence, coerce, manipulate,  
or mislead any person engaged in the preparation, compilation,  
review, or audit of financial statements to be used in the  
purchase or sale of securities for the purpose of rendering the  
financial statements materially misleading.

(O) No state retirement system investment officer shall do  
any of the following:

(1) Employ any device, scheme, or artifice to defraud any  
state retirement system;

(2) Engage in any act, practice, or course of business that  
operates or would operate as a fraud or deceit on any state  
retirement system;

(3) Engage in any act, practice, or course of business that  
is fraudulent, deceptive, or manipulative. The division of  
securities may adopt rules reasonably designed to prevent such  
acts, practices, or courses of business as are fraudulent,  
deceptive, or manipulative;

(4) Knowingly fail to comply with any policy adopted  
regarding the officer established pursuant to section 145.094,  
742.104, 3307.043, 3309.043, or ~~5505.066~~ 5505.065 of the Revised  
Code.

(P) No bureau of workers' compensation chief investment  
officer shall do any of the following:

(1) Employ any device, scheme, or artifice to defraud the  
workers' compensation system;

(2) Engage in any act, practice, or course of business that

<u>operates or would operate as a fraud or deceit on the workers'</u>	17315
<u>compensation system;</u>	17316
<u>(3) Engage in any act, practice, or course of business that</u>	17317
<u>is fraudulent, deceptive, or manipulative. The division of</u>	17318
<u>securities may adopt rules reasonably designed to prevent such</u>	17319
<u>acts, practices, or courses of business as are fraudulent,</u>	17320
<u>deceptive, or manipulative;</u>	17321
<u>(4) Knowingly fail to comply with any policy adopted</u>	17322
<u>regarding the officer established pursuant to section 4123.441 of</u>	17323
<u>the Revised Code.</u>	17324
<b>Sec. 1707.46.</b> The principal executive officer of the division	17325
of securities shall be the commissioner of securities, who shall	17326
be appointed by the director of commerce. The commissioner of	17327
securities shall enforce all the laws and administrative rules	17328
enacted or adopted to regulate the sale of bonds, stocks, and	17329
other securities and to prevent fraud in such sales. The	17330
commissioner also shall enforce all the laws and administrative	17331
rules enacted or adopted to regulate investment advisers,	17332
investment adviser representatives, <del>and</del> state retirement system	17333
investment officers, <u>and the bureau of workers' compensation chief</u>	17334
<u>investment officer</u> and to prevent fraud in their acts, practices,	17335
and transactions.	17336
The commissioner shall be paid at a rate not less than pay	17337
range 47 set out in schedule E-2 of section 124.152 of the Revised	17338
Code, to be paid as other operating expenses of the division.	17339
<b>Sec. 1711.52.</b> The advisory council on amusement ride safety	17340
shall:	17341
(A) Study any subject pertaining to amusement ride safety,	17342
including administrative, engineering, and technical subjects, and	17343
make findings and recommendations to the director of agriculture;	17344

(B) Prior to the ~~promulgation~~ adoption of any rules or 17345  
amendments to those rules under division (B) of section 1711.53 17346  
and division (B) of section 1711.551 of the Revised Code, study 17347  
the proposed rules to be ~~promulgated~~ adopted by the director 17348  
regarding amusement ride safety, advise the director, and make 17349  
findings and recommendations to the director; 17350

(C) Not later than December 31, 2006, prepare and submit a 17351  
report to the governor, the speaker and the minority leader of the 17352  
house of representatives, the president and the minority leader of 17353  
the senate, and the director concerning the advisory council's 17354  
recommendations for alternative funding sources for the amusement 17355  
ride safety program established under this chapter. 17356

The director shall make available to the advisory council any 17357  
information, reports, and studies requested by the advisory 17358  
council. 17359

**Sec. 1711.53.** (A)(1) No person shall operate an amusement 17360  
ride within the state without a permit issued by the director of 17361  
agriculture under division (A)(2) of this section. The owner of an 17362  
amusement ride, whether the ride is a temporary amusement ride or 17363  
a permanent amusement ride, who desires to operate the amusement 17364  
ride within the state shall, prior to the operation of the 17365  
amusement ride and annually thereafter, submit to the department 17366  
of agriculture an application for a permit, together with the 17367  
appropriate permit and inspection fee, on a form to be furnished 17368  
by the department. Prior to issuing any permit the department 17369  
shall, within thirty days after the date on which it receives the 17370  
application, inspect each amusement ride described in the 17371  
application. The owner of an amusement ride shall have the 17372  
amusement ride ready for inspection not later than two hours after 17373  
the time that is requested by the person for the inspection. 17374

(2) For each amusement ride found to comply with the rules 17375

adopted by the director under division (B) of this section and 17376  
division (B) of section 1711.551 of the Revised Code, the director 17377  
shall issue an annual permit, provided that evidence of liability 17378  
insurance coverage for the amusement ride as required by section 17379  
1711.54 of the Revised Code is on file with the department. 17380

(3) The director shall issue with each permit a decal 17381  
indicating that the amusement ride has been issued the permit. The 17382  
owner of the amusement ride shall affix the decal on the ride at a 17383  
location where the decal is easily visible to the patrons of the 17384  
ride. A copy of the permit shall be kept on file at the same 17385  
address as the location of the amusement ride identified on the 17386  
permit, and shall be made available for inspection, upon 17387  
reasonable demand, by any person. An owner may operate an 17388  
amusement ride prior to obtaining a permit, provided that the 17389  
operation is for the purpose of testing the amusement ride or 17390  
training amusement ride operators and other employees of the owner 17391  
and the amusement ride is not open to the public. 17392

(B) The director, in accordance with Chapter 119. of the 17393  
Revised Code, shall adopt rules providing for a schedule of fines, 17394  
with no fine exceeding five thousand dollars, for violations of 17395  
sections 1711.50 to 1711.57 of the Revised Code or any rules 17396  
adopted under this division and for the classification of 17397  
amusement rides and rules for the safe operation and inspection of 17398  
all amusement rides as are necessary for amusement ride safety and 17399  
for the protection of the general public. Rules adopted by the 17400  
director for the safe operation and inspection of amusement rides 17401  
shall be reasonable and based upon generally accepted engineering 17402  
standards and practices. In adopting rules under this section, the 17403  
director may adopt by reference, in whole or in part, the national 17404  
fire code or the national electrical code (NEC) prepared by the 17405  
national fire protection association, the standards of the 17406  
American society for testing and materials (ASTM) or the American 17407

national standards institute (ANSI), or any other principles, 17408  
tests, or standards of nationally recognized technical or 17409  
scientific authorities. Insofar as is practicable and consistent 17410  
with sections 1711.50 to 1711.57 of the Revised Code, rules 17411  
adopted under this division shall be consistent with the rules of 17412  
other states. The department shall cause sections 1711.50 to 17413  
1711.57 of the Revised Code and the rules adopted in accordance 17414  
with this division and division (B) of section 1711.551 of the 17415  
Revised Code to be published in pamphlet form and a copy to be 17416  
furnished without charge to each owner of an amusement ride who 17417  
holds a current permit or is an applicant therefor. 17418

(C) With respect to an application for a permit for an 17419  
amusement ride, an owner may apply to the director for a waiver or 17420  
modification of any rule adopted under division (B) of this 17421  
section if there are practical difficulties or unnecessary 17422  
hardships for the amusement ride to comply with the rules. Any 17423  
application shall set forth the reasons for the request. The 17424  
director, with the approval of the advisory council on amusement 17425  
ride safety, may waive or modify the application of a rule to any 17426  
amusement ride if the public safety is secure. Any authorization 17427  
by the director under this division shall be in writing and shall 17428  
set forth the conditions under which the waiver or modification is 17429  
authorized, and the department shall retain separate records of 17430  
all proceedings under this division. 17431

(D)(1) The director shall employ and provide for training of 17432  
a chief inspector and additional inspectors and employees as may 17433  
be necessary to administer and enforce sections 1711.50 to 1711.57 17434  
of the Revised Code. The director may appoint or contract with 17435  
other persons to perform inspections of amusement rides, provided 17436  
that the persons meet the qualifications for inspectors 17437  
established by rules adopted under division (B) of this section 17438  
and are not owners, or employees of owners, of any amusement ride 17439

subject to inspection under sections 1711.50 to 1711.57 of the Revised Code. No person shall inspect an amusement ride who, within six months prior to the date of inspection, was an employee of the owner of the ride.

(2) Before the director contracts with other persons to inspect amusement rides, the director shall seek the advice of the advisory council on amusement ride safety on whether to contract with those persons. The advice shall not be binding upon the director. After having received the advice of the council, the director may proceed to contract with inspectors in accordance with the procedures specified in division (E)(2) of section 1711.11 of the Revised Code.

(3) With the advice and consent of the advisory council on amusement ride safety, the director may employ a special consultant to conduct an independent investigation of an amusement ride accident. This consultant need not be in the civil service of the state, but shall have qualifications to conduct the investigation acceptable to the council.

(E)(1) Except as otherwise provided in division (E)(1) of this section, the department shall charge the following amusement ride fees:

Permit	<del>\$ 50</del> <u>\$ 150</u>	
Annual inspection and reinspection per ride:		
Kiddie rides	\$ 100	
Roller coaster	\$ 950	
Aerial lifts or bungee jumping facilities	\$ 450	
Go karts	\$ 5	
Other rides	\$ 160	
Midseason operational inspection per ride	\$ 25	
Expedited inspection per ride	\$ 100	
Failure to cancel scheduled inspection per ride	\$ 100	

Failure to have amusement ride ready for	17472
inspection per ride	\$100 17473
The go kart inspection fee is in addition to the inspection	17474
fee for the go kart track.	17475
The fees for an expedited inspection, failure to cancel a	17476
scheduled inspection, and failure to have an amusement ride ready	17477
for inspection do not apply to go karts.	17478
As used in division (E)(1) of this section, "expedited	17479
inspection" means an inspection of an amusement ride by the	17480
department not later than ten days after the owner of the	17481
amusement ride files an application for a permit under this	17482
section.	17483
(2) All fees and fines collected by the department under	17484
sections 1711.50 to 1711.57 of the Revised Code shall be deposited	17485
in the state treasury to the credit of the amusement ride	17486
inspection fund, which is hereby created, and shall be used only	17487
for the purpose of administering and enforcing sections 1711.11	17488
and 1711.50 to 1711.57 of the Revised Code.	17489
(3) The owner of an amusement ride shall be required to pay a	17490
reinspection fee only if the reinspection was conducted at the	17491
owner's request under division (F) of this section, if the	17492
reinspection is required by division (F) of this section because	17493
of an accident, or if the reinspection is required by division (F)	17494
of section 1711.55 of the Revised Code. If a reinspection is	17495
conducted at the request of the chief officer of a fair, festival,	17496
or event where the ride is operating, the reinspection fee shall	17497
be charged to the fair, festival, or event.	17498
(4) The rules adopted under division (B) of this section	17499
shall define "kiddie rides," "roller coaster," "aerial lifts," "go	17500
karts," and "other rides" for purposes of determining the fees	17501
under division (E) of this section. The rules shall define "other	17502

rides" to include go kart tracks.

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(F) A reinspection of an amusement ride shall take place if an accident occurs, if the owner of the ride or the chief officer of the fair, festival, or event where the ride is operating requests a reinspection, or if the reinspection is required by division (F) of section 1711.55 of the Revised Code.

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(G) As a supplement to its annual inspection of a temporary amusement ride, the department may inspect the ride during each scheduled event, as listed in the schedule of events provided to the department by the owner pursuant to division (C) of section 1711.55 of the Revised Code, at which the ride is operated in this state. These supplemental inspections are in addition to any other inspection or reinspection of the ride as may be required under sections 1711.50 to 1711.57 of the Revised Code, and the owner of the temporary amusement ride is not required to pay an inspection or reinspection fee for this supplemental inspection. Nothing in this division shall be construed to prohibit the owner of a temporary amusement ride having a valid permit to operate in this state from operating the ride at a scheduled event before the department conducts a supplemental inspection.

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(H) The department may annually conduct a midseason operational inspection of every amusement ride upon which it conducts an annual inspection pursuant to division (A) of this section. The midseason operational inspection is in addition to any other inspection or reinspection of the amusement ride as may be required pursuant to sections 1711.50 to 1711.57 of the Revised Code. The owner of an amusement ride shall submit to the department, at the time determined by the department, the midseason operational inspection fee specified in division (E) of this section. The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules specifying the time period during which the department will conduct midseason operational

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inspections.	17535
<u>Sec. 1711.531. (A) No person shall operate an amusement ride</u>	17536
<u>powered from an electric light company source unless the amusement</u>	17537
<u>ride operates through a fusible switch, enclosed circuit breaker,</u>	17538
<u>or panelboard that has been:</u>	17539
<u>(1) Rated by the underwriters laboratories for service</u>	17540
<u>entrance applications;</u>	17541
<u>(2) Installed in compliance with the national electrical</u>	17542
<u>code;</u>	17543
<u>(3) Metered through a meter installed by the electric light</u>	17544
<u>company.</u>	17545
<u>(B) An amusement ride owner shall not use an electric light</u>	17546
<u>company source as described in division (A) of this section unless</u>	17547
<u>the owner has written certification that the fusible switch,</u>	17548
<u>enclosed circuit breaker, or panelboard satisfies the requirements</u>	17549
<u>established in divisions (A)(1) to (3) of this section and that is</u>	17550
<u>issued by a person certified under section 3783.03 or licensed</u>	17551
<u>under section 4740.06 of the Revised Code. The owner shall make</u>	17552
<u>the certificate available to the director of agriculture upon</u>	17553
<u>request.</u>	17554
<u>(C) This section does not apply to either of the following</u>	17555
<u>types of amusement rides:</u>	17556
<u>(1) Rides that do not require electrical current;</u>	17557
<u>(2) Rides that the director exempts in rules the director</u>	17558
<u>adopts.</u>	17559
<u>(D) A person licensed pursuant to section 4740.06 of the</u>	17560
<u>Revised Code, when conducting an inspection pursuant to this</u>	17561
<u>section, is not violating section 3783.06 of the Revised Code.</u>	17562
<u>(E) As used in this section, "electric light company" has the</u>	17563

same meaning as in section 4905.03 of the Revised Code.

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**Sec. 1713.03.** The Ohio board of regents shall establish standards for certificates of authorization to be issued to institutions as defined in section 1713.01 of the Revised Code, to private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, and to schools holding certificates of registration issued by the state board of career colleges and schools pursuant to division (C) of section 3332.05 of the Revised Code. A certificate of authorization may permit an institution or school to award one or more types of degrees.

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The standards for a certificate of authorization may include, for various types of institutions, schools, or degrees, minimum qualifications for faculty, library, laboratories, and other facilities as adopted and published by the Ohio board of regents. The standards shall be adopted by the board pursuant to Chapter 119. of the Revised Code.

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An institution or school shall apply to the board for a certificate of authorization on forms containing such information as is prescribed by the board. Each institution or school with a certificate of authorization shall file an annual report with the board in such form and containing such information as the board prescribes.

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The board shall adopt a rule under Chapter 119. of the Revised Code establishing fees to pay the cost of reviewing an application for a certificate of authorization, which the institution or school shall pay when it applies for a certificate of authorization, and establishing fees, which an institution or school shall pay, for any further reviews the board determines necessary upon examining an institution's or school's annual report.

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Sec. 1751.03. (A) Each application for a certificate of 17595  
authority under this chapter shall be verified by an officer or 17596  
authorized representative of the applicant, shall be in a format 17597  
prescribed by the superintendent of insurance, and shall set forth 17598  
or be accompanied by the following: 17599

(1) A certified copy of the applicant's articles of 17600  
incorporation and all amendments to the articles of incorporation; 17601

(2) A copy of any regulations adopted for the government of 17602  
the corporation, any bylaws, and any similar documents, and a copy 17603  
of all amendments to these regulations, bylaws, and documents. The 17604  
corporate secretary shall certify that these regulations, bylaws, 17605  
documents, and amendments have been properly adopted or approved. 17606

(3) A list of the names, addresses, and official positions of 17607  
the persons responsible for the conduct of the applicant, 17608  
including all members of the board, the principal officers, and 17609  
the person responsible for completing or filing financial 17610  
statements with the department of insurance, accompanied by a 17611  
completed original biographical affidavit and release of 17612  
information for each of these persons on forms acceptable to the 17613  
department; 17614

(4) A full and complete disclosure of the extent and nature 17615  
of any contractual or other financial arrangement between the 17616  
applicant and any provider or a person listed in division (A)(3) 17617  
of this section, including, but not limited to, a full and 17618  
complete disclosure of the financial interest held by any such 17619  
provider or person in any health care facility, provider, or 17620  
insurer that has entered into a financial relationship with the 17621  
health insuring corporation; 17622

(5) A description of the applicant, its facilities, and its 17623  
personnel, including, but not limited to, the location, hours of 17624

operation, and telephone numbers of all contracted facilities;	17625
(6) The applicant's projected annual enrollee population over a three-year period;	17626 17627
(7) A clear and specific description of the health care plan or plans to be used by the applicant, including a description of the proposed providers, procedures for accessing care, and the form of all proposed and existing contracts relating to the administration, delivery, or financing of health care services;	17628 17629 17630 17631 17632
(8) A copy of each type of evidence of coverage and identification card or similar document to be issued to subscribers;	17633 17634 17635
(9) A copy of each type of individual or group policy, contract, or agreement to be used;	17636 17637
(10) The schedule of the proposed contractual periodic prepayments or premium rates, or both, accompanied by appropriate supporting data;	17638 17639 17640
(11) A financial plan which provides a three-year projection of operating results, including the projected expenses, income, and sources of working capital;	17641 17642 17643
(12) The enrollee complaint procedure to be utilized as required under section 1751.19 of the Revised Code;	17644 17645
(13) A description of the procedures and programs to be implemented on an ongoing basis to assure the quality of health care services delivered to enrollees, including, if applicable, a description of a quality assurance program complying with the requirements of sections 1751.73 to 1751.75 of the Revised Code;	17646 17647 17648 17649 17650
(14) A statement describing the geographic area or areas to be served, by county;	17651 17652
(15) A copy of all solicitation documents;	17653

(16) A balance sheet and other financial statements showing 17654  
the applicant's assets, liabilities, income, and other sources of 17655  
financial support; 17656

(17) A description of the nature and extent of any 17657  
reinsurance program to be implemented, and a demonstration that 17658  
errors and omission insurance and, if appropriate, fidelity 17659  
insurance, will be in place upon the applicant's receipt of a 17660  
certificate of authority; 17661

(18) Copies of all proposed or in force related-party or 17662  
intercompany agreements with an explanation of the financial 17663  
impact of these agreements on the applicant. If the applicant 17664  
intends to enter into a contract for managerial or administrative 17665  
services, with either an affiliated or an unaffiliated person, the 17666  
applicant shall provide a copy of the contract and a detailed 17667  
description of the person to provide these services. The 17668  
description shall include that person's experience in managing or 17669  
administering health care plans, a copy of that person's most 17670  
recent audited financial statement, and a completed biographical 17671  
affidavit on a form acceptable to the superintendent for each of 17672  
that person's principal officers and board members and for any 17673  
additional employee to be directly involved in providing 17674  
managerial or administrative services to the health insuring 17675  
corporation. If the person to provide managerial or administrative 17676  
services is affiliated with the health insuring corporation, the 17677  
contract must provide for payment for services based on actual 17678  
costs. 17679

(19) A statement from the applicant's board that the admitted 17680  
assets of the applicant have not been and will not be pledged or 17681  
hypothecated; 17682

(20) A statement from the applicant's board that the 17683  
applicant will submit monthly financial statements during the 17684

first year of operations;	17685
(21) The name and address of the applicant's Ohio statutory agent for service of process, notice, or demand;	17686 17687
(22) Copies of all documents the applicant filed with the secretary of state;	17688 17689
(23) The location of those books and records of the applicant that must be maintained, which books and records shall be maintained in Ohio if the applicant is a domestic corporation, and which may be maintained either in the applicant's state of domicile or in Ohio if the applicant is a foreign corporation;	17690 17691 17692 17693 17694
(24) The applicant's federal identification number, corporate address, and mailing address;	17695 17696
(25) An internal and external organizational chart;	17697
(26) A list of the assets representing the initial net worth of the applicant;	17698 17699
(27) If the applicant has a parent company, the parent company's guaranty, on a form acceptable to the superintendent, that the applicant will maintain Ohio's minimum net worth. If no parent company exists, a statement regarding the availability of future funds if needed.	17700 17701 17702 17703 17704
(28) The names and addresses of the applicant's actuary and external auditors;	17705 17706
(29) If the applicant is a foreign corporation, a copy of the most recent financial statements filed with the insurance regulatory agency in the applicant's state of domicile;	17707 17708 17709
(30) If the applicant is a foreign corporation, a statement from the insurance regulatory agency of the applicant's state of domicile stating that the regulatory agency has no objection to the applicant applying for an Ohio license and that the applicant is in good standing in the applicant's state of domicile;	17710 17711 17712 17713 17714

(31) Any other information that the superintendent may require;	17715 17716
<u>(32) Documentation acceptable to the superintendent of the bond or securities required by section 1751.271 of the Revised Code.</u>	17717 17718 17719
(B)(1) A health insuring corporation, unless otherwise provided for in this chapter or in section 3901.321 of the Revised Code, shall file a timely notice with the superintendent describing any change to the corporation's articles of incorporation or regulations, or any major modification to its operations as set out in the information required by division (A) of this section that affects any of the following:	17720 17721 17722 17723 17724 17725 17726
(a) The solvency of the health insuring corporation;	17727
(b) The health insuring corporation's continued provision of services that it has contracted to provide;	17728 17729
(c) The manner in which the health insuring corporation conducts its business.	17730 17731
(2) If the change or modification is to be the result of an action to be taken by the health insuring corporation, the notice shall be filed with the superintendent prior to the health insuring corporation taking the action. The action shall be deemed approved if the superintendent does not disapprove it within sixty days of filing.	17732 17733 17734 17735 17736 17737
(3) The filing of a notice pursuant to division (B)(1) or (2) of this section shall also serve as the submission of a notice when required for the superintendent's review for purposes of section 3901.341 of the Revised Code, if the notice contains all of the information that section 3901.341 of the Revised Code requires for such submissions and a copy of any written agreement. The filing of such a notice, for the purpose of satisfying this	17738 17739 17740 17741 17742 17743 17744

division and section 3901.341 of the Revised Code, shall be 17745  
subject to the sixty-day review period of division (B)(2) of this 17746  
section. 17747

(C)(1) No health insuring corporation shall expand its 17748  
approved service area until a copy of the request for expansion, 17749  
accompanied by documentation of the network of providers, forms of 17750  
all proposed or existing provider contracts relating to the 17751  
delivery of health care services, a schedule of proposed 17752  
contractual periodic prepayments and premium rates for group 17753  
contracts accompanied by appropriate supporting data, enrollment 17754  
projections, plan of operation, and any other changes have been 17755  
filed with the superintendent. 17756

(2) Within ten calendar days after receipt of a complete 17757  
filing under division (C)(1) of this section, the superintendent 17758  
shall refer the appropriate jurisdictional issues to the director 17759  
of health if required pursuant to section 1751.04 of the Revised 17760  
Code. 17761

(3) Within seventy-five days after the superintendent's 17762  
receipt of a complete filing under division (C)(1) of this 17763  
section, the superintendent shall determine whether the plan for 17764  
expansion is lawful, fair, and reasonable. ~~The~~ If a referral is 17765  
required pursuant to section 1751.04 of the Revised Code, the 17766  
superintendent may not make a determination until the 17767  
superintendent has received the director's certification of 17768  
compliance, which the director shall furnish within forty-five 17769  
days after the referral under division (C)(2) of this section. The 17770  
director shall not certify that the requirements of section 17771  
1751.04 of the Revised Code are not met, unless the applicant has 17772  
been given an opportunity for a hearing as provided in division 17773  
(D) of section 1751.04 of the Revised Code. The forty-five-day and 17774  
seventy-five-day review periods provided for in division (C)(3) of 17775  
this section shall cease to run as of the date on which the notice 17776

of the applicant's right to request a hearing is mailed and shall 17777  
remain suspended until the director issues a final certification. 17778

(4) If the superintendent has not approved or disapproved all 17779  
or a portion of a service area expansion within the 17780  
seventy-five-day period provided for in division (C)(3) of this 17781  
section, the filing shall be deemed approved. 17782

(5) Disapproval of all or a portion of the filing shall be 17783  
effected by written notice, which shall state the grounds for the 17784  
order of disapproval and shall be given in accordance with Chapter 17785  
119. of the Revised Code. 17786

**Sec. 1751.04.** (A) ~~Upon~~ Except as provided by division (F) of 17787  
this section, upon the receipt by the superintendent of insurance 17788  
of a complete application for a certificate of authority to 17789  
establish or operate a health insuring corporation, which 17790  
application sets forth or is accompanied by the information and 17791  
documents required by division (A) of section 1751.03 of the 17792  
Revised Code, the superintendent shall transmit copies of the 17793  
application and accompanying documents to the director of health. 17794

(B) The director shall review the application and 17795  
accompanying documents and make findings as to whether the 17796  
applicant for a certificate of authority has done all of the 17797  
following with respect to any basic health care services and 17798  
supplemental health care services to be furnished: 17799

(1) Demonstrated the willingness and potential ability to 17800  
ensure that all basic health care services and supplemental health 17801  
care services described in the evidence of coverage will be 17802  
provided to all its enrollees as promptly as is appropriate and in 17803  
a manner that assures continuity; 17804

(2) Made effective arrangements to ensure that its enrollees 17805  
have reliable access to qualified providers in those specialties 17806

that are generally available in the geographic area or areas to be served by the applicant and that are necessary to provide all basic health care services and supplemental health care services described in the evidence of coverage;

(3) Made appropriate arrangements for the availability of short-term health care services in emergencies within the geographic area or areas to be served by the applicant, twenty-four hours per day, seven days per week, and for the provision of adequate coverage whenever an out-of-area emergency arises;

(4) Made appropriate arrangements for an ongoing evaluation and assurance of the quality of health care services provided to enrollees, including, if applicable, the development of a quality assurance program complying with the requirements of sections 1751.73 to 1751.75 of the Revised Code, and the adequacy of the personnel, facilities, and equipment by or through which the services are rendered;

(5) Developed a procedure to gather and report statistics relating to the cost and effectiveness of its operations, the pattern of utilization of its services, and the quality, availability, and accessibility of its services.

(C) Within ninety days of the director's receipt of the application for issuance of a certificate of authority, the director shall certify to the superintendent whether or not the applicant meets the requirements of division (B) of this section and sections 3702.51 to 3702.62 of the Revised Code. If the director certifies that the applicant does not meet these requirements, the director shall specify in what respects it is deficient. However, the director shall not certify that the requirements of this section are not met unless the applicant has been given an opportunity for a hearing.

(D) If the applicant requests a hearing, the director shall 17838  
hold a hearing before certifying that the applicant does not meet 17839  
the requirements of this section. The hearing shall be held in 17840  
accordance with Chapter 119. of the Revised Code. 17841

(E) The ninety-day review period provided for under division 17842  
(C) of this section shall cease to run as of the date on which the 17843  
notice of the applicant's right to request a hearing is mailed and 17844  
shall remain suspended until the director issues a final 17845  
certification order. 17846

(F) Nothing in this section requires the director to review 17847  
or make findings with regard to an application and accompanying 17848  
documents to establish or operate a health insuring corporation to 17849  
cover solely recipients of assistance under the medicaid program 17850  
operated pursuant to Chapter 5111. of the Revised Code. 17851

**Sec. 1751.05.** (A) The superintendent of insurance shall issue 17852  
or deny a certificate of authority to ~~establish or operate a~~ 17853  
health insuring corporations within the deadlines specified as 17854  
follows: 17855

(1) For a health insuring corporation ~~to any corporation~~ 17856  
filing an application pursuant to section 1751.03 of the Revised 17857  
Code ~~within~~, forty-five days ~~of~~ from the superintendent's receipt 17858  
of the certification from the director of health under division 17859  
(C) of section 1751.04 of the Revised Code; 17860

(2) For a health insuring corporation that covers solely 17861  
recipients of assistance under the medicaid program operated 17862  
pursuant to Chapter 5111. of the Revised Code, one hundred 17863  
thirty-five days from the superintendent's receipt of a complete 17864  
application and accompanying documents. 17865

(B) A certificate of authority shall be issued upon payment 17866  
of the application fee prescribed in section 1751.44 of the 17867

Revised Code if the superintendent is satisfied that the following 17868  
conditions are met: 17869

(1) The persons responsible for the conduct of the affairs of 17870  
the applicant are competent, trustworthy, and possess good 17871  
reputations. 17872

(2) The director certifies, in accordance with division (C) 17873  
of section 1751.04 of the Revised Code, that the organization's 17874  
proposed plan of operation meets the requirements of division (B) 17875  
of that section and sections 3702.51 to 3702.62 of the Revised 17876  
Code. If, after the director has certified compliance, the 17877  
application is amended in a manner that affects its approval under 17878  
section 1751.04 of the Revised Code, the superintendent shall 17879  
request the director to review and recertify the amended plan of 17880  
operation. Within forty-five days of receipt of the amended plan 17881  
from the superintendent, the director shall certify to the 17882  
superintendent, pursuant to section 1751.04 of the Revised Code, 17883  
whether or not the amended plan meets the requirements of section 17884  
1751.04 of the Revised Code. The superintendent's forty-five-day 17885  
review period shall cease to run as of the date on which the 17886  
amended plan is transmitted to the director and shall remain 17887  
suspended until the superintendent receives a new certification 17888  
from the director. 17889

(3) The applicant constitutes an appropriate mechanism to 17890  
effectively provide or arrange for the provision of the basic 17891  
health care services, supplemental health care services, or 17892  
specialty health care services to be provided to enrollees. 17893

(4) The applicant is financially responsible, complies with 17894  
section 1751.28 of the Revised Code, and may reasonably be 17895  
expected to meet its obligations to enrollees and prospective 17896  
enrollees. In making this determination, the superintendent may 17897  
consider: 17898

(a) The financial soundness of the applicant's arrangements for health care services, including the applicant's proposed contractual periodic prepayments or premiums and the use of copayments and deductibles;	17899 17900 17901 17902
(b) The adequacy of working capital;	17903
(c) Any agreement with an insurer, a government, or any other person for insuring the payment of the cost of health care services or providing for automatic applicability of an alternative coverage in the event of discontinuance of the health insuring corporation's operations;	17904 17905 17906 17907 17908
(d) Any agreement with providers or health care facilities for the provision of health care services;	17909 17910
(e) Any deposit of securities submitted in accordance with section 1751.27 of the Revised Code as a guarantee that the obligations will be performed.	17911 17912 17913
(5) The applicant has submitted documentation of an arrangement to provide health care services to its enrollees until the expiration of the enrollees' contracts with the applicant if a health care plan or the operations of the health insuring corporation are discontinued prior to the expiration of the enrollees' contracts. An arrangement to provide health care services may be made by using any one, or any combination, of the following methods:	17914 17915 17916 17917 17918 17919 17920 17921
(a) The maintenance of insolvency insurance;	17922
(b) A provision in contracts with providers and health care facilities, but no health insuring corporation shall rely solely on such a provision for more than thirty days;	17923 17924 17925
(c) An agreement with other health insuring corporations or insurers, providing enrollees with automatic conversion rights upon the discontinuation of a health care plan or the health	17926 17927 17928

insuring corporation's operations; 17929

(d) Such other methods as approved by the superintendent. 17930

(6) Nothing in the applicant's proposed method of operation, 17931  
as shown by the information submitted pursuant to section 1751.03 17932  
of the Revised Code or by independent investigation, will cause 17933  
harm to an enrollee or to the public at large, as determined by 17934  
the superintendent. 17935

(7) Any deficiencies certified by the director have been 17936  
corrected. 17937

(8) The applicant has deposited securities as set forth in 17938  
section 1751.27 of the Revised Code. 17939

~~(B)~~(C) If an applicant elects to fulfill the requirements of 17940  
division (A)(5) of this section through an agreement with other 17941  
health insuring corporations or insurers, the agreement shall 17942  
require those health insuring corporations or insurers to give 17943  
thirty days' notice to the superintendent prior to cancellation or 17944  
discontinuation of the agreement for any reason. 17945

~~(C)~~(D) A certificate of authority shall be denied only after 17946  
compliance with the requirements of section 1751.36 of the Revised 17947  
Code. 17948

**Sec. 1751.271.** (A) Each health insuring corporation that 17949  
provides coverage to medicaid recipients shall post a performance 17950  
bond in the amount of three million dollars as security to fulfill 17951  
the obligations of the health insuring corporation to pay claims 17952  
of contracted providers for covered health care services provided 17953  
to medicaid recipients. The bond shall be payable to the 17954  
department of insurance in the event that the health insuring 17955  
corporation is placed in rehabilitation or liquidation proceedings 17956  
under Chapter 3903. of the Revised Code, and shall become a 17957  
special deposit subject to section 3903.14 or 3903.421 of the 17958

Revised Code, as applicable. In lieu of the performance bond, a 17959  
medicaid health insuring corporation may deposit securities with 17960  
the superintendent of insurance, acceptable to the superintendent, 17961  
in the amount of three million dollars, to satisfy the bonding 17962  
requirements of this section. Upon rehabilitation or liquidation, 17963  
the securities shall become a special deposit subject to sections 17964  
3903.14 and 3903.421 of the Revised Code, as applicable. The 17965  
health insuring corporation shall receive the interest on the 17966  
deposited securities as long as the health insuring corporation 17967  
remains solvent. 17968

(B) The bond shall be issued by a surety company licensed 17969  
with the department of insurance. The bond or deposit, or any 17970  
replacement bond or deposit, shall be in a form acceptable to the 17971  
superintendent, and shall remain in effect during the duration of 17972  
the medicaid health insuring corporation's license and thereafter 17973  
until all claims against the medicaid health insuring corporation 17974  
have been paid in full. 17975

(C) Documentation of the bond acceptable to the 17976  
superintendent of insurance shall be filed with the superintendent 17977  
prior to the issuance of a certificate of authority. Annually, 17978  
thirty days prior to the renewal of its certificate of authority, 17979  
every medicaid health insuring corporation shall furnish the 17980  
superintendent of insurance with evidence that the required bond 17981  
is still in effect. 17982

(D) As used in this section: 17983

(1) "Contracted provider" means a provider that has a 17984  
contract with a medicaid health insuring corporation to provide 17985  
covered health care services to medicaid recipients. 17986

(2) "Medicaid health insuring corporation" means a health 17987  
insuring corporation that provides health insurance coverage or 17988  
otherwise assumes claims liabilities for medicaid recipients. 17989

(3) "Medicaid recipient" means a person eligible for 17990  
assistance under the medicaid program operated pursuant to Chapter 17991  
5111. of the Revised Code. 17992

**Sec. 1901.26.** (A) Subject to division (E) of this section, 17993  
costs in a municipal court shall be fixed and taxed as follows: 17994

(1) The municipal court shall require an advance deposit for 17995  
the filing of any new civil action or proceeding when required by 17996  
division (A)(9) of this section, and in all other cases, by rule, 17997  
shall establish a schedule of fees and costs to be taxed in any 17998  
civil or criminal action or proceeding. 17999

(2) The municipal court, by rule, may require an advance 18000  
deposit for the filing of any civil action or proceeding and 18001  
publication fees as provided in section 2701.09 of the Revised 18002  
Code. The court may waive the requirement for advance deposit upon 18003  
affidavit or other evidence that a party is unable to make the 18004  
required deposit. 18005

(3) When a jury trial is demanded in any civil action or 18006  
proceeding, the party making the demand may be required to make an 18007  
advance deposit as fixed by rule of court, unless, upon affidavit 18008  
or other evidence, the court concludes that the party is unable to 18009  
make the required deposit. If a jury is called, the fees of a jury 18010  
shall be taxed as costs. 18011

(4) In any civil or criminal action or proceeding, witnesses' 18012  
fees shall be fixed in accordance with sections 2335.06 and 18013  
2335.08 of the Revised Code. 18014

(5) A reasonable charge for driving, towing, carting, 18015  
storing, keeping, and preserving motor vehicles and other personal 18016  
property recovered or seized in any proceeding may be taxed as 18017  
part of the costs in a trial of the cause, in an amount that shall 18018  
be fixed by rule of court. 18019

(6) Chattel property seized under any writ or process issued 18020  
by the court shall be preserved pending final disposition for the 18021  
benefit of all persons interested and may be placed in storage 18022  
when necessary or proper for that preservation. The custodian of 18023  
any chattel property so stored shall not be required to part with 18024  
the possession of the property until a reasonable charge, to be 18025  
fixed by the court, is paid. 18026

(7) The municipal court, as it determines, may refund all 18027  
deposits and advance payments of fees and costs, including those 18028  
for jurors and summoning jurors, when they have been paid by the 18029  
losing party. 18030

(8) Charges for the publication of legal notices required by 18031  
statute or order of court may be taxed as part of the costs, as 18032  
provided by section 7.13 of the Revised Code. 18033

(B)(1) The municipal court may determine that, for the 18034  
efficient operation of the court, additional funds are necessary 18035  
to acquire and pay for special projects of the court including, 18036  
but not limited to, the acquisition of additional facilities or 18037  
the rehabilitation of existing facilities, the acquisition of 18038  
equipment, the hiring and training of staff, community service 18039  
programs, mediation or dispute resolution services, the employment 18040  
of magistrates, the training and education of judges, acting 18041  
judges, and magistrates, and other related services. Upon that 18042  
determination, the court by rule may charge a fee, in addition to 18043  
all other court costs, on the filing of each criminal cause, civil 18044  
action or proceeding, or judgment by confession. 18045

If the municipal court offers a special program or service in 18046  
cases of a specific type, the municipal court by rule may assess 18047  
an additional charge in a case of that type, over and above court 18048  
costs, to cover the special program or service. The municipal 18049  
court shall adjust the special assessment periodically, but not 18050

retroactively, so that the amount assessed in those cases does not  
exceed the actual cost of providing the service or program.

All moneys collected under division (B) of this section shall  
be paid to the county treasurer if the court is a county-operated  
municipal court or to the city treasurer if the court is not a  
county-operated municipal court for deposit into either a general  
special projects fund or a fund established for a specific special  
project. Moneys from a fund of that nature shall be disbursed upon  
an order of the court in an amount no greater than the actual cost  
to the court of a project. If a specific fund is terminated  
because of the discontinuance of a program or service established  
under division (B) of this section, the municipal court may order  
that moneys remaining in the fund be transferred to an account  
established under this division for a similar purpose.

(2) As used in division (B) of this section:

(a) "Criminal cause" means a charge alleging the violation of  
a statute or ordinance, or subsection of a statute or ordinance,  
that requires a separate finding of fact or a separate plea before  
disposition and of which the defendant may be found guilty,  
whether filed as part of a multiple charge on a single summons,  
citation, or complaint or as a separate charge on a single  
summons, citation, or complaint. "Criminal cause" does not include  
separate violations of the same statute or ordinance, or  
subsection of the same statute or ordinance, unless each charge is  
filed on a separate summons, citation, or complaint.

(b) "Civil action or proceeding" means any civil litigation  
that must be determined by judgment entry.

(C) The municipal court shall collect in all its divisions  
except the small claims division the sum of ~~fifteen~~ twenty-six  
dollars as additional filing fees in each new civil action or  
proceeding for the charitable public purpose of providing

financial assistance to legal aid societies that operate within 18082  
the state and to support the office of the state public defender. 18083  
The municipal court shall collect in its small claims division the 18084  
sum of ~~seven~~ eleven dollars as additional filing fees in each new 18085  
civil action or proceeding for the charitable public purpose of 18086  
providing financial assistance to legal aid societies that operate 18087  
within the state and to support the office of the state public 18088  
defender. This division does not apply to any execution on a 18089  
judgment, proceeding in aid of execution, or other post-judgment 18090  
proceeding arising out of a civil action. The filing fees required 18091  
to be collected under this division shall be in addition to any 18092  
other court costs imposed in the action or proceeding and shall be 18093  
collected at the time of the filing of the action or proceeding. 18094  
The court shall not waive the payment of the additional filing 18095  
fees in a new civil action or proceeding unless the court waives 18096  
the advanced payment of all filing fees in the action or 18097  
proceeding. All such moneys collected during a month shall be 18098  
transmitted on or before the ~~first business~~ twentieth day of ~~each~~ 18099  
the following month by the clerk of the court to the treasurer of 18100  
state in a manner prescribed by the treasurer of state or by the 18101  
Ohio legal assistance foundation. The ~~moneys then shall be~~ 18102  
~~deposited by the~~ treasurer of state shall deposit four per cent of 18103  
the funds collected under this division to the credit of the civil 18104  
case filing fee fund established under section 120.07 of the 18105  
Revised Code and ninety-six per cent of the funds collected under 18106  
this division to the credit of the legal aid fund established 18107  
under section 120.52 of the Revised Code. 18108

The court may retain up to one per cent of the moneys it 18109  
collects under this division to cover administrative costs, 18110  
including the hiring of any additional personnel necessary to 18111  
implement this division. 18112

(D) In the Cleveland municipal court, reasonable charges for 18113

investigating titles of real estate to be sold or disposed of 18114  
under any writ or process of the court may be taxed as part of the 18115  
costs. 18116

(E) Under the circumstances described in sections 2969.21 to 18117  
2969.27 of the Revised Code, the clerk of the municipal court 18118  
shall charge the fees and perform the other duties specified in 18119  
those sections. 18120

**Sec. 1901.31.** The clerk and deputy clerks of a municipal 18121  
court shall be selected, be compensated, give bond, and have 18122  
powers and duties as follows: 18123

(A) There shall be a clerk of the court who is appointed or 18124  
elected as follows: 18125

(1)(a) Except in the Akron, Barberton, Cuyahoga Falls, 18126  
~~Medina~~, Toledo, Hamilton county, Portage county, and Wayne county 18127  
municipal courts, if the population of the territory equals or 18128  
exceeds one hundred thousand at the regular municipal election 18129  
immediately preceding the expiration of the term of the present 18130  
clerk, the clerk shall be nominated and elected by the qualified 18131  
electors of the territory in the manner that is provided for the 18132  
nomination and election of judges in section 1901.07 of the 18133  
Revised Code. 18134

The clerk so elected shall hold office for a term of six 18135  
years, which term shall commence on the first day of January 18136  
following the clerk's election and continue until the clerk's 18137  
successor is elected and qualified. 18138

(b) In the Hamilton county municipal court, the clerk of 18139  
courts of Hamilton county shall be the clerk of the municipal 18140  
court and may appoint an assistant clerk who shall receive the 18141  
compensation, payable out of the treasury of Hamilton county in 18142  
semimonthly installments, that the board of county commissioners 18143

prescribes. The clerk of courts of Hamilton county, acting as the  
clerk of the Hamilton county municipal court and assuming the  
duties of that office, shall receive compensation at one-fourth  
the rate that is prescribed for the clerks of courts of common  
pleas as determined in accordance with the population of the  
county and the rates set forth in sections 325.08 and 325.18 of  
the Revised Code. This compensation shall be paid from the county  
treasury in semimonthly installments and is in addition to the  
annual compensation that is received for the performance of the  
duties of the clerk of courts of Hamilton county, as provided in  
sections 325.08 and 325.18 of the Revised Code.

(c) In the Portage county and Wayne county municipal courts,  
the clerks of courts of Portage county and Wayne county shall be  
the clerks, respectively, of the Portage county and Wayne county  
municipal courts and may appoint a chief deputy clerk for each  
branch that is established pursuant to section 1901.311 of the  
Revised Code and assistant clerks as the judges of the municipal  
court determine are necessary, all of whom shall receive the  
compensation that the legislative authority prescribes. The clerks  
of courts of Portage county and Wayne county, acting as the clerks  
of the Portage county and Wayne county municipal courts and  
assuming the duties of these offices, shall receive compensation  
payable from the county treasury in semimonthly installments at  
one-fourth the rate that is prescribed for the clerks of courts of  
common pleas as determined in accordance with the population of  
the county and the rates set forth in sections 325.08 and 325.18  
of the Revised Code.

(d) Except as otherwise provided in division (A)(1)(d) of  
this section, in the Akron municipal court, candidates for  
election to the office of clerk of the court shall be nominated by  
primary election. The primary election shall be held on the day  
specified in the charter of the city of Akron for the nomination

of municipal officers. Notwithstanding section 3513.257 of the  
Revised Code, the nominating petitions of independent candidates  
shall be signed by at least two hundred fifty qualified electors  
of the territory of the court.

The candidates shall file a declaration of candidacy and  
petition, or a nominating petition, whichever is applicable, not  
later than four p.m. of the seventy-fifth day before the day of  
the primary election, in the form prescribed by section 3513.07 or  
3513.261 of the Revised Code. The declaration of candidacy and  
petition, or the nominating petition, shall conform to the  
applicable requirements of section 3513.05 or 3513.257 of the  
Revised Code.

If no valid declaration of candidacy and petition is filed by  
any person for nomination as a candidate of a particular political  
party for election to the office of clerk of the Akron municipal  
court, a primary election shall not be held for the purpose of  
nominating a candidate of that party for election to that office.  
If only one person files a valid declaration of candidacy and  
petition for nomination as a candidate of a particular political  
party for election to that office, a primary election shall not be  
held for the purpose of nominating a candidate of that party for  
election to that office, and the candidate shall be issued a  
certificate of nomination in the manner set forth in section  
3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating  
petitions, and certificates of nomination for the office of clerk  
of the Akron municipal court shall contain a designation of the  
term for which the candidate seeks election. At the following  
regular municipal election, all candidates for the office shall be  
submitted to the qualified electors of the territory of the court  
in the manner that is provided in section 1901.07 of the Revised  
Code for the election of the judges of the court. The clerk so

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elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

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~~(e) Irrespective of the population of the territory of the Medina municipal court, the clerk of that court shall be appointed pursuant to division (A)(2)(a) of this section by the judges of that court, shall hold office until the clerk's successor is similarly appointed and qualified, and shall receive pursuant to division (C) of this section the annual compensation that the legislative authority prescribes and that is payable in semimonthly installments from the same sources and in the same manner as provided in section 1901.11 of the Revised Code.~~

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~~(f)~~ Except as otherwise provided in division (A)(1)~~(f)~~(e) of this section, in the Barberton municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day specified in the charter of the city of Barberton for the nomination of municipal officers. Notwithstanding section 3513.257 of the Revised Code, the nominating petitions of independent candidates shall be signed by at least two hundred fifty qualified electors of the territory of the court.

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The candidates shall file a declaration of candidacy and petition, or a nominating petition, whichever is applicable, not later than four p.m. of the seventy-fifth day before the day of the primary election, in the form prescribed by section 3513.07 or 3513.261 of the Revised Code. The declaration of candidacy and petition, or the nominating petition, shall conform to the applicable requirements of section 3513.05 or 3513.257 of the Revised Code.

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If no valid declaration of candidacy and petition is filed by

any person for nomination as a candidate of a particular political party for election to the office of clerk of the Barberton municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Barberton municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

~~(g)~~(f) Except as otherwise provided in division (A)(1)~~(g)~~(f) of this section, in the Cuyahoga Falls municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day specified in the charter of the city of Cuyahoga Falls for the nomination of municipal officers. Notwithstanding section 3513.257 of the Revised Code, the nominating petitions of independent candidates shall be signed by at least two hundred fifty qualified electors of the territory of the court.

The candidates shall file a declaration of candidacy and petition, or a nominating petition, whichever is applicable, not later than four p.m. of the seventy-fifth day before the day of the primary election, in the form prescribed by section 3513.07 or 3513.261 of the Revised Code. The declaration of candidacy and petition, or the nominating petition, shall conform to the applicable requirements of section 3513.05 or 3513.257 of the Revised Code.

If no valid declaration of candidacy and petition is filed by any person for nomination as a candidate of a particular political party for election to the office of clerk of the Cuyahoga Falls municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Cuyahoga Falls municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

~~(h)~~(g) Except as otherwise provided in division (A)(1)~~(h)~~(g) 18303  
of this section, in the Toledo municipal court, candidates for 18304  
election to the office of clerk of the court shall be nominated by 18305  
primary election. The primary election shall be held on the day 18306  
specified in the charter of the city of Toledo for the nomination 18307  
of municipal officers. Notwithstanding section 3513.257 of the 18308  
Revised Code, the nominating petitions of independent candidates 18309  
shall be signed by at least two hundred fifty qualified electors 18310  
of the territory of the court. 18311

The candidates shall file a declaration of candidacy and 18312  
petition, or a nominating petition, whichever is applicable, not 18313  
later than four p.m. of the seventy-fifth day before the day of 18314  
the primary election, in the form prescribed by section 3513.07 or 18315  
3513.261 of the Revised Code. The declaration of candidacy and 18316  
petition, or the nominating petition, shall conform to the 18317  
applicable requirements of section 3513.05 or 3513.257 of the 18318  
Revised Code. 18319

If no valid declaration of candidacy and petition is filed by 18320  
any person for nomination as a candidate of a particular political 18321  
party for election to the office of clerk of the Toledo municipal 18322  
court, a primary election shall not be held for the purpose of 18323  
nominating a candidate of that party for election to that office. 18324  
If only one person files a valid declaration of candidacy and 18325  
petition for nomination as a candidate of a particular political 18326  
party for election to that office, a primary election shall not be 18327  
held for the purpose of nominating a candidate of that party for 18328  
election to that office, and the candidate shall be issued a 18329  
certificate of nomination in the manner set forth in section 18330  
3513.02 of the Revised Code. 18331

Declarations of candidacy and petitions, nominating 18332  
petitions, and certificates of nomination for the office of clerk 18333  
of the Toledo municipal court shall contain a designation of the 18334

term for which the candidate seeks election. At the following 18335  
regular municipal election, all candidates for the office shall be 18336  
submitted to the qualified electors of the territory of the court 18337  
in the manner that is provided in section 1901.07 of the Revised 18338  
Code for the election of the judges of the court. The clerk so 18339  
elected shall hold office for a term of six years, which term 18340  
shall commence on the first day of January following the clerk's 18341  
election and continue until the clerk's successor is elected and 18342  
qualified. 18343

(2)(a) Except for the Alliance, Auglaize county, Brown 18344  
county, Columbiana county, Lorain, Massillon, and Youngstown 18345  
municipal courts, in a municipal court for which the population of 18346  
the territory is less than one hundred thousand ~~and in the Medina~~ 18347  
~~municipal court~~, the clerk shall be appointed by the court, and 18348  
the clerk shall hold office until the clerk's successor is 18349  
appointed and qualified. 18350

(b) In the Alliance, Lorain, Massillon, and Youngstown 18351  
municipal courts, the clerk shall be elected for a term of office 18352  
as described in division (A)(1)(a) of this section. 18353

(c) In the Auglaize county and Brown county municipal courts, 18354  
the clerks of courts of Auglaize county and Brown county shall be 18355  
the clerks, respectively, of the Auglaize county and Brown county 18356  
municipal courts and may appoint a chief deputy clerk for each 18357  
branch that is established pursuant to section 1901.311 of the 18358  
Revised Code, and assistant clerks as the judge of the court 18359  
determines are necessary, all of whom shall receive the 18360  
compensation that the legislative authority prescribes. The clerks 18361  
of courts of Auglaize county and Brown county, acting as the 18362  
clerks of the Auglaize county and Brown county municipal courts 18363  
and assuming the duties of these offices, shall receive 18364  
compensation payable from the county treasury in semimonthly 18365  
installments at one-fourth the rate that is prescribed for the 18366

clerks of courts of common pleas as determined in accordance with 18367  
the population of the county and the rates set forth in sections 18368  
325.08 and 325.18 of the Revised Code. 18369

(d) In the Columbiana county municipal court, the clerk of 18370  
courts of Columbiana county shall be the clerk of the municipal 18371  
court, may appoint a chief deputy clerk for each branch office 18372  
that is established pursuant to section 1901.311 of the Revised 18373  
Code, and may appoint any assistant clerks that the judges of the 18374  
court determine are necessary. All of the chief deputy clerks and 18375  
assistant clerks shall receive the compensation that the 18376  
legislative authority prescribes. The clerk of courts of 18377  
Columbiana county, acting as the clerk of the Columbiana county 18378  
municipal court and assuming the duties of that office, shall 18379  
receive compensation payable from the county treasury in 18380  
semimonthly installments at one-fourth the rate that is prescribed 18381  
for the clerks of courts of common pleas as determined in 18382  
accordance with the population of the county and the rates set 18383  
forth in sections 325.08 and 325.18 of the Revised Code. 18384

(3) During the temporary absence of the clerk due to illness, 18385  
vacation, or other proper cause, the court may appoint a temporary 18386  
clerk, who shall be paid the same compensation, have the same 18387  
authority, and perform the same duties as the clerk. 18388

(B) Except in the Hamilton county, ~~Medina~~, Portage county, 18389  
and Wayne county municipal courts, if a vacancy occurs in the 18390  
office of the clerk of the Alliance, Lorain, Massillon, or 18391  
Youngstown municipal court or occurs in the office of the clerk of 18392  
a municipal court for which the population of the territory equals 18393  
or exceeds one hundred thousand because the clerk ceases to hold 18394  
the office before the end of the clerk's term or because a 18395  
clerk-elect fails to take office, the vacancy shall be filled, 18396  
until a successor is elected and qualified, by a person chosen by 18397  
the residents of the territory of the court who are members of the 18398

county central committee of the political party by which the last 18399  
occupant of that office or the clerk-elect was nominated. Not less 18400  
than five nor more than fifteen days after a vacancy occurs, those 18401  
members of that county central committee shall meet to make an 18402  
appointment to fill the vacancy. At least four days before the 18403  
date of the meeting, the chairperson or a secretary of the county 18404  
central committee shall notify each such member of that county 18405  
central committee by first class mail of the date, time, and place 18406  
of the meeting and its purpose. A majority of all such members of 18407  
that county central committee constitutes a quorum, and a majority 18408  
of the quorum is required to make the appointment. If the office 18409  
so vacated was occupied or was to be occupied by a person not 18410  
nominated at a primary election, or if the appointment was not 18411  
made by the committee members in accordance with this division, 18412  
the court shall make an appointment to fill the vacancy. A 18413  
successor shall be elected to fill the office for the unexpired 18414  
term at the first municipal election that is held more than one 18415  
hundred twenty days after the vacancy occurred. 18416

(C)(1) In a municipal court, other than the Auglaize county, 18417  
the Brown county, the Columbiana county, and the Lorain municipal 18418  
courts, for which the population of the territory is less than one 18419  
hundred thousand ~~and in the Medina municipal court~~, the clerk of 18420  
the municipal court shall receive the annual compensation that the 18421  
presiding judge of the court prescribes, if the revenue of the 18422  
court for the preceding calendar year, as certified by the auditor 18423  
or chief fiscal officer of the municipal corporation in which the 18424  
court is located or, in the case of a county-operated municipal 18425  
court, the county auditor, is equal to or greater than the 18426  
expenditures, including any debt charges, for the operation of the 18427  
court payable under this chapter from the city treasury or, in the 18428  
case of a county-operated municipal court, the county treasury for 18429  
that calendar year, as also certified by the auditor or chief 18430  
fiscal officer. If the revenue of a municipal court, other than 18431

the Auglaize county, the Brown county, the Columbiana county, and 18432  
the Lorain municipal courts, for which the population of the 18433  
territory is less than one hundred thousand ~~or the revenue of the~~ 18434  
~~Medina municipal court~~ for the preceding calendar year as so 18435  
certified is not equal to or greater than those expenditures for 18436  
the operation of the court for that calendar year as so certified, 18437  
the clerk of a municipal court shall receive the annual 18438  
compensation that the legislative authority prescribes. As used in 18439  
this division, "revenue" means the total of all costs and fees 18440  
that are collected and paid to the city treasury or, in a 18441  
county-operated municipal court, the county treasury by the clerk 18442  
of the municipal court under division (F) of this section and all 18443  
interest received and paid to the city treasury or, in a 18444  
county-operated municipal court, the county treasury in relation 18445  
to the costs and fees under division (G) of this section. 18446

(2) In a municipal court, other than the Hamilton county, 18447  
~~Medina~~, Portage county, and Wayne county municipal courts, for 18448  
which the population of the territory is one hundred thousand or 18449  
more, and in the Lorain municipal court, the clerk of the 18450  
municipal court shall receive annual compensation in a sum equal 18451  
to eighty-five per cent of the salary of a judge of the court. 18452

(3) The compensation of a clerk described in division (C)(1) 18453  
or (2) of this section is payable in semimonthly installments from 18454  
the same sources and in the same manner as provided in section 18455  
1901.11 of the Revised Code. 18456

(D) Before entering upon the duties of the clerk's office, 18457  
the clerk of a municipal court shall give bond of not less than 18458  
six thousand dollars to be determined by the judges of the court, 18459  
conditioned upon the faithful performance of the clerk's duties. 18460

(E) The clerk of a municipal court may do all of the 18461  
following: administer oaths, take affidavits, and issue executions 18462  
upon any judgment rendered in the court, including a judgment for 18463

unpaid costs; issue, sign, and attach the seal of the court to all writs, process, subpoenas, and papers issuing out of the court; and approve all bonds, sureties, recognizances, and undertakings fixed by any judge of the court or by law. The clerk may refuse to accept for filing any pleading or paper submitted for filing by a person who has been found to be a vexatious litigator under section 2323.52 of the Revised Code and who has failed to obtain leave to proceed under that section. The clerk shall do all of the following: file and safely keep all journals, records, books, and papers belonging or appertaining to the court; record the proceedings of the court; perform all other duties that the judges of the court may prescribe; and keep a book showing all receipts and disbursements, which book shall be open for public inspection at all times.

The clerk shall prepare and maintain a general index, a docket, and other records that the court, by rule, requires, all of which shall be the public records of the court. In the docket, the clerk shall enter, at the time of the commencement of an action, the names of the parties in full, the names of the counsel, and the nature of the proceedings. Under proper dates, the clerk shall note the filing of the complaint, issuing of summons or other process, returns, and any subsequent pleadings. The clerk also shall enter all reports, verdicts, orders, judgments, and proceedings of the court, clearly specifying the relief granted or orders made in each action. The court may order an extended record of any of the above to be made and entered, under the proper action heading, upon the docket at the request of any party to the case, the expense of which record may be taxed as costs in the case or may be required to be prepaid by the party demanding the record, upon order of the court.

(F) The clerk of a municipal court shall receive, collect, and issue receipts for all costs, fees, fines, bail, and other

moneys payable to the office or to any officer of the court. The 18496  
clerk shall each month disburse to the proper persons or officers, 18497  
and take receipts for, all costs, fees, fines, bail, and other 18498  
moneys that the clerk collects. Subject to sections 3375.50 and 18499  
4511.193 of the Revised Code and to any other section of the 18500  
Revised Code that requires a specific manner of disbursement of 18501  
any moneys received by a municipal court and except for the 18502  
Hamilton county, Lawrence county, and Ottawa county municipal 18503  
courts, the clerk shall pay all fines received for violation of 18504  
municipal ordinances into the treasury of the municipal 18505  
corporation the ordinance of which was violated and shall pay all 18506  
fines received for violation of township resolutions adopted 18507  
pursuant to Chapter 504. of the Revised Code into the treasury of 18508  
the township the resolution of which was violated. Subject to 18509  
sections 1901.024 and 4511.193 of the Revised Code, in the 18510  
Hamilton county, Lawrence county, and Ottawa county municipal 18511  
courts, the clerk shall pay fifty per cent of the fines received 18512  
for violation of municipal ordinances and fifty per cent of the 18513  
fines received for violation of township resolutions adopted 18514  
pursuant to Chapter 504. of the Revised Code into the treasury of 18515  
the county. Subject to sections 3375.50, 3375.53, 4511.19, and 18516  
5503.04 of the Revised Code and to any other section of the 18517  
Revised Code that requires a specific manner of disbursement of 18518  
any moneys received by a municipal court, the clerk shall pay all 18519  
fines collected for the violation of state laws into the county 18520  
treasury. Except in a county-operated municipal court, the clerk 18521  
shall pay all costs and fees the disbursement of which is not 18522  
otherwise provided for in the Revised Code into the city treasury. 18523  
The clerk of a county-operated municipal court shall pay the costs 18524  
and fees the disbursement of which is not otherwise provided for 18525  
in the Revised Code into the county treasury. Moneys deposited as 18526  
security for costs shall be retained pending the litigation. The 18527  
clerk shall keep a separate account of all receipts and 18528

disbursements in civil and criminal cases, which shall be a 18529  
permanent public record of the office. On the expiration of the 18530  
term of the clerk, the clerk shall deliver the records to the 18531  
clerk's successor. The clerk shall have other powers and duties as 18532  
are prescribed by rule or order of the court. 18533

(G) All moneys paid into a municipal court shall be noted on 18534  
the record of the case in which they are paid and shall be 18535  
deposited in a state or national bank, or a domestic savings and 18536  
loan association, as defined in section 1151.01 of the Revised 18537  
Code, that is selected by the clerk. Any interest received upon 18538  
the deposits shall be paid into the city treasury, except that, in 18539  
a county-operated municipal court, the interest shall be paid into 18540  
the treasury of the county in which the court is located. 18541

On the first Monday in January of each year, the clerk shall 18542  
make a list of the titles of all cases in the court that were 18543  
finally determined more than one year past in which there remains 18544  
unclaimed in the possession of the clerk any funds, or any part of 18545  
a deposit for security of costs not consumed by the costs in the 18546  
case. The clerk shall give notice of the moneys to the parties who 18547  
are entitled to the moneys or to their attorneys of record. All 18548  
the moneys remaining unclaimed on the first day of April of each 18549  
year shall be paid by the clerk to the city treasurer, except 18550  
that, in a county-operated municipal court, the moneys shall be 18551  
paid to the treasurer of the county in which the court is located. 18552  
The treasurer shall pay any part of the moneys at any time to the 18553  
person who has the right to the moneys upon proper certification 18554  
of the clerk. 18555

(H) Deputy clerks may be appointed by the clerk and shall 18556  
receive the compensation, payable in semimonthly installments out 18557  
of the city treasury, that the clerk may prescribe, except that 18558  
the compensation of any deputy clerk of a county-operated 18559  
municipal court shall be paid out of the treasury of the county in 18560

which the court is located. Each deputy clerk shall take an oath  
of office before entering upon the duties of the deputy clerk's  
office and, when so qualified, may perform the duties appertaining  
to the office of the clerk. The clerk may require any of the  
deputy clerks to give bond of not less than three thousand  
dollars, conditioned for the faithful performance of the deputy  
clerk's duties.

(I) For the purposes of this section, whenever the population  
of the territory of a municipal court falls below one hundred  
thousand but not below ninety thousand, and the population of the  
territory prior to the most recent regular federal census exceeded  
one hundred thousand, the legislative authority of the municipal  
corporation may declare, by resolution, that the territory shall  
be considered to have a population of at least one hundred  
thousand.

(J) The clerk or a deputy clerk shall be in attendance at all  
sessions of the municipal court, although not necessarily in the  
courtroom, and may administer oaths to witnesses and jurors and  
receive verdicts.

**Sec. 1907.24.** (A) Subject to division (C) of this section, a  
county court shall fix and tax fees and costs as follows:

(1) The county court shall require an advance deposit for the  
filing of any new civil action or proceeding when required by  
division (C) of this section and, in all other cases, shall  
establish a schedule of fees and costs to be taxed in any civil or  
criminal action or proceeding.

(2) The county court by rule may require an advance deposit  
for the filing of a civil action or proceeding and publication  
fees as provided in section 2701.09 of the Revised Code. The court  
may waive an advance deposit requirement upon the presentation of

an affidavit or other evidence that establishes that a party is 18591  
unable to make the requisite deposit. 18592

(3) When a party demands a jury trial in a civil action or 18593  
proceeding, the county court may require the party to make an 18594  
advance deposit as fixed by rule of court, unless the court 18595  
concludes, on the basis of an affidavit or other evidence 18596  
presented by the party, that the party is unable to make the 18597  
requisite deposit. If a jury is called, the county court shall tax 18598  
the fees of a jury as costs. 18599

(4) In a civil or criminal action or proceeding, the county 18600  
court shall fix the fees of witnesses in accordance with sections 18601  
2335.06 and 2335.08 of the Revised Code. 18602

(5) A county court may tax as part of the costs in a trial of 18603  
the cause, in an amount fixed by rule of court, a reasonable 18604  
charge for driving, towing, carting, storing, keeping, and 18605  
preserving motor vehicles and other personal property recovered or 18606  
seized in a proceeding. 18607

(6) The court shall preserve chattel property seized under a 18608  
writ or process issued by the court pending final disposition for 18609  
the benefit of all interested persons. The court may place the 18610  
chattel property in storage when necessary or proper for its 18611  
preservation. The custodian of chattel property so stored shall 18612  
not be required to part with the possession of the property until 18613  
a reasonable charge, to be fixed by the court, is paid. 18614

(7) The county court, as it determines, may refund all 18615  
deposits and advance payments of fees and costs, including those 18616  
for jurors and summoning jurors, when they have been paid by the 18617  
losing party. 18618

(8) The court may tax as part of costs charges for the 18619  
publication of legal notices required by statute or order of 18620  
court, as provided by section 7.13 of the Revised Code. 18621

(B)(1) The county court may determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment of magistrates, the training and education of judges, acting judges, and magistrates, and other related services. Upon that determination, the court by rule may charge a fee, in addition to all other court costs, on the filing of each criminal cause, civil action or proceeding, or judgment by confession.

If the county court offers a special program or service in cases of a specific type, the county court by rule may assess an additional charge in a case of that type, over and above court costs, to cover the special program or service. The county court shall adjust the special assessment periodically, but not retroactively, so that the amount assessed in those cases does not exceed the actual cost of providing the service or program.

All moneys collected under division (B) of this section shall be paid to the county treasurer for deposit into either a general special projects fund or a fund established for a specific special project. Moneys from a fund of that nature shall be disbursed upon an order of the court in an amount no greater than the actual cost to the court of a project. If a specific fund is terminated because of the discontinuance of a program or service established under division (B) of this section, the county court may order that moneys remaining in the fund be transferred to an account established under this division for a similar purpose.

(2) As used in division (B) of this section:

(a) "Criminal cause" means a charge alleging the violation of

a statute or ordinance, or subsection of a statute or ordinance, 18653  
that requires a separate finding of fact or a separate plea before 18654  
disposition and of which the defendant may be found guilty, 18655  
whether filed as part of a multiple charge on a single summons, 18656  
citation, or complaint or as a separate charge on a single 18657  
summons, citation, or complaint. "Criminal cause" does not include 18658  
separate violations of the same statute or ordinance, or 18659  
subsection of the same statute or ordinance, unless each charge is 18660  
filed on a separate summons, citation, or complaint. 18661

(b) "Civil action or proceeding" means any civil litigation 18662  
that must be determined by judgment entry. 18663

(C) Subject to division (E) of this section, the county court 18664  
shall collect in all its divisions except the small claims 18665  
division the sum of ~~fifteen~~ twenty-six dollars as additional 18666  
filing fees in each new civil action or proceeding for the 18667  
charitable public purpose of providing financial assistance to 18668  
legal aid societies that operate within the state and to support 18669  
the office of the state public defender. Subject to division (E) 18670  
of this section, the county court shall collect in its small 18671  
claims division the sum of ~~seven~~ eleven dollars as additional 18672  
filing fees in each new civil action or proceeding for the 18673  
charitable public purpose of providing financial assistance to 18674  
legal aid societies that operate within the state and to support 18675  
the office of the state public defender. This division does not 18676  
apply to any execution on a judgment, proceeding in aid of 18677  
execution, or other post-judgment proceeding arising out of a 18678  
civil action. The filing fees required to be collected under this 18679  
division shall be in addition to any other court costs imposed in 18680  
the action or proceeding and shall be collected at the time of the 18681  
filing of the action or proceeding. The court shall not waive the 18682  
payment of the additional filing fees in a new civil action or 18683  
proceeding unless the court waives the advanced payment of all 18684

filing fees in the action or proceeding. All such moneys collected 18685  
during a month shall be transmitted on or before the twentieth day 18686  
of the following month by the clerk of the court to the treasurer 18687  
of state in a manner prescribed by the treasurer of state or by 18688  
the Ohio legal assistance foundation. The ~~moneys then shall be~~ 18689  
~~deposited by the~~ treasurer of state shall deposit four per cent of 18690  
the funds collected under this division to the credit of the civil 18691  
case filing fee fund established under section 120.07 of the 18692  
Revised Code and ninety-six per cent of the funds collected under 18693  
this division to the credit of the legal aid fund established 18694  
under section 120.52 of the Revised Code. 18695

The court may retain up to one per cent of the moneys it 18696  
collects under this division to cover administrative costs, 18697  
including the hiring of any additional personnel necessary to 18698  
implement this division. 18699

(D) The county court shall establish by rule a schedule of 18700  
fees for miscellaneous services performed by the county court or 18701  
any of its judges in accordance with law. If judges of the court 18702  
of common pleas perform similar services, the fees prescribed in 18703  
the schedule shall not exceed the fees for those services 18704  
prescribed by the court of common pleas. 18705

(E) Under the circumstances described in sections 2969.21 to 18706  
2969.27 of the Revised Code, the clerk of the county court shall 18707  
charge the fees and perform the other duties specified in those 18708  
sections. 18709

**Sec. 2113.041.** (A) The administrator of the estate recovery 18710  
program established pursuant to section 5111.11 of the Revised 18711  
Code may present an affidavit to a financial institution 18712  
requesting that the financial institution release account proceeds 18713  
to recover the cost of services correctly provided to a medicaid 18714  
recipient who is subject to the estate recovery program. The 18715

affidavit shall include all of the following information:	18716
(1) The name of the decedent;	18717
(2) The name of any person who gave notice that the decedent was a medicaid recipient and that person's relationship to the decedent;	18718 18719 18720
(3) The name of the financial institution;	18721
(4) The account number;	18722
(5) A description of the claim for estate recovery;	18723
(6) The amount of funds to be recovered.	18724
(B) A financial institution may release account proceeds to the administrator of the estate recovery program if all of the following apply:	18725 18726 18727
(1) The decedent held an account at the financial institution that was in the decedent's name only.	18728 18729
(2) No estate has been, and it is reasonable to assume that no estate will be, opened for the decedent.	18730 18731
(3) The decedent has no outstanding debts known to the administrator of the estate recovery program.	18732 18733
(4) The financial institution has received no objections or has determined that no valid objections to release of proceeds have been received.	18734 18735 18736
(C) If proceeds have been released pursuant to division (B) of this section and the department of job and family services receives notice of a valid claim to the proceeds that has a higher priority under section 2117.25 of the Revised Code than the claim of the estate recovery program, the department may refund the proceeds to the financial institution or pay them to the person or government entity with the claim.	18737 18738 18739 18740 18741 18742 18743

**Sec. 2117.061.** (A) As used in this section, ~~"person:~~ 18744

(1) "Medicaid estate recovery program" means the program 18745  
instituted under section 5111.11 of the Revised Code. 18746

(2) "Permanently institutionalized individual" has the same 18747  
meaning as in section 5111.11 of the Revised Code. 18748

(3) "Person responsible for the estate" means the executor, 18749  
administrator, commissioner, or person who filed pursuant to 18750  
section 2113.03 of the Revised Code for release from 18751  
administration of an estate. 18752

(B) If ~~the a~~ a decedent, at the time of death, was fifty-five 18753  
years of age or older ~~at the time of death~~ or a permanently 18754  
institutionalized individual, the person responsible for ~~an the~~ 18755  
decedent's estate shall determine whether the decedent was, at any 18756  
time during the decedent's life, a medicaid recipient ~~of medical~~ 18757  
~~assistance~~ under Chapter 5111. of the Revised Code. If the 18758  
decedent was a medicaid recipient, the person responsible for the 18759  
estate shall ~~give written notice to that effect~~ submit a properly 18760  
completed medicaid estate recovery reporting form prescribed under 18761  
division (D) of this section to the administrator of the medicaid 18762  
estate recovery program ~~instituted under section 5111.11 of the~~ 18763  
~~Revised Code~~ not later than thirty days after the occurrence of 18764  
any of the following: 18765

(1) The granting of letters testamentary; 18766

(2) The administration of the estate; 18767

(3) The filing of an application for release from 18768  
administration or summary release from administration. 18769

(C) The person responsible for ~~an the~~ the estate shall mark the 18770  
appropriate box on the appropriate probate form to indicate 18771  
compliance with the requirements of division (B) of this section. 18772

The probate court shall send a copy of the completed probate form to the administrator of the medicaid estate recovery program. 18773  
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(D) The administrator of the estate recovery program shall prescribe a medicaid estate recovery reporting form for the purpose of division (B) of this section. The form shall require, at a minimum, that the person responsible for the estate list all of the decedent's real and personal property and other assets that are part of the decedent's estate as defined in section 5111.11 of the Revised Code. The administrator shall include on the form a statement printed in bold letters informing the person responsible for the estate that knowingly making a false statement on the form is falsification under section 2921.13 of the Revised Code, a misdemeanor of the first degree. 18775  
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(E) The estate recovery program administrator shall present a claim for estate recovery to the person responsible for the estate or the person's legal representative not later than ninety days after the date on which notice the medicaid estate recovery reporting form is received under division (B) of this section or one year after the decedent's death, whichever is later. 18786  
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**Sec. 2151.282.** (A) There is hereby created the Ohio court appointed special advocate/guardian ad litem (CASA/GAL) study committee consisting of five members. One member shall be a representative of the Ohio court appointed special advocate/guardian ad litem association appointed by the governor and shall be the chairperson of the committee. One member shall be a member of the Ohio juvenile judges association, appointed by the president of the senate. One member shall be a member of the Ohio state bar association appointed by the speaker of the house of representatives. One member shall be a representative of the office of the state public defender appointed by the minority leader of the senate. One member shall be a representative of the 18792  
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Ohio county commissioner's association appointed by the minority leader of the house of representatives. The members of the committee shall be appointed within sixty days after the effective date of this section. The committee shall do all of the following: 18804  
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(1) Compile available public data associated with state and local costs of advocating on behalf of children who have been found to be abused, neglected, or dependent children; 18808  
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(2) Examine the costs in counties that have established and operated an Ohio CASA/GAL association program, and the costs in counties that utilize the county public defender, joint county public defender, or court-appointed counsel, to advocate on behalf of children who have been found to be abused, neglected, or dependent children; 18811  
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(3) Analyze the total cost of advocating on behalf of children who have been found to be abused, neglected, or dependent children on a per county basis and a per child served basis; 18817  
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(4) Analyze the cost benefit of having an Ohio CASA/GAL association versus utilizing the county public defender, joint county public defender, or court-appointed counsel to advocate on behalf of children who have been found to be abused, neglected, or dependent children; 18820  
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(5) Analyze the advocacy services provided to abused children, neglected children, or dependent children by Ohio CASA/GAL association programs versus the advocacy services provided to abused, neglected, or dependent children by county public defenders, joint county public defenders, or court-appointed counsel. 18825  
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(B) The Ohio CASA/GAL association shall provide staff for the Ohio CASA/GAL study committee and shall pay for any expenses incurred by the study committee. The study committee shall meet 18831  
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within thirty days after the appointment of the members to the 18834  
study committee. 18835

(C) The Ohio CASA/GAL study committee shall prepare a report 18836  
containing all relevant data and information that division (A) of 18837  
this section requires the study committee to compile, examine, and 18838  
analyze. The Ohio CASA/GAL study committee shall deliver a final 18839  
copy of the report to the governor, the speaker of the house of 18840  
representatives, and the president of the senate on or before July 18841  
1, 2007. 18842

**Sec. 2151.352.** A child, ~~or~~ the child's parents, or custodian, 18843  
or any other person in loco parentis of ~~such~~ the child is entitled 18844  
to representation by legal counsel at all stages of the 18845  
proceedings under this chapter or Chapter 2152. of the Revised 18846  
Code ~~and if.~~ If, as an indigent person, ~~any such person~~ a party is 18847  
unable to employ counsel, the party is entitled to have counsel 18848  
provided for the person pursuant to Chapter 120. of the Revised 18849  
Code except in civil matters in which the juvenile court is 18850  
exercising jurisdiction pursuant to division (A)(2), (3), (9), 18851  
(10), (11), (12), or (13); (B)(2), (3), (4), (5), or (6); (C); 18852  
(D); or (F)(1) or (2) of section 2151.23 of the Revised Code. If a 18853  
party appears without counsel, the court shall ascertain whether 18854  
the party knows of the party's right to counsel and of the party's 18855  
right to be provided with counsel if the party is an indigent 18856  
person. The court may continue the case to enable a party to 18857  
obtain counsel ~~or~~, to be represented by the county public defender 18858  
or the joint county public defender ~~and shall provide,~~ or to be 18859  
appointed counsel upon request pursuant to Chapter 120. of the 18860  
Revised Code. Counsel must be provided for a child not represented 18861  
by the child's parent, guardian, or custodian. If the interests of 18862  
two or more such parties conflict, separate counsel shall be 18863  
provided for each of them. 18864

Section 2935.14 of the Revised Code applies to any child 18865  
taken into custody. The parents, custodian, or guardian of such 18866  
child, and any attorney at law representing them or the child, 18867  
shall be entitled to visit such child at any reasonable time, be 18868  
present at any hearing involving the child, and be given 18869  
reasonable notice of such hearing. 18870

Any report or part thereof concerning such child, which is 18871  
used in the hearing and is pertinent thereto, shall for good cause 18872  
shown be made available to any attorney at law representing such 18873  
child and to any attorney at law representing the parents, 18874  
custodian, or guardian of such child, upon written request prior 18875  
to any hearing involving such child. 18876

**Sec. 2151.416.** (A) Each agency that is required by section 18877  
2151.412 of the Revised Code to prepare a case plan for a child 18878  
shall complete a semiannual administrative review of the case plan 18879  
no later than six months after the earlier of the date on which 18880  
the complaint in the case was filed or the child was first placed 18881  
in shelter care. After the first administrative review, the agency 18882  
shall complete semiannual administrative reviews no later than 18883  
every six months. If the court issues an order pursuant to section 18884  
2151.414 or 2151.415 of the Revised Code, the agency shall 18885  
complete an administrative review no later than six months after 18886  
the court's order and continue to complete administrative reviews 18887  
no later than every six months after the first review, except that 18888  
the court hearing held pursuant to section 2151.417 of the Revised 18889  
Code may take the place of any administrative review that would 18890  
otherwise be held at the time of the court hearing. When 18891  
conducting a review, the child's health and safety shall be the 18892  
paramount concern. 18893

(B) Each administrative review required by division (A) of 18894  
this section shall be conducted by a review panel of at least 18895

three persons, including, but not limited to, both of the 18896  
following: 18897

(1) A caseworker with day-to-day responsibility for, or 18898  
familiarity with, the management of the child's case plan; 18899

(2) A person who is not responsible for the management of the 18900  
child's case plan or for the delivery of services to the child or 18901  
the parents, guardian, or custodian of the child. 18902

(C) Each semiannual administrative review shall include, but 18903  
not be limited to, a joint meeting by the review panel with the 18904  
parents, guardian, or custodian of the child, the guardian ad 18905  
litem of the child, and the child's foster care provider and shall 18906  
include an opportunity for those persons to submit any written 18907  
materials to be included in the case record of the child. If a 18908  
parent, guardian, custodian, guardian ad litem, or foster care 18909  
provider of the child cannot be located after reasonable efforts 18910  
to do so or declines to participate in the administrative review 18911  
after being contacted, the agency does not have to include them in 18912  
the joint meeting. 18913

(D) The agency shall prepare a written summary of the 18914  
semiannual administrative review that shall include, but not be 18915  
limited to, all of the following: 18916

(1) A conclusion regarding the safety and appropriateness of 18917  
the child's foster care placement; 18918

(2) The extent of the compliance with the case plan of all 18919  
parties; 18920

(3) The extent of progress that has been made toward 18921  
alleviating the circumstances that required the agency to assume 18922  
temporary custody of the child; 18923

(4) An estimated date by which the child may be returned to 18924  
and safely maintained in the child's home or placed for adoption 18925

or legal custody; 18926

(5) An updated case plan that includes any changes that the 18927  
agency is proposing in the case plan; 18928

(6) The recommendation of the agency as to which agency or 18929  
person should be given custodial rights over the child for the 18930  
six-month period after the administrative review; 18931

(7) The names of all persons who participated in the 18932  
administrative review. 18933

(E) The agency shall file the summary with the court no later 18934  
than seven days after the completion of the administrative review. 18935  
If the agency proposes a change to the case plan as a result of 18936  
the administrative review, the agency shall file the proposed 18937  
change with the court at the time it files the summary. The agency 18938  
shall give notice of the summary and proposed change in writing 18939  
before the end of the next day after filing them to all parties 18940  
and the child's guardian ad litem. All parties and the guardian ad 18941  
litem shall have seven days after the date the notice is sent to 18942  
object to and request a hearing on the proposed change. 18943

(1) If the court receives a timely request for a hearing, the 18944  
court shall schedule a hearing pursuant to section 2151.417 of the 18945  
Revised Code to be held not later than thirty days after the court 18946  
receives the request. The court shall give notice of the date, 18947  
time, and location of the hearing to all parties and the guardian 18948  
ad litem. The agency may implement the proposed change after the 18949  
hearing, if the court approves it. The agency shall not implement 18950  
the proposed change unless it is approved by the court. 18951

(2) If the court does not receive a timely request for a 18952  
hearing, the court may approve the proposed change without a 18953  
hearing. If the court approves the proposed change without a 18954  
hearing, it shall journalize the case plan with the change not 18955  
later than fourteen days after the change is filed with the court. 18956

If the court does not approve the proposed change to the case plan, it shall schedule a review hearing to be held pursuant to section 2151.417 of the Revised Code no later than thirty days after the expiration of the fourteen-day time period and give notice of the date, time, and location of the hearing to all parties and the guardian ad litem of the child. If, despite the requirements of this division and division (D) of section 2151.417 of the Revised Code, the court neither approves and journalizes the proposed change nor conducts a hearing, the agency may implement the proposed change not earlier than fifteen days after it is submitted to the court.

(F) The director of job and family services may adopt rules pursuant to Chapter 119. of the Revised Code for procedures and standard forms for conducting administrative reviews pursuant to this section.

(G) The juvenile court that receives the written summary of the administrative review, upon determining, either from the written summary, case plan, or otherwise, that the custody or care arrangement is not in the best interest of the child, may terminate the custody of an agency and place the child in the custody of another institution or association certified by the department of job and family services under section 5103.03 of the Revised Code.

(H) The department of job and family services shall report annually to the public and to the general assembly on the results of the review of case plans of each agency ~~and on the results of the summaries submitted to the department under section 3107.10 of the Revised Code.~~ The annual report shall include any information that is required by the department, including, but not limited to, all of the following:

(1) A statistical analysis of the administrative reviews

conducted pursuant to this section and section 2151.417 of the Revised Code; 18988  
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(2) The number of children in temporary or permanent custody for whom an administrative review was conducted, the number of children whose custody status changed during the period, the number of children whose residential placement changed during the period, and the number of residential placement changes for each child during the period; 18990  
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(3) An analysis of the utilization of public social services by agencies and parents or guardians, and the utilization of the adoption listing service of the department pursuant to section 5103.154 of the Revised Code; 18996  
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~~(4) A compilation and analysis of data submitted to the department under section 3107.10 of the Revised Code. 19000  
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**Sec. 2152.43.** (A) A board of county commissioners that provides a detention facility and the board of trustees of a district detention facility may apply to the department of youth services under section 5139.281 of the Revised Code for assistance in defraying the cost of operating and maintaining the facility. The application shall be made on forms prescribed and furnished by the department. 19002  
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The board of county commissioners of each county that participates in a district detention facility may apply to the department of youth services for assistance in defraying the county's share of the cost of acquisition or construction of the facility, as provided in section 5139.271 of the Revised Code. Application shall be made in accordance with rules adopted by the department. No county shall be reimbursed for expenses incurred in the acquisition or construction of a district detention facility that serves a district having a population of less than one 19009  
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hundred thousand.

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(B)(1) The joint boards of county commissioners of district detention facilities shall defray all necessary expenses of the facility not paid from funds made available under section 5139.281 of the Revised Code, through annual assessments of taxes, through gifts, or through other means.

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If any county withdraws from a district under division (D) of section 2152.41 of the Revised Code, it shall continue to have levied against its tax duplicate any tax levied by the district during the period in which the county was a member of the district for current operating expenses, permanent improvements, or the retirement of bonded indebtedness. The levy shall continue to be a levy against the tax duplicate of the county until the time that it expires or is renewed.

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(2) The current expenses of maintaining the facility not paid from funds made available under section 5139.281 of the Revised Code or division (C) of this section, and the cost of ordinary repairs to the facility, shall be paid by each county in accordance with one of the following methods as approved by the joint board of county commissioners:

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(a) In proportion to the number of children from that county who are maintained in the facility during the year;

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(b) By a levy submitted by the joint board of county commissioners under division (A) of section 5705.19 of the Revised Code and approved by the electors of the district;

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(c) In proportion to the taxable property of each county, as shown by its tax duplicate;

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(d) In any ~~combination of the methods for payment described in division (B)(2)(a), (b), or (c) of this section~~ other method agreed upon by unanimous vote of the joint board of county

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commissioners. 19048

(C) When any person donates or bequeaths any real or personal 19049  
property to a county or district detention facility, the juvenile 19050  
court or the trustees of the facility may accept and use the gift, 19051  
consistent with the best interest of the institution and the 19052  
conditions of the gift. 19053

**Sec. 2152.74.** (A) As used in this section, "DNA analysis" and 19054  
"DNA specimen" have the same meanings as in section 109.573 of the 19055  
Revised Code. 19056

(B)(1) A child who is adjudicated a delinquent child for 19057  
committing an act listed in division (D) of this section and who 19058  
is committed to the custody of the department of youth services, 19059  
placed in a detention facility or district detention facility 19060  
pursuant to division (A)(3) of section 2152.19 of the Revised 19061  
Code, or placed in a school, camp, institution, or other facility 19062  
for delinquent children described in division (A)(2) of section 19063  
2152.19 of the Revised Code shall submit to a DNA specimen 19064  
collection procedure administered by the director of youth 19065  
services if committed to the department or by the chief 19066  
administrative officer of the detention facility, district 19067  
detention facility, school, camp, institution, or other facility 19068  
for delinquent children to which the child was committed or in 19069  
which the child was placed. If the court commits the child to the 19070  
department of youth services, the director of youth services shall 19071  
cause the DNA specimen to be collected from the child during the 19072  
intake process at an institution operated by or under the control 19073  
of the department. If the court commits the child to or places the 19074  
child in a detention facility, district detention facility, 19075  
school, camp, institution, or other facility for delinquent 19076  
children, the chief administrative officer of the detention 19077  
facility, district detention facility, school, camp, institution, 19078

or facility to which the child is committed or in which the child  
is placed shall cause the DNA specimen to be collected from the  
child during the intake process for the detention facility,  
district detention facility, school, camp, institution, or  
facility. In accordance with division (C) of this section, the  
director or the chief administrative officer shall cause the DNA  
specimen to be forwarded to the bureau of criminal identification  
and investigation no later than fifteen days after the date of the  
collection of the DNA specimen. The DNA specimen shall be  
collected from the child in accordance with division (C) of this  
section.

(2) If a child is adjudicated a delinquent child for  
committing an act listed in division (D) of this section, is  
committed to or placed in the department of youth services, a  
detention facility or district detention facility, or a school,  
camp, institution, or other facility for delinquent children, and  
does not submit to a DNA specimen collection procedure pursuant to  
division (B)(1) of this section, prior to the child's release from  
the custody of the department of youth services, from the custody  
of the detention facility or district detention facility, or from  
the custody of the school, camp, institution, or facility, the  
child shall submit to, and the director of youth services or the  
chief administrator of the detention facility, district detention  
facility, school, camp, institution, or facility to which the  
child is committed or in which the child was placed shall  
administer, a DNA specimen collection procedure at the institution  
operated by or under the control of the department of youth  
services or at the detention facility, district detention  
facility, school, camp, institution, or facility to which the  
child is committed or in which the child was placed. In accordance  
with division (C) of this section, the director or the chief  
administrative officer shall cause the DNA specimen to be

forwarded to the bureau of criminal identification and 19111  
investigation no later than fifteen days after the date of the 19112  
collection of the DNA specimen. The DNA specimen shall be 19113  
collected in accordance with division (C) of this section. 19114

(C) If the DNA specimen is collected by withdrawing blood 19115  
from the child or a similarly invasive procedure, a physician, 19116  
registered nurse, licensed practical nurse, duly licensed clinical 19117  
laboratory technician, or other qualified medical practitioner 19118  
shall collect in a medically approved manner the DNA specimen 19119  
required to be collected pursuant to division (B) of this section. 19120  
If the DNA specimen is collected by swabbing for buccal cells or a 19121  
similarly noninvasive procedure, this section does not require 19122  
that the DNA specimen be collected by a qualified medical 19123  
practitioner of that nature. No later than fifteen days after the 19124  
date of the collection of the DNA specimen, the director of youth 19125  
services or the chief administrative officer of the detention 19126  
facility, district detention facility, school, camp, institution, 19127  
or other facility for delinquent children to which the child is 19128  
committed or in which the child was placed shall cause the DNA 19129  
specimen to be forwarded to the bureau of criminal identification 19130  
and investigation in accordance with procedures established by the 19131  
superintendent of the bureau under division (H) of section 109.573 19132  
of the Revised Code. The bureau shall provide the specimen vials, 19133  
mailing tubes, labels, postage, and instruction needed for the 19134  
collection and forwarding of the DNA specimen to the bureau. 19135

(D) The director of youth services and the chief 19136  
administrative officer of a detention facility, district detention 19137  
facility, school, camp, institution, or other facility for 19138  
delinquent children shall cause a DNA specimen to be collected in 19139  
accordance with divisions (B) and (C) of this section from each 19140  
child in its custody who is adjudicated a delinquent child for 19141  
committing any of the following acts: 19142

(1) A violation of section 2903.01, 2903.02, 2903.11,	19143
2905.01, 2907.02, 2907.03, 2907.05, 2911.01, 2911.02, 2911.11, or	19144
2911.12 of the Revised Code;	19145
(2) A violation of section 2907.12 of the Revised Code as it	19146
existed prior to September 3, 1996;	19147
(3) An attempt to commit a violation of section 2903.01,	19148
2903.02, 2907.02, 2907.03, or 2907.05 of the Revised Code or to	19149
commit a violation of section 2907.12 of the Revised Code as it	19150
existed prior to September 3, 1996;	19151
(4) A violation of any law that arose out of the same facts	19152
and circumstances and same act as did a charge against the child	19153
of a violation of section 2903.01, 2903.02, 2905.01, 2907.02,	19154
2907.03, 2907.05, or 2911.11 of the Revised Code that previously	19155
was dismissed or amended or as did a charge against the child of a	19156
violation of section 2907.12 of the Revised Code as it existed	19157
prior to September 3, 1996, that previously was dismissed or	19158
amended;	19159
(5) A violation of section 2905.02 or 2919.23 of the Revised	19160
Code that would have been a violation of section 2905.04 of the	19161
Revised Code as it existed prior to July 1, 1996, had the	19162
violation been committed prior to that date;	19163
(6) A felony violation of any law that arose out of the same	19164
facts and circumstances and same act as did a charge against the	19165
child of a violation of section 2903.11, 2911.01, 2911.02, or	19166
2911.12 of the Revised Code that previously was dismissed or	19167
amended;	19168
(7) A violation of section 2923.01 of the Revised Code	19169
involving a conspiracy to commit a violation of section 2903.01,	19170
2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the	19171
Revised Code;	19172

(8) A violation of section 2923.03 of the Revised Code 19173  
involving complicity in committing a violation of section 2903.01, 19174  
2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 19175  
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a 19176  
violation of section 2907.12 of the Revised Code as it existed 19177  
prior to September 3, 1996. 19178

(E) The director of youth services and the chief 19179  
administrative officer of a detention facility, district detention 19180  
facility, school, camp, institution, or other facility for 19181  
delinquent children is not required to comply with this section in 19182  
relation to the following acts until the superintendent of the 19183  
bureau of criminal identification and investigation gives agencies 19184  
in the juvenile justice system, as defined in section ~~181.51~~ 19185  
5502.61 of the Revised Code, in the state official notification 19186  
that the state DNA laboratory is prepared to accept DNA specimens 19187  
of that nature: 19188

(1) A violation of section 2903.11, 2911.01, 2911.02, or 19189  
2911.12 of the Revised Code; 19190

(2) An attempt to commit a violation of section 2903.01 or 19191  
2903.02 of the Revised Code; 19192

(3) A felony violation of any law that arose out of the same 19193  
facts and circumstances and same act as did a charge against the 19194  
child of a violation of section 2903.11, 2911.01, 2911.02, or 19195  
2911.12 of the Revised Code that previously was dismissed or 19196  
amended; 19197

(4) A violation of section 2923.01 of the Revised Code 19198  
involving a conspiracy to commit a violation of section 2903.01, 19199  
2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the 19200  
Revised Code; 19201

(5) A violation of section 2923.03 of the Revised Code 19202  
involving complicity in committing a violation of section 2903.01, 19203

2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 19204  
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a 19205  
violation of section 2907.12 of the Revised Code as it existed 19206  
prior to September 3, 1996. 19207

**Sec. 2303.201.** (A)(1) The court of common pleas of any county 19208  
may determine that for the efficient operation of the court 19209  
additional funds are required to computerize the court, to make 19210  
available computerized legal research services, or to do both. 19211  
Upon making a determination that additional funds are required for 19212  
either or both of those purposes, the court shall authorize and 19213  
direct the clerk of the court of common pleas to charge one 19214  
additional fee, not to exceed three dollars, on the filing of each 19215  
cause of action or appeal under divisions (A), (Q), and (U) of 19216  
section 2303.20 of the Revised Code. 19217

(2) All fees collected under division (A)(1) of this section 19218  
shall be paid to the county treasurer. The treasurer shall place 19219  
the funds from the fees in a separate fund to be disbursed, upon 19220  
an order of the court, in an amount not greater than the actual 19221  
cost to the court of procuring and maintaining computerization of 19222  
the court, computerized legal research services, or both. 19223

(3) If the court determines that the funds in the fund 19224  
described in division (A)(2) of this section are more than 19225  
sufficient to satisfy the purpose for which the additional fee 19226  
described in division (A)(1) of this section was imposed, the 19227  
court may declare a surplus in the fund and expend those surplus 19228  
funds for other appropriate technological expenses of the court. 19229

(B)(1) The court of common pleas of any county may determine 19230  
that, for the efficient operation of the court, additional funds 19231  
are required to computerize the office of the clerk of the court 19232  
of common pleas and, upon that determination, authorize and direct 19233  
the clerk of the court of common pleas to charge an additional 19234

fee, not to exceed ten dollars, on the filing of each cause of  
action or appeal, on the filing, docketing, and endorsing of each  
certificate of judgment, or on the docketing and indexing of each  
aid in execution or petition to vacate, revive, or modify a  
judgment under divisions (A), (P), (Q), (T), and (U) of section  
2303.20 of the Revised Code. Subject to division (B)(2) of this  
section, all moneys collected under division (B)(1) of this  
section shall be paid to the county treasurer to be disbursed,  
upon an order of the court of common pleas and subject to  
appropriation by the board of county commissioners, in an amount  
no greater than the actual cost to the court of procuring and  
maintaining computer systems for the office of the clerk of the  
court of common pleas.

(2) If the court of common pleas of a county makes the  
determination described in division (B)(1) of this section, the  
board of county commissioners of that county may issue one or more  
general obligation bonds for the purpose of procuring and  
maintaining the computer systems for the office of the clerk of  
the court of common pleas. In addition to the purposes stated in  
division (B)(1) of this section for which the moneys collected  
under that division may be expended, the moneys additionally may  
be expended to pay debt charges on and financing costs related to  
any general obligation bonds issued pursuant to division (B)(2) of  
this section as they become due. General obligation bonds issued  
pursuant to division (B)(2) of this section are Chapter 133.  
securities.

(C) The court of common pleas shall collect the sum of  
~~fifteen~~ twenty-six dollars as additional filing fees in each new  
civil action or proceeding for the charitable public purpose of  
providing financial assistance to legal aid societies that operate  
within the state and to support the office of the state public  
defender. This division does not apply to proceedings concerning

annulments, dissolutions of marriage, divorces, legal separation, 19267  
spousal support, marital property or separate property 19268  
distribution, support, or other domestic relations matters; to a 19269  
juvenile division of a court of common pleas; to a probate 19270  
division of a court of common pleas, except that the additional 19271  
filing fees shall apply to name change, guardianship, ~~and~~ 19272  
adoption, and decedents' estate proceedings; or to an execution on 19273  
a judgment, proceeding in aid of execution, or other post-judgment 19274  
proceeding arising out of a civil action. The filing fees required 19275  
to be collected under this division shall be in addition to any 19276  
other filing fees imposed in the action or proceeding and shall be 19277  
collected at the time of the filing of the action or proceeding. 19278  
The court shall not waive the payment of the additional filing 19279  
fees in a new civil action or proceeding unless the court waives 19280  
the advanced payment of all filing fees in the action or 19281  
proceeding. All such moneys collected during a month shall be 19282  
transmitted on or before the twentieth day of the following month 19283  
by the clerk of the court to the treasurer of state in a manner 19284  
prescribed by the treasurer of state or by the Ohio legal 19285  
assistance foundation. ~~The moneys then shall be deposited by the~~ 19286  
treasurer of state shall deposit four per cent of the funds 19287  
collected under this division to the credit of the civil case 19288  
filing fee fund established under section 120.07 of the Revised 19289  
Code and ninety-six per cent of the funds collected under this 19290  
division to the credit of the legal aid fund established under 19291  
section 120.52 of the Revised Code. 19292

The court may retain up to one per cent of the moneys it 19293  
collects under this division to cover administrative costs, 19294  
including the hiring of any additional personnel necessary to 19295  
implement this division. 19296

(D) On and after the thirtieth day after December 9, 1994, 19297  
the court of common pleas shall collect the sum of thirty-two 19298

dollars as additional filing fees in each new action or proceeding 19299  
for annulment, divorce, or dissolution of marriage for the purpose 19300  
of funding shelters for victims of domestic violence pursuant to 19301  
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 19302  
required to be collected under this division shall be in addition 19303  
to any other filing fees imposed in the action or proceeding and 19304  
shall be collected at the time of the filing of the action or 19305  
proceeding. The court shall not waive the payment of the 19306  
additional filing fees in a new action or proceeding for 19307  
annulment, divorce, or dissolution of marriage unless the court 19308  
waives the advanced payment of all filing fees in the action or 19309  
proceeding. On or before the twentieth day of each month, all 19310  
moneys collected during the immediately preceding month pursuant 19311  
to this division shall be deposited by the clerk of the court into 19312  
the county treasury in the special fund used for deposit of 19313  
additional marriage license fees as described in section 3113.34 19314  
of the Revised Code. Upon their deposit into the fund, the moneys 19315  
shall be retained in the fund and expended only as described in 19316  
section 3113.34 of the Revised Code. 19317

(E)(1) The court of common pleas may determine that, for the 19318  
efficient operation of the court, additional funds are necessary 19319  
to acquire and pay for special projects of the court, including, 19320  
but not limited to, the acquisition of additional facilities or 19321  
the rehabilitation of existing facilities, the acquisition of 19322  
equipment, the hiring and training of staff, community service 19323  
programs, mediation or dispute resolution services, the employment 19324  
of magistrates, the training and education of judges, acting 19325  
judges, and magistrates, and other related services. Upon that 19326  
determination, the court by rule may charge a fee, in addition to 19327  
all other court costs, on the filing of each criminal cause, civil 19328  
action or proceeding, or judgment by confession. 19329

If the court of common pleas offers a special program or 19330

service in cases of a specific type, the court by rule may assess 19331  
an additional charge in a case of that type, over and above court 19332  
costs, to cover the special program or service. The court shall 19333  
adjust the special assessment periodically, but not retroactively, 19334  
so that the amount assessed in those cases does not exceed the 19335  
actual cost of providing the service or program. 19336

All moneys collected under division (E) of this section shall 19337  
be paid to the county treasurer for deposit into either a general 19338  
special projects fund or a fund established for a specific special 19339  
project. Moneys from a fund of that nature shall be disbursed upon 19340  
an order of the court in an amount no greater than the actual cost 19341  
to the court of a project. If a specific fund is terminated 19342  
because of the discontinuance of a program or service established 19343  
under division (E) of this section, the court may order that 19344  
moneys remaining in the fund be transferred to an account 19345  
established under this division for a similar purpose. 19346

(2) As used in division (E) of this section: 19347

(a) "Criminal cause" means a charge alleging the violation of 19348  
a statute or ordinance, or subsection of a statute or ordinance, 19349  
that requires a separate finding of fact or a separate plea before 19350  
disposition and of which the defendant may be found guilty, 19351  
whether filed as part of a multiple charge on a single summons, 19352  
citation, or complaint or as a separate charge on a single 19353  
summons, citation, or complaint. "Criminal cause" does not include 19354  
separate violations of the same statute or ordinance, or 19355  
subsection of the same statute or ordinance, unless each charge is 19356  
filed on a separate summons, citation, or complaint. 19357

(b) "Civil action or proceeding" means any civil litigation 19358  
that must be determined by judgment entry. 19359

**Sec. 2305.234.** (A) As used in this section: 19360

(1) "Chiropractic claim," "medical claim," and "optometric claim" have the same meanings as in section 2305.113 of the Revised Code.	19361 19362 19363
(2) "Dental claim" has the same meaning as in section 2305.113 of the Revised Code, except that it does not include any claim arising out of a dental operation or any derivative claim for relief that arises out of a dental operation.	19364 19365 19366 19367
(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.	19368 19369
(4) "Health care facility or location" means a hospital, clinic, ambulatory surgical facility, office of a health care professional or associated group of health care professionals, training institution for health care professionals, or any other place where medical, dental, or other health-related diagnosis, care, or treatment is provided to a person.	19370 19371 19372 19373 19374 19375
(5) "Health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment:	19376 19377 19378
(a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	19379 19380 19381
(b) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code and individuals who hold a certificate of authority issued under that chapter that authorizes the practice of nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;	19382 19383 19384 19385 19386 19387
(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;	19388 19389
(d) Dentists and dental hygienists licensed under Chapter	19390

4715. of the Revised Code;	19391
(e) Physical therapists, physical therapist assistants, occupational therapists, and occupational therapy assistants licensed under Chapter 4755. of the Revised Code;	19392 19393 19394
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	19395 19396
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	19397 19398
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	19399 19400
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	19401 19402
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	19403 19404
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code;	19405 19406 19407 19408
(l) Respiratory care professionals licensed under Chapter 4761. of the Revised Code;	19409 19410
(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code.	19411 19412
(6) "Health care worker" means a person other than a health care professional who provides medical, dental, or other health-related care or treatment under the direction of a health care professional with the authority to direct that individual's activities, including medical technicians, medical assistants, dental assistants, orderlies, aides, and individuals acting in similar capacities.	19413 19414 19415 19416 19417 19418 19419

- (7) "Indigent and uninsured person" means a person who meets 19420  
all of the following requirements: 19421
- (a) The person's income is not greater than two hundred per 19422  
cent of the current poverty line as defined by the United States 19423  
office of management and budget and revised in accordance with 19424  
section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 19425  
95 Stat. 511, 42 U.S.C. 9902, as amended. 19426
- (b) The person is not eligible to receive medical assistance 19427  
under Chapter 5111., ~~disability medical assistance under Chapter~~ 19428  
~~5115.~~ of the Revised Code, or assistance under any other 19429  
governmental health care program. 19430
- (c) Either of the following applies: 19431
- (i) The person is not a policyholder, certificate holder, 19432  
insured, contract holder, subscriber, enrollee, member, 19433  
beneficiary, or other covered individual under a health insurance 19434  
or health care policy, contract, or plan. 19435
- (ii) The person is a policyholder, certificate holder, 19436  
insured, contract holder, subscriber, enrollee, member, 19437  
beneficiary, or other covered individual under a health insurance 19438  
or health care policy, contract, or plan, but the insurer, policy, 19439  
contract, or plan denies coverage or is the subject of insolvency 19440  
or bankruptcy proceedings in any jurisdiction. 19441
- (8) "Nonprofit health care referral organization" means an 19442  
entity that is not operated for profit and refers patients to, or 19443  
arranges for the provision of, health-related diagnosis, care, or 19444  
treatment by a health care professional or health care worker. 19445
- (9) "Operation" means any procedure that involves cutting or 19446  
otherwise infiltrating human tissue by mechanical means, including 19447  
surgery, laser surgery, ionizing radiation, therapeutic 19448  
ultrasound, or the removal of intraocular foreign bodies. 19449

"Operation" does not include the administration of medication by injection, unless the injection is administered in conjunction with a procedure infiltrating human tissue by mechanical means other than the administration of medicine by injection. "Operation" does not include routine dental restorative procedures, the scaling of teeth, or extractions of teeth that are not impacted.

(10) "Tort action" means a civil action for damages for injury, death, or loss to person or property other than a civil action for damages for a breach of contract or another agreement between persons or government entities.

(11) "Volunteer" means an individual who provides any medical, dental, or other health-care related diagnosis, care, or treatment without the expectation of receiving and without receipt of any compensation or other form of remuneration from an indigent and uninsured person, another person on behalf of an indigent and uninsured person, any health care facility or location, any nonprofit health care referral organization, or any other person or government entity.

(12) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(13) "Deep sedation" means a drug-induced depression of consciousness during which a patient cannot be easily aroused but responds purposefully following repeated or painful stimulation, a patient's ability to independently maintain ventilatory function may be impaired, a patient may require assistance in maintaining a patent airway and spontaneous ventilation may be inadequate, and cardiovascular function is usually maintained.

(14) "General anesthesia" means a drug-induced loss of consciousness during which a patient is not arousable, even by painful stimulation, the ability to independently maintain

ventilatory function is often impaired, a patient often requires 19481  
assistance in maintaining a patent airway, positive pressure 19482  
ventilation may be required because of depressed spontaneous 19483  
ventilation or drug-induced depression of neuromuscular function, 19484  
and cardiovascular function may be impaired. 19485

(B)(1) Subject to divisions (F) and (G)(3) of this section, a 19486  
health care professional who is a volunteer and complies with 19487  
division (B)(2) of this section is not liable in damages to any 19488  
person or government entity in a tort or other civil action, 19489  
including an action on a medical, dental, chiropractic, 19490  
optometric, or other health-related claim, for injury, death, or 19491  
loss to person or property that allegedly arises from an action or 19492  
omission of the volunteer in the provision to an indigent and 19493  
uninsured person of medical, dental, or other health-related 19494  
diagnosis, care, or treatment, including the provision of samples 19495  
of medicine and other medical products, unless the action or 19496  
omission constitutes willful or wanton misconduct. 19497

(2) To qualify for the immunity described in division (B)(1) 19498  
of this section, a health care professional shall do all of the 19499  
following prior to providing diagnosis, care, or treatment: 19500

(a) Determine, in good faith, that the indigent and uninsured 19501  
person is mentally capable of giving informed consent to the 19502  
provision of the diagnosis, care, or treatment and is not subject 19503  
to duress or under undue influence; 19504

(b) Inform the person of the provisions of this section, 19505  
including notifying the person that, by giving informed consent to 19506  
the provision of the diagnosis, care, or treatment, the person 19507  
cannot hold the health care professional liable for damages in a 19508  
tort or other civil action, including an action on a medical, 19509  
dental, chiropractic, optometric, or other health-related claim, 19510  
unless the action or omission of the health care professional 19511

constitutes willful or wanton misconduct; 19512

(c) Obtain the informed consent of the person and a written 19513  
waiver, signed by the person or by another individual on behalf of 19514  
and in the presence of the person, that states that the person is 19515  
mentally competent to give informed consent and, without being 19516  
subject to duress or under undue influence, gives informed consent 19517  
to the provision of the diagnosis, care, or treatment subject to 19518  
the provisions of this section. A written waiver under division 19519  
(B)(2)(c) of this section shall state clearly and in conspicuous 19520  
type that the person or other individual who signs the waiver is 19521  
signing it with full knowledge that, by giving informed consent to 19522  
the provision of the diagnosis, care, or treatment, the person 19523  
cannot bring a tort or other civil action, including an action on 19524  
a medical, dental, chiropractic, optometric, or other 19525  
health-related claim, against the health care professional unless 19526  
the action or omission of the health care professional constitutes 19527  
willful or wanton misconduct. 19528

(3) A physician or podiatrist who is not covered by medical 19529  
malpractice insurance, but complies with division (B)(2) of this 19530  
section, is not required to comply with division (A) of section 19531  
4731.143 of the Revised Code. 19532

(C) Subject to divisions (F) and (G)(3) of this section, 19533  
health care workers who are volunteers are not liable in damages 19534  
to any person or government entity in a tort or other civil 19535  
action, including an action upon a medical, dental, chiropractic, 19536  
optometric, or other health-related claim, for injury, death, or 19537  
loss to person or property that allegedly arises from an action or 19538  
omission of the health care worker in the provision to an indigent 19539  
and uninsured person of medical, dental, or other health-related 19540  
diagnosis, care, or treatment, unless the action or omission 19541  
constitutes willful or wanton misconduct. 19542

(D) Subject to divisions (F) and (G)(3) of this section, a nonprofit health care referral organization is not liable in damages to any person or government entity in a tort or other civil action, including an action on a medical, dental, chiropractic, optometric, or other health-related claim, for injury, death, or loss to person or property that allegedly arises from an action or omission of the nonprofit health care referral organization in referring indigent and uninsured persons to, or arranging for the provision of, medical, dental, or other health-related diagnosis, care, or treatment by a health care professional described in division (B)(1) of this section or a health care worker described in division (C) of this section, unless the action or omission constitutes willful or wanton misconduct.

(E) Subject to divisions (F) and (G)(3) of this section and to the extent that the registration requirements of section 3701.071 of the Revised Code apply, a health care facility or location associated with a health care professional described in division (B)(1) of this section, a health care worker described in division (C) of this section, or a nonprofit health care referral organization described in division (D) of this section is not liable in damages to any person or government entity in a tort or other civil action, including an action on a medical, dental, chiropractic, optometric, or other health-related claim, for injury, death, or loss to person or property that allegedly arises from an action or omission of the health care professional or worker or nonprofit health care referral organization relative to the medical, dental, or other health-related diagnosis, care, or treatment provided to an indigent and uninsured person on behalf of or at the health care facility or location, unless the action or omission constitutes willful or wanton misconduct.

(F)(1) Except as provided in division (F)(2) of this section,

the immunities provided by divisions (B), (C), (D), and (E) of  
this section are not available to a health care professional,  
health care worker, nonprofit health care referral organization,  
or health care facility or location if, at the time of an alleged  
injury, death, or loss to person or property, the health care  
professionals or health care workers involved are providing one of  
the following:

(a) Any medical, dental, or other health-related diagnosis,  
care, or treatment pursuant to a community service work order  
entered by a court under division (B) of section 2951.02 of the  
Revised Code or imposed by a court as a community control  
sanction;

(b) Performance of an operation to which any one of the  
following applies:

(i) The operation requires the administration of deep  
sedation or general anesthesia.

(ii) The operation is a procedure that is not typically  
performed in an office.

(iii) The individual involved is a health care professional,  
and the operation is beyond the scope of practice or the  
education, training, and competence, as applicable, of the health  
care professional.

(c) Delivery of a baby or any other purposeful termination of  
a human pregnancy.

(2) Division (F)(1) of this section does not apply when a  
health care professional or health care worker provides medical,  
dental, or other health-related diagnosis, care, or treatment that  
is necessary to preserve the life of a person in a medical  
emergency.

(G)(1) This section does not create a new cause of action or

substantive legal right against a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location. 19605  
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(2) This section does not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law to which a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location may be entitled in connection with the provision of emergency or other medical, dental, or other health-related diagnosis, care, or treatment. 19608  
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(3) This section does not grant an immunity from tort or other civil liability to a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location for actions that are outside the scope of authority of health care professionals or health care workers. 19615  
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(4) This section does not affect any legal responsibility of a health care professional, health care worker, or nonprofit health care referral organization to comply with any applicable law of this state or rule of an agency of this state. 19620  
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(5) This section does not affect any legal responsibility of a health care facility or location to comply with any applicable law of this state, rule of an agency of this state, or local code, ordinance, or regulation that pertains to or regulates building, housing, air pollution, water pollution, sanitation, health, fire, zoning, or safety. 19624  
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Sec. 2305.2341. (A) The medical liability insurance reimbursement program is hereby established. Free clinics, including the clinics' staff and volunteer health care professionals and volunteer health care workers, may participate in the medical liability insurance reimbursement program 19630  
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established by this section. The coverage provided under the 19635  
program shall be limited to claims that arise out of the 19636  
diagnosis, treatment, and care of patients of free clinics, as 19637  
defined in division (D)(1) of this section. 19638

(B) A free clinic is eligible to receive reimbursement under 19639  
the medical liability insurance reimbursement program for the 19640  
premiums that the clinic pays for medical liability insurance 19641  
coverage for the clinic, its staff, and volunteer health care 19642  
professionals and health care workers. Free clinics shall register 19643  
with the department of health by the thirty-first day of January 19644  
of each year in order to participate in and to obtain 19645  
reimbursement under the program. Free clinics shall provide all of 19646  
the following to the department of health at the time of 19647  
registration: 19648

(1) A statement of the number of volunteer and paid health 19649  
care professionals and health care workers providing health care 19650  
services at the free clinic at that time; 19651

(2) A statement of the number of health care services 19652  
rendered by the free clinic during the previous fiscal year; 19653

(3) A signed form acknowledging that the free clinic agrees 19654  
to follow its medical liability insurer's risk management and loss 19655  
prevention policies; 19656

(4) A copy of the medical liability insurance policy 19657  
purchased by the free clinic, or the policy's declaration page, 19658  
and documentation of the premiums paid by the clinic. 19659

(C) The department of health shall reimburse free clinics 19660  
participating in the professional liability insurance 19661  
reimbursement program for eighty per cent of the premiums that the 19662  
free clinic pays for medical liability insurance coverage up to 19663  
twenty thousand dollars. Appropriations to the department of 19664

health may be made from the general fund of the state for this 19665  
purpose. 19666

(D) As used in this section: 19667

(1) "Free clinic" means a nonprofit organization exempt from 19668  
federal income taxation under section 501(c)(3) of the "Internal 19669  
Revenue Code of 1986," as amended, or a program component of a 19670  
nonprofit organization, whose primary mission is to provide health 19671  
care services for free or for a minimal administrative fee to 19672  
individuals with limited resources. A free clinic facilitates the 19673  
delivery of health care services through the use of volunteer 19674  
health care professionals and voluntary care networks. For this 19675  
purpose, a free clinic shall comply with all of the following: 19676

(a) If a free clinic does request a minimal administrative 19677  
fee, a free clinic shall not deny an individual access to its 19678  
health care services based on an individual's ability to pay the 19679  
fee. 19680

(b) A free clinic shall not bill a patient for health care 19681  
services rendered. 19682

(c) Free clinics shall not perform operations, as defined by 19683  
divisions (A)(9) and (F)(1)(b) of section 2305.234 of the Revised 19684  
Code. 19685

A clinic is not a free clinic if the clinic bills medicaid, 19686  
medicare, or other third-party payers for health care services 19687  
rendered at the clinic, and receives twenty-five per cent or more 19688  
of the clinic's annual revenue from the third-party payments. 19689

(2) "Health care professional" and "health care worker" have 19690  
the same meanings as in section 2305.234 of the Revised Code. 19691

**Sec. 2307.65.** (A) The attorney general may bring a civil 19692  
action in the Franklin county court of common pleas on behalf of 19693  
the department of job and family services, and the prosecuting 19694

attorney of the county in which a violation of division (B) of 19695  
section 2913.401 of the Revised Code occurs may bring a civil 19696  
action in the court of common pleas of that county on behalf of 19697  
the county department of job and family services, against a person 19698  
who violates division (B) of section 2913.401 of the Revised Code 19699  
for the recovery of the amount of benefits paid on behalf of a 19700  
person that either department would not have paid but for the 19701  
violation minus any amounts paid in restitution under division 19702  
(C)(2) of section 2913.401 of the Revised Code and for reasonable 19703  
attorney's fees and all other fees and costs of litigation. 19704

(B) In a civil action brought under division (A) of this 19705  
section, if the defendant failed to disclose a transfer of 19706  
property in violation of division (B)(3) of section 2913.401 of 19707  
the Revised Code, the court may also grant any of the following 19708  
relief to the extent permitted by 42 U.S.C. 1396p: 19709

(1) Avoidance of the transfer of property that was not 19710  
disclosed in violation of division (B)(3) of section 2913.401 of 19711  
the Revised Code to the extent of the amount of benefits the 19712  
department would not have paid but for the violation; 19713

(2) An order of attachment or garnishment against the 19714  
property in accordance with Chapter 2715. or 2716. of the Revised 19715  
Code; 19716

(3) An injunction against any further disposition by the 19717  
transferor or transferee, or both, of the property the transfer of 19718  
which was not disclosed in violation of division (B)(3) of section 19719  
2913.401 of the Revised Code or against the disposition of other 19720  
property by the transferor or transferee; 19721

(4) Appointment of a receiver to take charge of the property 19722  
transferred or of other property of the transferee; 19723

(5) Any other relief that the court considers just and 19724

equitable. 19725

(C) To the extent permitted by 42 U.S.C. 1396p, the 19726  
department of job and family services or the county department of 19727  
job and family services may enforce a judgment obtained under this 19728  
section by levying on property the transfer of which was not 19729  
disclosed in violation of division (B)(3) of section 2913.401 of 19730  
the Revised Code or on the proceeds of the transfer of that 19731  
property in accordance with Chapter 2329. of the Revised Code. 19732

(D) The remedies provided in divisions (B) and (C) of this 19733  
section do not apply if the transferee of the property the 19734  
transfer of which was not disclosed in violation of division 19735  
(B)(3) of section 2913.401 of the Revised Code acquired the 19736  
property in good faith and for fair market value. 19737

(E) The remedies provided in this section are not exclusive 19738  
and do not preclude the use of any other criminal or civil remedy 19739  
for any act that is in violation of section 2913.401 of the 19740  
Revised Code. 19741

(F) Amounts of medicaid benefits paid and recovered in an 19742  
action brought under this section shall be credited to the general 19743  
revenue fund, and any applicable federal share shall be returned 19744  
to the appropriate agency or department of the United States. 19745

**Sec. 2329.66.** (A) Every person who is domiciled in this state 19746  
may hold property exempt from execution, garnishment, attachment, 19747  
or sale to satisfy a judgment or order, as follows: 19748

(1)(a) In the case of a judgment or order regarding money 19749  
owed for health care services rendered or health care supplies 19750  
provided to the person or a dependent of the person, one parcel or 19751  
item of real or personal property that the person or a dependent 19752  
of the person uses as a residence. Division (A)(1)(a) of this 19753  
section does not preclude, affect, or invalidate the creation 19754

under this chapter of a judgment lien upon the exempted property 19755  
but only delays the enforcement of the lien until the property is 19756  
sold or otherwise transferred by the owner or in accordance with 19757  
other applicable laws to a person or entity other than the 19758  
surviving spouse or surviving minor children of the judgment 19759  
debtor. Every person who is domiciled in this state may hold 19760  
exempt from a judgment lien created pursuant to division (A)(1)(a) 19761  
of this section the person's interest, not to exceed five thousand 19762  
dollars, in the exempted property. 19763

(b) In the case of all other judgments and orders, the 19764  
person's interest, not to exceed five thousand dollars, in one 19765  
parcel or item of real or personal property that the person or a 19766  
dependent of the person uses as a residence. 19767

(2) The person's interest, not to exceed one thousand 19768  
dollars, in one motor vehicle; 19769

(3) The person's interest, not to exceed two hundred dollars 19770  
in any particular item, in wearing apparel, beds, and bedding, and 19771  
the person's interest, not to exceed three hundred dollars in each 19772  
item, in one cooking unit and one refrigerator or other food 19773  
preservation unit; 19774

(4)(a) The person's interest, not to exceed four hundred 19775  
dollars, in cash on hand, money due and payable, money to become 19776  
due within ninety days, tax refunds, and money on deposit with a 19777  
bank, savings and loan association, credit union, public utility, 19778  
landlord, or other person. Division (A)(4)(a) of this section 19779  
applies only in bankruptcy proceedings. This exemption may include 19780  
the portion of personal earnings that is not exempt under division 19781  
(A)(13) of this section. 19782

(b) Subject to division (A)(4)(d) of this section, the 19783  
person's interest, not to exceed two hundred dollars in any 19784  
particular item, in household furnishings, household goods, 19785

appliances, books, animals, crops, musical instruments, firearms,  
and hunting and fishing equipment, that are held primarily for the  
personal, family, or household use of the person;

(c) Subject to division (A)(4)(d) of this section, the  
person's interest in one or more items of jewelry, not to exceed  
four hundred dollars in one item of jewelry and not to exceed two  
hundred dollars in every other item of jewelry;

(d) Divisions (A)(4)(b) and (c) of this section do not  
include items of personal property listed in division (A)(3) of  
this section.

If the person does not claim an exemption under division  
(A)(1) of this section, the total exemption claimed under division  
(A)(4)(b) of this section shall be added to the total exemption  
claimed under division (A)(4)(c) of this section, and the total  
shall not exceed two thousand dollars. If the person claims an  
exemption under division (A)(1) of this section, the total  
exemption claimed under division (A)(4)(b) of this section shall  
be added to the total exemption claimed under division (A)(4)(c)  
of this section, and the total shall not exceed one thousand five  
hundred dollars.

(5) The person's interest, not to exceed an aggregate of  
seven hundred fifty dollars, in all implements, professional  
books, or tools of the person's profession, trade, or business,  
including agriculture;

(6)(a) The person's interest in a beneficiary fund set apart,  
appropriated, or paid by a benevolent association or society, as  
exempted by section 2329.63 of the Revised Code;

(b) The person's interest in contracts of life or endowment  
insurance or annuities, as exempted by section 3911.10 of the  
Revised Code;

(c) The person's interest in a policy of group insurance or the proceeds of a policy of group insurance, as exempted by section 3917.05 of the Revised Code;	19816 19817 19818
(d) The person's interest in money, benefits, charity, relief, or aid to be paid, provided, or rendered by a fraternal benefit society, as exempted by section 3921.18 of the Revised Code;	19819 19820 19821 19822
(e) The person's interest in the portion of benefits under policies of sickness and accident insurance and in lump sum payments for dismemberment and other losses insured under those policies, as exempted by section 3923.19 of the Revised Code.	19823 19824 19825 19826
(7) The person's professionally prescribed or medically necessary health aids;	19827 19828
(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	19829 19830 19831
(9) The person's interest in the following:	19832
(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;	19833 19834
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	19835 19836
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	19837 19838
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	19839 19840
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	19841 19842 19843
(f) Disability financial assistance payments, as exempted by	19844

section 5115.06 of the Revised Code. 19845

(10)(a) Except in cases in which the person was convicted of 19846  
or pleaded guilty to a violation of section 2921.41 of the Revised 19847  
Code and in which an order for the withholding of restitution from 19848  
payments was issued under division (C)(2)(b) of that section or in 19849  
cases in which an order for withholding was issued under section 19850  
2907.15 of the Revised Code, and only to the extent provided in 19851  
the order, and except as provided in sections 3105.171, 3105.63, 19852  
3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised 19853  
Code, the person's right to a pension, benefit, annuity, 19854  
retirement allowance, or accumulated contributions, the person's 19855  
right to a participant account in any deferred compensation 19856  
program offered by the Ohio public employees deferred compensation 19857  
board, a government unit, or a municipal corporation, or the 19858  
person's other accrued or accruing rights, as exempted by section 19859  
145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of 19860  
the Revised Code, and the person's right to benefits from the Ohio 19861  
public safety officers death benefit fund; 19862

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 19863  
3121.03, and 3123.06 of the Revised Code, the person's right to 19864  
receive a payment under any pension, annuity, or similar plan or 19865  
contract, not including a payment from a stock bonus or 19866  
profit-sharing plan or a payment included in division (A)(6)(b) or 19867  
(10)(a) of this section, on account of illness, disability, death, 19868  
age, or length of service, to the extent reasonably necessary for 19869  
the support of the person and any of the person's dependents, 19870  
except if all the following apply: 19871

(i) The plan or contract was established by or under the 19872  
auspices of an insider that employed the person at the time the 19873  
person's rights under the plan or contract arose. 19874

(ii) The payment is on account of age or length of service. 19875

(iii) The plan or contract is not qualified under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.

(c) Except for any portion of the assets that were deposited for the purpose of evading the payment of any debt and except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's right in the assets held in, or to receive any payment under, any individual retirement account, individual retirement annuity, "Roth IRA," or education individual retirement account that provides benefits by reason of illness, disability, death, or age, to the extent that the assets, payments, or benefits described in division (A)(10)(c) of this section are attributable to any of the following:

(i) Contributions of the person that were less than or equal to the applicable limits on deductible contributions to an individual retirement account or individual retirement annuity in the year that the contributions were made, whether or not the person was eligible to deduct the contributions on the person's federal tax return for the year in which the contributions were made;

(ii) Contributions of the person that were less than or equal to the applicable limits on contributions to a Roth IRA or education individual retirement account in the year that the contributions were made;

(iii) Contributions of the person that are within the applicable limits on rollover contributions under subsections 219, 402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.

(d) Except for any portion of the assets that were deposited for the purpose of evading the payment of any debt and except as

provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 19907  
3123.06 of the Revised Code, the person's right in the assets held 19908  
in, or to receive any payment under, any Keogh or "H.R. 10" plan 19909  
that provides benefits by reason of illness, disability, death, or 19910  
age, to the extent reasonably necessary for the support of the 19911  
person and any of the person's dependents. 19912

(11) The person's right to receive spousal support, child 19913  
support, an allowance, or other maintenance to the extent 19914  
reasonably necessary for the support of the person and any of the 19915  
person's dependents; 19916

(12) The person's right to receive, or moneys received during 19917  
the preceding twelve calendar months from, any of the following: 19918

(a) An award of reparations under sections 2743.51 to 2743.72 19919  
of the Revised Code, to the extent exempted by division (D) of 19920  
section 2743.66 of the Revised Code; 19921

(b) A payment on account of the wrongful death of an 19922  
individual of whom the person was a dependent on the date of the 19923  
individual's death, to the extent reasonably necessary for the 19924  
support of the person and any of the person's dependents; 19925

(c) Except in cases in which the person who receives the 19926  
payment is an inmate, as defined in section 2969.21 of the Revised 19927  
Code, and in which the payment resulted from a civil action or 19928  
appeal against a government entity or employee, as defined in 19929  
section 2969.21 of the Revised Code, a payment, not to exceed five 19930  
thousand dollars, on account of personal bodily injury, not 19931  
including pain and suffering or compensation for actual pecuniary 19932  
loss, of the person or an individual for whom the person is a 19933  
dependent; 19934

(d) A payment in compensation for loss of future earnings of 19935  
the person or an individual of whom the person is or was a 19936  
dependent, to the extent reasonably necessary for the support of 19937

the debtor and any of the debtor's dependents.	19938
(13) Except as provided in sections 3119.80, 3119.81,	19939
3121.02, 3121.03, and 3123.06 of the Revised Code, personal	19940
earnings of the person owed to the person for services in an	19941
amount equal to the greater of the following amounts:	19942
(a) If paid weekly, thirty times the current federal minimum	19943
hourly wage; if paid biweekly, sixty times the current federal	19944
minimum hourly wage; if paid semimonthly, sixty-five times the	19945
current federal minimum hourly wage; or if paid monthly, one	19946
hundred thirty times the current federal minimum hourly wage that	19947
is in effect at the time the earnings are payable, as prescribed	19948
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29	19949
U.S.C. 206(a)(1), as amended;	19950
(b) Seventy-five per cent of the disposable earnings owed to	19951
the person.	19952
(14) The person's right in specific partnership property, as	19953
exempted by division (B)(3) of section 1775.24 of the Revised	19954
Code;	19955
(15) A seal and official register of a notary public, as	19956
exempted by section 147.04 of the Revised Code;	19957
(16) The person's interest in a tuition <del>credit</del> <u>unit</u> or a	19958
payment under section 3334.09 of the Revised Code pursuant to a	19959
tuition <del>credit</del> <u>payment</u> contract, as exempted by section 3334.15 of	19960
the Revised Code;	19961
(17) Any other property that is specifically exempted from	19962
execution, attachment, garnishment, or sale by federal statutes	19963
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11	19964
U.S.C.A. 101, as amended;	19965
(18) The person's interest, not to exceed four hundred	19966
dollars, in any property, except that division (A)(18) of this	19967

section applies only in bankruptcy proceedings.	19968
(B) As used in this section:	19969
(1) "Disposable earnings" means net earnings after the garnishee has made deductions required by law, excluding the deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the Revised Code.	19970 19971 19972 19973
(2) "Insider" means:	19974
(a) If the person who claims an exemption is an individual, a relative of the individual, a relative of a general partner of the individual, a partnership in which the individual is a general partner, a general partner of the individual, or a corporation of which the individual is a director, officer, or in control;	19975 19976 19977 19978 19979
(b) If the person who claims an exemption is a corporation, a director or officer of the corporation; a person in control of the corporation; a partnership in which the corporation is a general partner; a general partner of the corporation; or a relative of a general partner, director, officer, or person in control of the corporation;	19980 19981 19982 19983 19984 19985
(c) If the person who claims an exemption is a partnership, a general partner in the partnership; a general partner of the partnership; a person in control of the partnership; a partnership in which the partnership is a general partner; or a relative in, a general partner of, or a person in control of the partnership;	19986 19987 19988 19989 19990
(d) An entity or person to which or whom any of the following applies:	19991 19992
(i) The entity directly or indirectly owns, controls, or holds with power to vote, twenty per cent or more of the outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the	19993 19994 19995 19996 19997

securities or holds the securities solely to secure to debt and	19998
the entity has not in fact exercised the power to vote.	19999
(ii) The entity is a corporation, twenty per cent or more of	20000
whose outstanding voting securities are directly or indirectly	20001
owned, controlled, or held with power to vote, by the person who	20002
claims an exemption or by an entity to which division (B)(2)(d)(i)	20003
of this section applies.	20004
(iii) A person whose business is operated under a lease or	20005
operating agreement by the person who claims an exemption, or a	20006
person substantially all of whose business is operated under an	20007
operating agreement with the person who claims an exemption.	20008
(iv) The entity operates the business or all or substantially	20009
all of the property of the person who claims an exemption under a	20010
lease or operating agreement.	20011
(e) An insider, as otherwise defined in this section, of a	20012
person or entity to which division (B)(2)(d)(i), (ii), (iii), or	20013
(iv) of this section applies, as if the person or entity were a	20014
person who claims an exemption;	20015
(f) A managing agent of the person who claims an exemption.	20016
(3) "Participant account" has the same meaning as in section	20017
148.01 of the Revised Code.	20018
(4) "Government unit" has the same meaning as in section	20019
148.06 of the Revised Code.	20020
(C) For purposes of this section, "interest" shall be	20021
determined as follows:	20022
(1) In bankruptcy proceedings, as of the date a petition is	20023
filed with the bankruptcy court commencing a case under Title 11	20024
of the United States Code;	20025
(2) In all cases other than bankruptcy proceedings, as of the	20026
date of an appraisal, if necessary under section 2329.68 of the	20027

Revised Code, or the issuance of a writ of execution.	20028
An interest, as determined under division (C)(1) or (2) of this section, shall not include the amount of any lien otherwise valid pursuant to section 2329.661 of the Revised Code.	20029 20030 20031
<b>Sec. 2743.191.</b> (A)(1) There is hereby created in the state treasury the reparations fund, which shall be used only for the following purposes:	20032 20033 20034
(a) The payment of awards of reparations that are granted by the attorney general;	20035 20036
(b) The compensation of any personnel needed by the attorney general to administer sections 2743.51 to 2743.72 of the Revised Code;	20037 20038 20039
(c) The compensation of witnesses as provided in division (J) of section 2743.65 of the Revised Code;	20040 20041
(d) Other administrative costs of hearing and determining claims for an award of reparations by the attorney general;	20042 20043
(e) The costs of administering sections 2907.28 and 2969.01 to 2969.06 of the Revised Code;	20044 20045
(f) The costs of investigation and decision-making as certified by the attorney general;	20046 20047
(g) The provision of state financial assistance to victim assistance programs in accordance with sections 109.91 and 109.92 of the Revised Code;	20048 20049 20050
(h) The costs of paying the expenses of sex offense-related examinations and antibiotics pursuant to section 2907.28 of the Revised Code;	20051 20052 20053
(i) The cost of printing and distributing the pamphlet prepared by the attorney general pursuant to section 109.42 of the Revised Code;	20054 20055 20056

(j) Subject to division (D) of section 2743.71 of the Revised Code, the costs associated with the printing and providing of information cards or other printed materials to law enforcement agencies and prosecuting authorities and with publicizing the availability of awards of reparations pursuant to section 2743.71 of the Revised Code;

(k) The payment of costs of administering a DNA specimen collection procedure pursuant to sections 2152.74 and 2901.07 of the Revised Code, of performing DNA analysis of those DNA specimens, and of entering the resulting DNA records regarding those analyses into the DNA database pursuant to section 109.573 of the Revised Code;

(l) The payment of actual costs associated with initiatives by the attorney general for the apprehension, prosecution, and accountability of offenders, and the enhancing of services to crime victims. The amount of payments made pursuant to division (A)(1)(1) of this section during any given fiscal year shall not exceed five per cent of the balance of the reparations fund at the close of the immediately previous fiscal year;

(m) The costs of administering the adult parole authority's supervision of sexually violent predators with an active global positioning system device pursuant to section 2971.05 of the Revised Code.

(2) All costs paid pursuant to section 2743.70 of the Revised Code, the portions of license reinstatement fees mandated by division (F)(2)(b) of section 4511.191 of the Revised Code to be credited to the fund, the portions of the proceeds of the sale of a forfeited vehicle specified in division (C)(2) of section 4503.234 of the Revised Code, payments collected by the department of rehabilitation and correction from prisoners who voluntarily participate in an approved work and training program pursuant to

division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and 20088  
all moneys collected by the state pursuant to its right of 20089  
subrogation provided in section 2743.72 of the Revised Code shall 20090  
be deposited in the fund. 20091

(B) In making an award of reparations, the attorney general 20092  
shall render the award against the state. The award shall be 20093  
accomplished only through the following procedure, and the 20094  
following procedure may be enforced by writ of mandamus directed 20095  
to the appropriate official: 20096

(1) The attorney general shall provide for payment of the 20097  
claimant or providers in the amount of the award only if the 20098  
amount of the award is fifty dollars or more. 20099

(2) The expense shall be charged against all available 20100  
unencumbered moneys in the fund. 20101

(3) If sufficient unencumbered moneys do not exist in the 20102  
fund, the attorney general shall make application for payment of 20103  
the award out of the emergency purposes account or any other 20104  
appropriation for emergencies or contingencies, and payment out of 20105  
this account or other appropriation shall be authorized if there 20106  
are sufficient moneys greater than the sum total of then pending 20107  
emergency purposes account requests or requests for releases from 20108  
the other appropriations. 20109

(4) If sufficient moneys do not exist in the account or any 20110  
other appropriation for emergencies or contingencies to pay the 20111  
award, the attorney general shall request the general assembly to 20112  
make an appropriation sufficient to pay the award, and no payment 20113  
shall be made until the appropriation has been made. The attorney 20114  
general shall make this appropriation request during the current 20115  
biennium and during each succeeding biennium until a sufficient 20116  
appropriation is made. If, prior to the time that an appropriation 20117  
is made by the general assembly pursuant to this division, the 20118

fund has sufficient unencumbered funds to pay the award or part of 20119  
the award, the available funds shall be used to pay the award or 20120  
part of the award, and the appropriation request shall be amended 20121  
to request only sufficient funds to pay that part of the award 20122  
that is unpaid. 20123

(C) The attorney general shall not make payment on a decision 20124  
or order granting an award until all appeals have been determined 20125  
and all rights to appeal exhausted, except as otherwise provided 20126  
in this section. If any party to a claim for an award of 20127  
reparations appeals from only a portion of an award, and a 20128  
remaining portion provides for the payment of money by the state, 20129  
that part of the award calling for the payment of money by the 20130  
state and not a subject of the appeal shall be processed for 20131  
payment as described in this section. 20132

(D) The attorney general shall prepare itemized bills for the 20133  
costs of printing and distributing the pamphlet the attorney 20134  
general prepares pursuant to section 109.42 of the Revised Code. 20135  
The itemized bills shall set forth the name and address of the 20136  
persons owed the amounts set forth in them. 20137

(E) As used in this section, "DNA analysis" and "DNA 20138  
specimen" have the same meanings as in section 109.573 of the 20139  
Revised Code. 20140

**Sec. 2744.05.** Notwithstanding any other provisions of the 20141  
Revised Code or rules of a court to the contrary, in an action 20142  
against a political subdivision to recover damages for injury, 20143  
death, or loss to person or property caused by an act or omission 20144  
in connection with a governmental or proprietary function: 20145

(A) Punitive or exemplary damages shall not be awarded. 20146

(B)(1) If a claimant receives or is entitled to receive 20147  
benefits for injuries or loss allegedly incurred from a policy or 20148

policies of insurance or any other source, the benefits shall be  
disclosed to the court, and the amount of the benefits shall be  
deducted from any award against a political subdivision recovered  
by that claimant. No insurer or other person is entitled to bring  
an action under a subrogation provision in an insurance or other  
contract against a political subdivision with respect to those  
benefits.

The amount of the benefits shall be deducted from an award  
against a political subdivision under division (B)(1) of this  
section regardless of whether the claimant may be under an  
obligation to pay back the benefits upon recovery, in whole or in  
part, for the claim. A claimant whose benefits have been deducted  
from an award under division (B)(1) of this section is not  
considered fully compensated and shall not be required to  
reimburse a subrogated claim for benefits deducted from an award  
pursuant to division (B)(1) of this section.

(2) Nothing in division (B)(1) of this section shall be  
construed to do either of the following:

(a) Limit the rights of a beneficiary under a life insurance  
policy or the rights of sureties under fidelity or surety bonds;

(b) Prohibit the department of job and family services from  
recovering from the political subdivision, pursuant to section  
5101.58 of the Revised Code, the cost of medical assistance  
benefits provided under Chapter 5107.7 or 5111.7, ~~or 5115.~~ of the  
Revised Code.

(C)(1) There shall not be any limitation on compensatory  
damages that represent the actual loss of the person who is  
awarded the damages. However, except in wrongful death actions  
brought pursuant to Chapter 2125. of the Revised Code, damages  
that arise from the same cause of action, transaction or  
occurrence, or series of transactions or occurrences and that do

not represent the actual loss of the person who is awarded the damages shall not exceed two hundred fifty thousand dollars in favor of any one person. The limitation on damages that do not represent the actual loss of the person who is awarded the damages provided in this division does not apply to court costs that are awarded to a plaintiff, or to interest on a judgment rendered in favor of a plaintiff, in an action against a political subdivision.

(2) As used in this division, "the actual loss of the person who is awarded the damages" includes all of the following:

(a) All wages, salaries, or other compensation lost by the person injured as a result of the injury, including wages, salaries, or other compensation lost as of the date of a judgment and future expected lost earnings of the person injured;

(b) All expenditures of the person injured or another person on behalf of the person injured for medical care or treatment, for rehabilitation services, or for other care, treatment, services, products, or accommodations that were necessary because of the injury;

(c) All expenditures to be incurred in the future, as determined by the court, by the person injured or another person on behalf of the person injured for medical care or treatment, for rehabilitation services, or for other care, treatment, services, products, or accommodations that will be necessary because of the injury;

(d) All expenditures of a person whose property was injured or destroyed or of another person on behalf of the person whose property was injured or destroyed in order to repair or replace the property that was injured or destroyed;

(e) All expenditures of the person injured or of the person whose property was injured or destroyed or of another person on

behalf of the person injured or of the person whose property was 20211  
injured or destroyed in relation to the actual preparation or 20212  
presentation of the claim involved; 20213

(f) Any other expenditures of the person injured or of the 20214  
person whose property was injured or destroyed or of another 20215  
person on behalf of the person injured or of the person whose 20216  
property was injured or destroyed that the court determines 20217  
represent an actual loss experienced because of the personal or 20218  
property injury or property loss. 20219

"The actual loss of the person who is awarded the damages" 20220  
does not include any fees paid or owed to an attorney for any 20221  
services rendered in relation to a personal or property injury or 20222  
property loss, and does not include any damages awarded for pain 20223  
and suffering, for the loss of society, consortium, companionship, 20224  
care, assistance, attention, protection, advice, guidance, 20225  
counsel, instruction, training, or education of the person 20226  
injured, for mental anguish, or for any other intangible loss. 20227

**Sec. 2744.08.** (A)(1) A political subdivision may use public 20228  
funds to secure insurance with respect to its and its employees' 20229  
potential liability in damages in civil actions for injury, death, 20230  
or loss to persons or property allegedly caused by an act or 20231  
omission of the political subdivision or any of its employees in 20232  
connection with a governmental or proprietary function. The 20233  
insurance may be at the limits, for the circumstances, and subject 20234  
to the terms and conditions, that are determined by the political 20235  
subdivision in its discretion. 20236

The insurance may be for the period of time that is set forth 20237  
in specifications for competitive bids or, when competitive 20238  
bidding is not required, for the period of time that is mutually 20239  
agreed upon by the political subdivision and insurance company. 20240  
The period of time does not have to be, but can be, limited to the 20241

fiscal cycle under which the political subdivision is funded and operates. 20242  
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(2)(a) Regardless of whether a political subdivision procures a policy or policies of liability insurance pursuant to division (A)(1) of this section or otherwise, the political subdivision may establish and maintain a self-insurance program relative to its and its employees' potential liability in damages in civil actions for injury, death, or loss to persons or property allegedly caused by an act or omission of the political subdivision or any of its employees in connection with a governmental or proprietary function. The political subdivision may reserve such funds as it deems appropriate in a special fund that may be established pursuant to an ordinance or resolution of the political subdivision and not subject to section 5705.12 of the Revised Code. The political subdivision may allocate the costs of insurance or a self-insurance program, or both, among the funds or accounts in the subdivision's treasury on the basis of relative exposure and loss experience. The political subdivision may require any deductibles under an insurance or self-insurance program, or both, to be paid from funds or accounts in the subdivision's treasury from which a loss was directly attributable. If it so chooses, the political subdivision may contract with any person, other political subdivision, or regional council of governments for purposes of the administration of such a program. 20244  
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(b) Political subdivisions that have established self-insurance programs relative to their and their employees' potential liability as described in division (A)(2)(a) of this section may mutually agree that their self-insurance programs will be jointly administered in a specified manner. 20267  
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(B) The purchase of liability insurance, or the establishment and maintenance of a self-insurance program, by a political 20272  
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subdivision does not constitute a waiver of any immunity or 20274  
defense of the political subdivision or its employees, except that 20275  
the political subdivision may specifically waive any immunity or 20276  
defense to which it or its employees may be entitled if a 20277  
provision to that effect is specifically included in the policy of 20278  
insurance or in a written plan of operation of the self-insurance 20279  
program, or, if any, the legislative enactment of the political 20280  
subdivision authorizing the purchase of the insurance or the 20281  
establishment and maintenance of the self-insurance program. Such 20282  
a specific waiver shall be only to the extent of the insurance or 20283  
self-insurance program coverage. 20284

(C) The authorizations for political subdivisions to secure 20285  
insurance and to establish and maintain self-insurance programs in 20286  
this section are in addition to any other authority to secure 20287  
insurance or to establish and maintain self-insurance programs 20288  
that is granted pursuant to the Revised Code or the constitution 20289  
of this state, and they are not in derogation of any other 20290  
authorization. 20291

Sec. 2744.082. (A) If a political subdivision, pursuant to 20292  
division (A)(2)(a) of section 2744.08 of the Revised Code, has 20293  
allocated costs to, or required the payment of deductibles from, 20294  
funds or accounts in the subdivision's treasury, the subdivision's 20295  
fiscal officer, pursuant to an ordinance or resolution of the 20296  
subdivision's legislative authority, shall transfer amounts equal 20297  
to those costs or deductibles from the funds or accounts to the 20298  
subdivision's general fund if both of the following occur: 20299

(1) The subdivision requests payment from the employee 20300  
responsible for the funds or accounts for those costs or 20301  
deductibles; 20302

(2) The employee receiving the request fails to remit payment 20303  
within forty-five days after the date of receipt of the request. 20304

(B) Sections 5705.14, 5705.15, and 5705.16 of the Revised Code do not apply to transfers made pursuant to this section. 20305  
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**Sec. 2901.07.** (A) As used in this section: 20307

(1) "DNA analysis" and "DNA specimen" have the same meanings 20308  
as in section 109.573 of the Revised Code. 20309

(2) "Jail" and "community-based correctional facility" have 20310  
the same meanings as in section 2929.01 of the Revised Code. 20311

(3) "Post-release control" has the same meaning as in section 20312  
2967.01 of the Revised Code. 20313

(B)(1) A person who is convicted of or pleads guilty to a 20314  
felony offense listed in division (D) of this section and who is 20315  
sentenced to a prison term or to a community residential sanction 20316  
in a jail or community-based correctional facility pursuant to 20317  
section 2929.16 of the Revised Code, and a person who is convicted 20318  
of or pleads guilty to a misdemeanor offense listed in division 20319  
(D) of this section and who is sentenced to a term of imprisonment 20320  
shall submit to a DNA specimen collection procedure administered 20321  
by the director of rehabilitation and correction or the chief 20322  
administrative officer of the jail or other detention facility in 20323  
which the person is serving the term of imprisonment. If the 20324  
person serves the prison term in a state correctional institution, 20325  
the director of rehabilitation and correction shall cause the DNA 20326  
specimen to be collected from the person during the intake process 20327  
at the reception facility designated by the director. If the 20328  
person serves the community residential sanction or term of 20329  
imprisonment in a jail, a community-based correctional facility, 20330  
or another county, multicounty, municipal, municipal-county, or 20331  
multicounty-municipal detention facility, the chief administrative 20332  
officer of the jail, community-based correctional facility, or 20333  
detention facility shall cause the DNA specimen to be collected 20334

from the person during the intake process at the jail, 20335  
community-based correctional facility, or detention facility. In 20336  
accordance with division (C) of this section, the director or the 20337  
chief administrative officer shall cause the DNA specimen to be 20338  
forwarded to the bureau of criminal identification and 20339  
investigation no later than fifteen days after the date of the 20340  
collection of the DNA specimen. The DNA specimen shall be 20341  
collected in accordance with division (C) of this section. 20342

(2) If a person is convicted of or pleads guilty to an 20343  
offense listed in division (D) of this section, is serving a 20344  
prison term, community residential sanction, or term of 20345  
imprisonment for that offense, and does not provide a DNA specimen 20346  
pursuant to division (B)(1) of this section, prior to the person's 20347  
release from the prison term, community residential sanction, or 20348  
imprisonment, the person shall submit to, and the director of 20349  
rehabilitation and correction or the chief administrative officer 20350  
of the jail, community-based correctional facility, or detention 20351  
facility in which the person is serving the prison term, community 20352  
residential sanction, or term of imprisonment shall administer, a 20353  
DNA specimen collection procedure at the state correctional 20354  
institution, jail, community-based correctional facility, or 20355  
detention facility in which the person is serving the prison term, 20356  
community residential sanction, or term of imprisonment. In 20357  
accordance with division (C) of this section, the director or the 20358  
chief administrative officer shall cause the DNA specimen to be 20359  
forwarded to the bureau of criminal identification and 20360  
investigation no later than fifteen days after the date of the 20361  
collection of the DNA specimen. The DNA specimen shall be 20362  
collected in accordance with division (C) of this section. 20363

(3) If a person sentenced to a term of imprisonment or 20364  
serving a prison term or community residential sanction for 20365  
committing an offense listed in division (D) of this section is on 20366

probation, is released on parole, under transitional control, or  
on another type of release, or is on post-release control, if the  
person is under the supervision of a probation department or the  
adult parole authority, if the person is sent to jail or is  
returned to a jail, community-based correctional facility, or  
state correctional institution for a violation of the terms and  
conditions of the probation, parole, transitional control, other  
release, or post-release control, if the person was or will be  
serving a term of imprisonment, prison term, or community  
residential sanction for committing an offense listed in division  
(D) of this section, and if the person did not provide a DNA  
specimen pursuant to division (B)(1) or (2) of this section, the  
person shall submit to, and the director of rehabilitation and  
correction or the chief administrative officer of the jail or  
community-based correctional facility shall administer, a DNA  
specimen collection procedure at the jail, community-based  
correctional facility, or state correctional institution in which  
the person is serving the term of imprisonment, prison term, or  
community residential sanction. In accordance with division (C) of  
this section, the director or the chief administrative officer  
shall cause the DNA specimen to be forwarded to the bureau of  
criminal identification and investigation no later than fifteen  
days after the date of the collection of the DNA specimen. The DNA  
specimen shall be collected from the person in accordance with  
division (C) of this section.

(C) If the DNA specimen is collected by withdrawing blood  
from the person or a similarly invasive procedure, a physician,  
registered nurse, licensed practical nurse, duly licensed clinical  
laboratory technician, or other qualified medical practitioner  
shall collect in a medically approved manner the DNA specimen  
required to be collected pursuant to division (B) of this section.  
If the DNA specimen is collected by swabbing for buccal cells or a

similarly noninvasive procedure, this section does not require 20399  
that the DNA specimen be collected by a qualified medical 20400  
practitioner of that nature. No later than fifteen days after the 20401  
date of the collection of the DNA specimen, the director of 20402  
rehabilitation and correction or the chief administrative officer 20403  
of the jail, community-based correctional facility, or other 20404  
county, multicounty, municipal, municipal-county, or 20405  
multicounty-municipal detention facility, in which the person is 20406  
serving the prison term, community residential sanction, or term 20407  
of imprisonment shall cause the DNA specimen to be forwarded to 20408  
the bureau of criminal identification and investigation in 20409  
accordance with procedures established by the superintendent of 20410  
the bureau under division (H) of section 109.573 of the Revised 20411  
Code. The bureau shall provide the specimen vials, mailing tubes, 20412  
labels, postage, and instructions needed for the collection and 20413  
forwarding of the DNA specimen to the bureau. 20414

(D) The director of rehabilitation and correction and the 20415  
chief administrative officer of the jail, community-based 20416  
correctional facility, or other county, multicounty, municipal, 20417  
municipal-county, or multicounty-municipal detention facility 20418  
shall cause a DNA specimen to be collected in accordance with 20419  
divisions (B) and (C) of this section from a person in its custody 20420  
who is convicted of or pleads guilty to any of the following 20421  
offenses: 20422

(1) A violation of section 2903.01, 2903.02, 2903.11, 20423  
2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 2911.01, 2911.02, 20424  
2911.11, or 2911.12 of the Revised Code; 20425

(2) A violation of section 2907.12 of the Revised Code as it 20426  
existed prior to September 3, 1996; 20427

(3) An attempt to commit a violation of section 2903.01, 20428  
2903.02, 2907.02, 2907.03, 2907.04, or 2907.05 of the Revised Code 20429

or to commit a violation of section 2907.12 of the Revised Code as 20430  
it existed prior to September 3, 1996; 20431

(4) A violation of any law that arose out of the same facts 20432  
and circumstances and same act as did a charge against the person 20433  
of a violation of section 2903.01, 2903.02, 2905.01, 2907.02, 20434  
2907.03, 2907.04, 2907.05, or 2911.11 of the Revised Code that 20435  
previously was dismissed or amended or as did a charge against the 20436  
person of a violation of section 2907.12 of the Revised Code as it 20437  
existed prior to September 3, 1996, that previously was dismissed 20438  
or amended; 20439

(5) A violation of section 2905.02 or 2919.23 of the Revised 20440  
Code that would have been a violation of section 2905.04 of the 20441  
Revised Code as it existed prior to July 1, 1996, had it been 20442  
committed prior to that date; 20443

(6) A sexually oriented offense or a child-victim oriented 20444  
offense, both as defined in section 2950.01 of the Revised Code, 20445  
if, in relation to that offense, the offender has been adjudicated 20446  
a sexual predator or a child-victim predator, both as defined in 20447  
section 2950.01 of the Revised Code; 20448

(7) A felony violation of any law that arose out of the same 20449  
facts and circumstances and same act as did a charge against the 20450  
person of a violation of section 2903.11, 2911.01, 2911.02, or 20451  
2911.12 of the Revised Code that previously was dismissed or 20452  
amended; 20453

(8) A conspiracy to commit a violation of section 2903.01, 20454  
2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the 20455  
Revised Code; 20456

(9) Complicity in committing a violation of section 2903.01, 20457  
2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 20458  
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a 20459  
violation of section 2907.12 of the Revised Code as it existed 20460

prior to September 3, 1996. 20461

(E) The director of rehabilitation and correction or a chief 20462  
administrative officer of a jail, community-based correctional 20463  
facility, or other detention facility described in division (B) of 20464  
this section in relation to the following offenses is not required 20465  
to comply with this section until the superintendent of the bureau 20466  
of criminal identification and investigation gives agencies in the 20467  
criminal justice system, as defined in section ~~181.51~~ 5502.61 of 20468  
the Revised Code, in the state official notification that the 20469  
state DNA laboratory is prepared to accept DNA specimens of that 20470  
nature: 20471

(1) A violation of section 2903.11, 2911.01, 2911.02, or 20472  
2911.12 of the Revised Code; 20473

(2) An attempt to commit a violation of section 2903.01 or 20474  
2903.02 of the Revised Code; 20475

(3) A felony violation of any law that arose out of the same 20476  
facts and circumstances and same act as did a charge against the 20477  
person of a violation of section 2903.11, 2911.01, 2911.02, or 20478  
2911.12 of the Revised Code that previously was dismissed or 20479  
amended; 20480

(4) A conspiracy to commit a violation of section 2903.01, 20481  
2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the 20482  
Revised Code; 20483

(5) Complicity in committing a violation of section 2903.01, 20484  
2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 20485  
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a 20486  
violation of section 2907.12 of the Revised Code as it existed 20487  
prior to September 3, 1996. 20488

**Sec. 2913.40.** (A) As used in this section: 20489

(1) "Statement or representation" means any oral, written, 20490

electronic, electronic impulse, or magnetic communication that is 20491  
used to identify an item of goods or a service for which 20492  
reimbursement may be made under the medical assistance program or 20493  
that states income and expense and is or may be used to determine 20494  
a rate of reimbursement under the medical assistance program. 20495

(2) "Medical assistance program" means the program 20496  
established by the department of job and family services to 20497  
provide medical assistance under section 5111.01 of the Revised 20498  
Code and the medicaid program of Title XIX of the "Social Security 20499  
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 20500

(3) "Provider" means any person who has signed a provider 20501  
agreement with the department of job and family services to 20502  
provide goods or services pursuant to the medical assistance 20503  
program or any person who has signed an agreement with a party to 20504  
such a provider agreement under which the person agrees to provide 20505  
goods or services that are reimbursable under the medical 20506  
assistance program. 20507

(4) "Provider agreement" means an oral or written agreement 20508  
between the department of job and family services and a person in 20509  
which the person agrees to provide goods or services under the 20510  
medical assistance program. 20511

(5) "Recipient" means any individual who receives goods or 20512  
services from a provider under the medical assistance program. 20513

(6) "Records" means any medical, professional, financial, or 20514  
business records relating to the treatment or care of any 20515  
recipient, to goods or services provided to any recipient, or to 20516  
rates paid for goods or services provided to any recipient and any 20517  
records that are required by the rules of the director of job and 20518  
family services to be kept for the medical assistance program. 20519

(B) No person shall knowingly make or cause to be made a 20520  
false or misleading statement or representation for use in 20521

obtaining reimbursement from the medical assistance program. 20522

(C) No person, with purpose to commit fraud or knowing that 20523  
the person is facilitating a fraud, shall do either of the 20524  
following: 20525

(1) Contrary to the terms of the person's provider agreement, 20526  
charge, solicit, accept, or receive for goods or services that the 20527  
person provides under the medical assistance program any property, 20528  
money, or other consideration in addition to the amount of 20529  
reimbursement under the medical assistance program and the 20530  
person's provider agreement for the goods or services and any 20531  
deductibles or co-payments authorized by ~~rules adopted under~~ 20532  
section 5111.0112 of the Revised Code or ~~by any~~ rules adopted 20533  
pursuant to ~~that~~ section 5111.01, 5111.011, or 5111.02 of the 20534  
Revised Code. 20535

(2) Solicit, offer, or receive any remuneration, other than 20536  
any deductibles or co-payments authorized by section 5111.0112 of 20537  
the Revised Code or rules adopted under section ~~5111.0112~~ 5111.01, 20538  
5111.011, or 5111.02 of the Revised Code ~~or by any rules adopted~~ 20539  
~~pursuant to that section~~, in cash or in kind, including, but not 20540  
limited to, a kickback or rebate, in connection with the 20541  
furnishing of goods or services for which whole or partial 20542  
reimbursement is or may be made under the medical assistance 20543  
program. 20544

(D) No person, having submitted a claim for or provided goods 20545  
or services under the medical assistance program, shall do either 20546  
of the following for a period of at least six years after a 20547  
reimbursement pursuant to that claim, or a reimbursement for those 20548  
goods or services, is received under the medical assistance 20549  
program: 20550

(1) Knowingly alter, falsify, destroy, conceal, or remove any 20551  
records that are necessary to fully disclose the nature of all 20552

goods or services for which the claim was submitted, or for which 20553  
reimbursement was received, by the person; 20554

(2) Knowingly alter, falsify, destroy, conceal, or remove any 20555  
records that are necessary to disclose fully all income and 20556  
expenditures upon which rates of reimbursements were based for the 20557  
person. 20558

(E) Whoever violates this section is guilty of medicaid 20559  
fraud. Except as otherwise provided in this division, medicaid 20560  
fraud is a misdemeanor of the first degree. If the value of 20561  
property, services, or funds obtained in violation of this section 20562  
is five hundred dollars or more and is less than five thousand 20563  
dollars, medicaid fraud is a felony of the fifth degree. If the 20564  
value of property, services, or funds obtained in violation of 20565  
this section is five thousand dollars or more and is less than one 20566  
hundred thousand dollars, medicaid fraud is a felony of the fourth 20567  
degree. If the value of the property, services, or funds obtained 20568  
in violation of this section is one hundred thousand dollars or 20569  
more, medicaid fraud is a felony of the third degree. 20570

(F) Upon application of the governmental agency, office, or 20571  
other entity that conducted the investigation and prosecution in a 20572  
case under this section, the court shall order any person who is 20573  
convicted of a violation of this section for receiving any 20574  
reimbursement for furnishing goods or services under the medical 20575  
assistance program to which the person is not entitled to pay to 20576  
the applicant its cost of investigating and prosecuting the case. 20577  
The costs of investigation and prosecution that a defendant is 20578  
ordered to pay pursuant to this division shall be in addition to 20579  
any other penalties for the receipt of that reimbursement that are 20580  
provided in this section, section 5111.03 of the Revised Code, or 20581  
any other provision of law. 20582

(G) The provisions of this section are not intended to be 20583

exclusive remedies and do not preclude the use of any other 20584  
criminal or civil remedy for any act that is in violation of this 20585  
section. 20586

Sec. 2913.401. (A) As used in this section: 20587

(1) "Medicaid benefits" means benefits under the medical 20588  
assistance program established under Chapter 5111. of the Revised 20589  
Code. 20590

(2) "Property" means any real or personal property or other 20591  
asset in which a person has any legal title or interest. 20592

(B) No person shall knowingly do any of the following in an 20593  
application for medicaid benefits or in a document that requires a 20594  
disclosure of assets for the purpose of determining eligibility to 20595  
receive medicaid benefits: 20596

(1) Make or cause to be made a false or misleading statement; 20597

(2) Conceal an interest in property; 20598

(3)(a) Except as provided in division (B)(3)(b) of this 20599  
section, fail to disclose a transfer of property that occurred 20600  
during the period beginning thirty-six months before submission of 20601  
the application or document and ending on the date the application 20602  
or document was submitted; 20603

(b) Fail to disclose a transfer of property that occurred 20604  
during the period beginning sixty months before submission of the 20605  
application or document and ending on the date the application or 20606  
document was submitted and that was made to an irrevocable trust a 20607  
portion of which is not distributable to the applicant for 20608  
medicaid benefits or the recipient of medicaid benefits or to a 20609  
revocable trust. 20610

(C)(1) Whoever violates this section is guilty of medicaid 20611  
eligibility fraud. Except as otherwise provided in this division, 20612

a violation of this section is a misdemeanor of the first degree. 20613  
If the value of the medicaid benefits paid as a result of the 20614  
violation is five hundred dollars or more and is less than five 20615  
thousand dollars, a violation of this section is a felony of the 20616  
fifth degree. If the value of the medicaid benefits paid as a 20617  
result of the violation is five thousand dollars or more and is 20618  
less than one hundred thousand dollars, a violation of this 20619  
section is a felony of the fourth degree. If the value of the 20620  
medicaid benefits paid as a result of the violation is one hundred 20621  
thousand dollars or more, a violation of this section is a felony 20622  
of the third degree. 20623

(2) In addition to imposing a sentence under division (C)(1) 20624  
of this section, the court shall order that a person who is guilty 20625  
of medicaid eligibility fraud make restitution in the full amount 20626  
of any medicaid benefits paid on behalf of an applicant for or 20627  
recipient of medicaid benefits for which the applicant or 20628  
recipient was not eligible, plus interest at the rate applicable 20629  
to judgments on unreimbursed amounts from the date on which the 20630  
benefits were paid to the date on which restitution is made. 20631

(3) The remedies and penalties provided in this section are 20632  
not exclusive and do not preclude the use of any other criminal or 20633  
civil remedy for any act that is in violation of this section. 20634

(D) This section does not apply to a person who fully 20635  
disclosed in an application for medicaid benefits or in a document 20636  
that requires a disclosure of assets for the purpose of 20637  
determining eligibility to receive medicaid benefits all of the 20638  
interests in property of the applicant for or recipient of 20639  
medicaid benefits, all transfers of property by the applicant for 20640  
or recipient of medicaid benefits, and the circumstances of all 20641  
those transfers. 20642

(E) Any amounts of medicaid benefits recovered as restitution 20643

under this section and any interest on those amounts shall be 20644  
credited to the general revenue fund, and any applicable federal 20645  
share shall be returned to the appropriate agency or department of 20646  
the United States. 20647

**Sec. 2921.13.** (A) No person shall knowingly make a false 20648  
statement, or knowingly swear or affirm the truth of a false 20649  
statement previously made, when any of the following applies: 20650

(1) The statement is made in any official proceeding. 20651

(2) The statement is made with purpose to incriminate 20652  
another. 20653

(3) The statement is made with purpose to mislead a public 20654  
official in performing the public official's official function. 20655

(4) The statement is made with purpose to secure the payment 20656  
of unemployment compensation; Ohio works first; prevention, 20657  
retention, and contingency benefits and services; disability 20658  
financial assistance; retirement benefits; economic development 20659  
assistance, as defined in section 9.66 of the Revised Code; or 20660  
other benefits administered by a governmental agency or paid out 20661  
of a public treasury. 20662

(5) The statement is made with purpose to secure the issuance 20663  
by a governmental agency of a license, permit, authorization, 20664  
certificate, registration, release, or provider agreement. 20665

(6) The statement is sworn or affirmed before a notary public 20666  
or another person empowered to administer oaths. 20667

(7) The statement is in writing on or in connection with a 20668  
report or return that is required or authorized by law. 20669

(8) The statement is in writing and is made with purpose to 20670  
induce another to extend credit to or employ the offender, to 20671  
confer any degree, diploma, certificate of attainment, award of 20672

excellence, or honor on the offender, or to extend to or bestow  
upon the offender any other valuable benefit or distinction, when  
the person to whom the statement is directed relies upon it to  
that person's detriment.

(9) The statement is made with purpose to commit or  
facilitate the commission of a theft offense.

(10) The statement is knowingly made to a probate court in  
connection with any action, proceeding, or other matter within its  
jurisdiction, either orally or in a written document, including,  
but not limited to, an application, petition, complaint, or other  
pleading, or an inventory, account, or report.

(11) The statement is made on an account, form, record,  
stamp, label, or other writing that is required by law.

(12) The statement is made in connection with the purchase of  
a firearm, as defined in section 2923.11 of the Revised Code, and  
in conjunction with the furnishing to the seller of the firearm of  
a fictitious or altered driver's or commercial driver's license or  
permit, a fictitious or altered identification card, or any other  
document that contains false information about the purchaser's  
identity.

(13) The statement is made in a document or instrument of  
writing that purports to be a judgment, lien, or claim of  
indebtedness and is filed or recorded with the secretary of state,  
a county recorder, or the clerk of a court of record.

(14) The statement is made with purpose to obtain an Ohio's  
best Rx program enrollment card under section 5110.09 of the  
Revised Code or a payment from the department of job and family  
services under section 5110.17 of the Revised Code.

~~(14)~~(15) The statement is made in an application filed with a  
county sheriff pursuant to section 2923.125 of the Revised Code in

order to obtain or renew a license to carry a concealed handgun or 20703  
is made in an affidavit submitted to a county sheriff to obtain a 20704  
temporary emergency license to carry a concealed handgun under 20705  
section 2923.1213 of the Revised Code. 20706

(16) The statement is required under section 5743.72 of the 20707  
Revised Code in connection with the person's purchase of 20708  
cigarettes or tobacco products in a delivery sale. 20709

(B) No person, in connection with the purchase of a firearm, 20710  
as defined in section 2923.11 of the Revised Code, shall knowingly 20711  
furnish to the seller of the firearm a fictitious or altered 20712  
driver's or commercial driver's license or permit, a fictitious or 20713  
altered identification card, or any other document that contains 20714  
false information about the purchaser's identity. 20715

(C) No person, in an attempt to obtain a license to carry a 20716  
concealed handgun under section 2923.125 of the Revised Code, 20717  
shall knowingly present to a sheriff a fictitious or altered 20718  
document that purports to be certification of the person's 20719  
competence in handling a handgun as described in division (B)(3) 20720  
of section 2923.125 of the Revised Code. 20721

(D) It is no defense to a charge under division (A)(6) of 20722  
this section that the oath or affirmation was administered or 20723  
taken in an irregular manner. 20724

(E) If contradictory statements relating to the same fact are 20725  
made by the offender within the period of the statute of 20726  
limitations for falsification, it is not necessary for the 20727  
prosecution to prove which statement was false but only that one 20728  
or the other was false. 20729

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 20730  
(6), (7), (8), (10), (11), (13), ~~or (14)~~, or (16) of this section 20731  
is guilty of falsification, a misdemeanor of the first degree. 20732

(2) Whoever violates division (A)(9) of this section is 20733

guilty of falsification in a theft offense. Except as otherwise  
provided in this division, falsification in a theft offense is a  
misdemeanor of the first degree. If the value of the property or  
services stolen is five hundred dollars or more and is less than  
five thousand dollars, falsification in a theft offense is a  
felony of the fifth degree. If the value of the property or  
services stolen is five thousand dollars or more and is less than  
one hundred thousand dollars, falsification in a theft offense is  
a felony of the fourth degree. If the value of the property or  
services stolen is one hundred thousand dollars or more,  
falsification in a theft offense is a felony of the third degree.

(3) Whoever violates division (A)(12) or (B) of this section  
is guilty of falsification to purchase a firearm, a felony of the  
fifth degree.

(4) Whoever violates division (A)~~(14)~~(15) or (C) of this  
section is guilty of falsification to obtain a concealed handgun  
license, a felony of the fourth degree.

(G) A person who violates this section is liable in a civil  
action to any person harmed by the violation for injury, death, or  
loss to person or property incurred as a result of the commission  
of the offense and for reasonable attorney's fees, court costs,  
and other expenses incurred as a result of prosecuting the civil  
action commenced under this division. A civil action under this  
division is not the exclusive remedy of a person who incurs  
injury, death, or loss to person or property as a result of a  
violation of this section.

**Sec. 2923.25.** Each federally licensed firearms dealer who  
sells any firearm, at the time of the sale of the firearm, shall  
offer for sale to the purchaser of the firearm a trigger lock, gun  
lock, or gun locking device that is appropriate for that firearm.  
Each federally licensed firearms dealer shall post in a

conspicuous location in the dealer's place of business the poster 20765  
furnished to the dealer pursuant to section ~~181.521~~ 5502.63 of the 20766  
Revised Code and shall make available to all purchasers of 20767  
firearms from the dealer the brochure furnished to the dealer 20768  
pursuant to that section. 20769

As used in this section, "federally licensed firearms dealer" 20770  
has the same meaning as in section ~~181.251~~ 5502.63 of the Revised 20771  
Code. 20772

**Sec. 2923.35.** (A)(1) With respect to property ordered 20773  
forfeited under section 2923.32 of the Revised Code, with respect 20774  
to any fine or civil penalty imposed in any criminal or civil 20775  
proceeding under section 2923.32 or 2923.34 of the Revised Code, 20776  
and with respect to any fine imposed for a violation of section 20777  
2923.01 of the Revised Code for conspiracy to violate section 20778  
2923.32 of the Revised Code, the court, upon petition of the 20779  
prosecuting attorney, may do any of the following: 20780

(a) Authorize the prosecuting attorney to settle claims; 20781

(b) Award compensation to persons who provide information 20782  
that results in a forfeiture, fine, or civil penalty under section 20783  
2923.32 or 2923.34 of the Revised Code; 20784

(c) Grant petitions for mitigation or remission of 20785  
forfeiture, fines, or civil penalties, or restore forfeited 20786  
property, imposed fines, or imposed civil penalties to persons 20787  
injured by the violation; 20788

(d) Take any other action to protect the rights of innocent 20789  
persons that is in the interest of justice and that is consistent 20790  
with the purposes of sections 2923.31 to 2923.36 of the Revised 20791  
Code. 20792

(2) The court shall maintain an accurate record of the 20793  
actions it takes under division (A)(1) of this section with 20794

respect to the property ordered forfeited or the fine or civil 20795  
penalty. The record is a public record open for inspection under 20796  
section 149.43 of the Revised Code. 20797

(B)(1) After the application of division (A) of this section, 20798  
any person who prevails in a civil action pursuant to section 20799  
2923.34 of the Revised Code has a right to any property, or the 20800  
proceeds of any property, criminally forfeited to the state 20801  
pursuant to section 2923.32 of the Revised Code or against which 20802  
any fine under that section or civil penalty under division (I) of 20803  
section 2923.34 of the Revised Code may be imposed. 20804

The right of any person who prevails in a civil action 20805  
pursuant to section 2923.34 of the Revised Code, other than a 20806  
prosecuting attorney performing official duties under that 20807  
section, to forfeited property, property against which fines and 20808  
civil penalties may be imposed, and the proceeds of that property 20809  
is superior to any right of the state, a municipal corporation, or 20810  
a county to the property or the proceeds of the property, if the 20811  
civil action is brought within one hundred eighty days after the 20812  
entry of a sentence of forfeiture or a fine pursuant to section 20813  
2923.32 of the Revised Code or the entry of a civil penalty 20814  
pursuant to division (I) of section 2923.34 of the Revised Code. 20815

The right is limited to the total value of the treble 20816  
damages, civil penalties, attorney's fees, and costs awarded to 20817  
the prevailing party in an action pursuant to section 2923.34 of 20818  
the Revised Code, less any restitution received by the person. 20819

(2) If the aggregate amount of claims of persons who have 20820  
prevailed in a civil action pursuant to section 2923.34 of the 20821  
Revised Code against any one defendant is greater than the total 20822  
value of the treble fines, civil penalties, and forfeited property 20823  
paid by the person against whom the actions were brought, all of 20824  
the persons who brought their actions within one hundred eighty 20825

days after the entry of a sentence or disposition of forfeiture or 20826  
a fine pursuant to section 2923.32 of the Revised Code or the 20827  
entry of a civil penalty pursuant to division (I) of section 20828  
2923.34 of the Revised Code, first shall receive a pro rata share 20829  
of the total amount of the fines, civil penalties, and forfeited 20830  
property. After the persons who brought their actions within the 20831  
specified one-hundred-eighty-day period have satisfied their 20832  
claims out of the fines, civil penalties, and forfeited property, 20833  
all other persons who prevailed in civil actions pursuant to 20834  
section 2923.34 of the Revised Code shall receive a pro rata share 20835  
of the total amount of the fines, civil penalties, and forfeited 20836  
property that remains in the custody of the law enforcement agency 20837  
or in the corrupt activity investigation and prosecution fund. 20838

(C)(1) Subject to divisions (A) and (B) of this section and 20839  
notwithstanding any contrary provision of section 2933.41 of the 20840  
Revised Code, the prosecuting attorney shall order the disposal of 20841  
property ordered forfeited in any proceeding under sections 20842  
2923.32 and 2923.34 of the Revised Code as soon as feasible, 20843  
making due provisions for the rights of innocent persons, by any 20844  
of the following methods: 20845

(a) Transfer to any person who prevails in a civil action 20846  
pursuant to section 2923.34 of the Revised Code, subject to the 20847  
limit set forth in division (B)(1) of this section; 20848

(b) Public sale; 20849

(c) Transfer to a state governmental agency for official use; 20850

(d) Sale or transfer to an innocent person; 20851

(e) If the property is contraband and is not needed for 20852  
evidence in any pending criminal or civil proceeding, pursuant to 20853  
section 2933.41 or any other applicable section of the Revised 20854  
Code. 20855

(2) Any interest in personal or real property not disposed of 20856  
pursuant to this division and not exercisable by, or transferable 20857  
for value to, the state shall expire and shall not revert to the 20858  
person found guilty of or adjudicated a delinquent child for a 20859  
violation of section 2923.32 of the Revised Code. No person found 20860  
guilty of or adjudicated a delinquent child for a violation of 20861  
that section and no person acting in concert with a person found 20862  
guilty of or adjudicated a delinquent child for a violation of 20863  
that section is eligible to purchase forfeited property from the 20864  
state. 20865

(3) Upon application of a person, other than the defendant, 20866  
the adjudicated delinquent child, or a person acting in concert 20867  
with or on behalf of either the defendant or the adjudicated 20868  
delinquent child, the court may restrain or stay the disposal of 20869  
the property pursuant to this division pending the conclusion of 20870  
any appeal of the criminal case or delinquency case giving rise to 20871  
the forfeiture or pending the determination of the validity of a 20872  
claim to or interest in the property pursuant to division (E) of 20873  
section 2923.32 of the Revised Code, if the applicant demonstrates 20874  
that proceeding with the disposal of the property will result in 20875  
irreparable injury, harm, or loss to the applicant. 20876

(4) The prosecuting attorney shall maintain an accurate 20877  
record of each item of property disposed of pursuant to this 20878  
division, which record shall include the date on which each item 20879  
came into the prosecuting attorney's custody, the manner and date 20880  
of disposition, and, if applicable, the name of the person who 20881  
received the item. The record shall not identify or enable the 20882  
identification of the individual officer who seized the property, 20883  
and the record is a public record open for inspection under 20884  
section 149.43 of the Revised Code. 20885

Each prosecuting attorney who disposes in any calendar year 20886  
of any item of property pursuant to this division shall prepare a 20887

report covering the calendar year that cumulates all of the 20888  
information contained in all of the records kept by the 20889  
prosecuting attorney pursuant to this division for that calendar 20890  
year and shall send the cumulative report, no later than the first 20891  
day of March in the calendar year following the calendar year 20892  
covered by the report, to the attorney general. Each report 20893  
received by the attorney general is a public record open for 20894  
inspection under section 149.43 of the Revised Code. Not later 20895  
than the fifteenth day of April in the calendar year following the 20896  
calendar year covered by the reports, the attorney general shall 20897  
send to the president of the senate and the speaker of the house 20898  
of representatives a written notification that does all of the 20899  
following: 20900

(a) Indicates that the attorney general has received from 20901  
prosecuting attorneys reports of the type described in this 20902  
division that cover the previous calendar year and indicates that 20903  
the reports were received under this division; 20904

(b) Indicates that the reports are open for inspection under 20905  
section 149.43 of the Revised Code; 20906

(c) Indicates that the attorney general will provide a copy 20907  
of any or all of the reports to the president of the senate or the 20908  
speaker of the house of representatives upon request. 20909

(D)(1)(a) Ten per cent of the proceeds of all property 20910  
ordered forfeited by a juvenile court pursuant to section 2923.32 20911  
of the Revised Code shall be applied to one or more alcohol and 20912  
drug addiction treatment programs that are certified by the 20913  
department of alcohol and drug addiction services under section 20914  
3793.06 of the Revised Code and that are specified in the order of 20915  
forfeiture. A juvenile court shall not specify an alcohol or drug 20916  
addiction treatment program in the order of forfeiture unless the 20917  
program is a certified alcohol and drug addiction treatment 20918

program and, except as provided in division (D)(1)(a) of this section, unless the program is located in the county in which the court that orders the forfeiture is located or in a contiguous county. If no certified alcohol and drug addiction treatment program is located in any of those counties, the juvenile court may specify in the order a certified alcohol and drug addiction treatment program located anywhere within this state. The remaining ninety per cent of the proceeds shall be disposed of as provided in divisions (D)(1)(b) and (D)(2) of this section.

All of the proceeds of all property ordered forfeited by a court other than a juvenile court pursuant to section 2923.32 of the Revised Code shall be disposed of as provided in divisions (D)(1)(b) and (D)(2) of this section.

(b) The remaining proceeds of all property ordered forfeited pursuant to section 2923.32 of the Revised Code, after compliance with division (D)(1)(a) of this section when that division is applicable, and all fines and civil penalties imposed pursuant to sections 2923.32 and 2923.34 of the Revised Code shall be deposited into the state treasury and credited to the corrupt activity investigation and prosecution fund, which is hereby created.

(2) The proceeds, fines, and penalties credited to the corrupt activity investigation and prosecution fund pursuant to division (D)(1) of this section shall be disposed of in the following order:

(a) To a civil plaintiff in an action brought within the one-hundred-eighty-day time period specified in division (B)(1) of this section, subject to the limit set forth in that division;

(b) To the payment of the fees and costs of the forfeiture and sale, including expenses of seizure, maintenance, and custody of the property pending its disposition, advertising, and court

costs; 20950

(c) Except as otherwise provided in division (D)(2)(c) of 20951  
this section, the remainder shall be paid to the law enforcement 20952  
trust fund of the prosecuting attorney that is established 20953  
pursuant to division (D)(1)(c) of section 2933.43 of the Revised 20954  
Code and to the law enforcement trust fund of the county sheriff 20955  
that is established pursuant to that division if the county 20956  
sheriff substantially conducted the investigation, to the law 20957  
enforcement trust fund of a municipal corporation that is 20958  
established pursuant to that division if its police department 20959  
substantially conducted the investigation, to the law enforcement 20960  
trust fund of a township that is established pursuant to that 20961  
division if the investigation was substantially conducted by a 20962  
township police department, township police district police force, 20963  
or office of a township constable, or to the law enforcement trust 20964  
fund of a park district created pursuant to section 511.18 or 20965  
1545.01 of the Revised Code that is established pursuant to that 20966  
division if the investigation was substantially conducted by its 20967  
park district police force or law enforcement department. The 20968  
prosecuting attorney may decline to accept any of the remaining 20969  
proceeds, fines, and penalties, and, if the prosecuting attorney 20970  
so declines, they shall be applied to the fund described in 20971  
division (D)(2)(c) of this section that relates to the appropriate 20972  
law enforcement agency that substantially conducted the 20973  
investigation. 20974

If the state highway patrol substantially conducted the 20975  
investigation, the director of budget and management shall 20976  
transfer the remaining proceeds, fines, and penalties to the state 20977  
highway patrol for deposit into the ~~state~~ highway patrol state 20978  
contraband, forfeiture, and other fund that is created by division 20979  
(D)(1)(c) of section 2933.43 of the Revised Code. If the 20980  
department of taxation substantially conducted the investigation, 20981

the director, shall transfer the remaining proceeds, fines, and 20982  
penalties to the department for deposit into the department of 20983  
taxation enforcement fund. If the state board of pharmacy 20984  
substantially conducted the investigation, the director shall 20985  
transfer the remaining proceeds, fines, and penalties to the board 20986  
for deposit into the board of pharmacy drug law enforcement fund 20987  
that is created by division (B)(1) of section 4729.65 of the 20988  
Revised Code. If a state law enforcement agency, other than the 20989  
state highway patrol, the department of taxation, or the state 20990  
board of pharmacy, substantially conducted the investigation, the 20991  
director shall transfer the remaining proceeds, fines, and 20992  
penalties to the treasurer of state for deposit into the peace 20993  
officer training commission fund. 20994

The remaining proceeds, fines, and penalties that are paid to 20995  
a law enforcement trust fund or that are deposited into the ~~state~~ 20996  
highway patrol state contraband, forfeiture, and other fund, the 20997  
department of taxation enforcement fund, the board of pharmacy 20998  
drug law enforcement fund, or the peace officer training 20999  
commission fund pursuant to division (D)(2)(c) of this section 21000  
shall be allocated, used, and expended only in accordance with 21001  
division (D)(1)(c) of section 2933.43 of the Revised Code, only in 21002  
accordance with a written internal control policy adopted under 21003  
division (D)(3) of that section, and, if applicable, only in 21004  
accordance with division (B) of section 4729.65 of the Revised 21005  
Code. The annual reports that pertain to the funds and that are 21006  
required by divisions (D)(1)(c) and (3)(b) of section 2933.43 of 21007  
the Revised Code also shall address the remaining proceeds, fines, 21008  
and penalties that are paid or deposited into the funds pursuant 21009  
to division (D)(2)(c) of this section. 21010

(3) If more than one law enforcement agency substantially 21011  
conducted the investigation, the court ordering the forfeiture 21012  
shall equitably divide the remaining proceeds, fines, and 21013

penalties among the law enforcement agencies that substantially  
conducted the investigation, in the manner described in division  
(D)(2) of section 2933.43 of the Revised Code for the equitable  
division of contraband proceeds and forfeited moneys. The  
equitable shares of the proceeds, fines, and penalties so  
determined by the court shall be paid or deposited into the  
appropriate funds specified in division (D)(2)(c) of this section.

(E) As used in this section, "law enforcement agency"  
includes, but is not limited to, the state board of pharmacy and  
the department of taxation.

**Sec. 2923.46.** (A) If property is seized pursuant to section  
2923.44 or 2923.45 of the Revised Code, it is considered to be in  
the custody of the head of the law enforcement agency that seized  
it, and the head of that agency may do any of the following with  
respect to that property prior to its disposition in accordance  
with division (A)(4) or (B) of this section:

(1) Place the property under seal;

(2) Remove the property to a place that the head of that  
agency designates;

(3) Request the issuance of a court order that requires any  
other appropriate municipal corporation, county, township, park  
district created pursuant to section 511.18 or 1545.01 of the  
Revised Code, or state law enforcement officer or other officer to  
take custody of the property and, if practicable, remove it to an  
appropriate location for eventual disposition in accordance with  
division (B) of this section;

(4)(a) Seek forfeiture of the property pursuant to federal  
law. If the head of that agency seeks its forfeiture pursuant to  
federal law, the law enforcement agency shall deposit, use, and  
account for proceeds from a sale of the property upon its

forfeiture, proceeds from another disposition of the property upon 21044  
its forfeiture, or forfeited moneys it receives, in accordance 21045  
with the applicable federal law and otherwise shall comply with 21046  
that law. 21047

(b) If the state highway patrol seized the property and if 21048  
the superintendent of the state highway patrol seeks its 21049  
forfeiture pursuant to federal law, the appropriate governmental 21050  
officials shall deposit into the ~~state~~ highway patrol federal 21051  
contraband, forfeiture, and other fund all interest or other 21052  
earnings derived from the investment of the proceeds from a sale 21053  
of the property upon its forfeiture, the proceeds from another 21054  
disposition of the property upon its forfeiture, or the forfeited 21055  
moneys. The state highway patrol shall use and account for that 21056  
interest or other earnings in accordance with the applicable 21057  
federal law. 21058

(c) Division (B) of this section and divisions (D)(1) to (3) 21059  
of section 2933.43 of the Revised Code do not apply to proceeds or 21060  
forfeited moneys received pursuant to federal law or to the 21061  
interest or other earnings that are derived from the investment of 21062  
proceeds or forfeited moneys received pursuant to federal law and 21063  
that are described in division (A)(4)(b) of this section. 21064

(B) In addition to complying with any requirements imposed by 21065  
a court pursuant to section 2923.44 or 2923.45 of the Revised 21066  
Code, and the requirements imposed by those sections, in relation 21067  
to the disposition of property forfeited to the state under either 21068  
of those sections, the prosecuting attorney who is responsible for 21069  
its disposition shall dispose of the property as follows: 21070

(1) Any vehicle that was used in a violation of section 21071  
2923.42 of the Revised Code or in an act of a juvenile that is a 21072  
violation of section 2923.42 of the Revised Code shall be given to 21073  
the law enforcement agency of the municipal corporation or county 21074

in which the offense or act occurred if that agency desires to 21075  
have the vehicle, except that, if the offense or act occurred in a 21076  
township or in a park district created pursuant to section 511.18 21077  
or 1545.01 of the Revised Code and a law enforcement officer 21078  
employed by the township or the park district was involved in the 21079  
seizure of the vehicle, the vehicle may be given to the law 21080  
enforcement agency of that township or park district if that 21081  
agency desires to have the vehicle, and except that, if the state 21082  
highway patrol made the seizure of the vehicle, the vehicle may be 21083  
given to the state highway patrol if it desires to have the 21084  
vehicle. 21085

(2) Drugs shall be disposed of pursuant to section 3719.11 of 21086  
the Revised Code or placed in the custody of the secretary of the 21087  
treasury of the United States for disposal or use for medical or 21088  
scientific purposes under applicable federal law. 21089

(3) Firearms and dangerous ordnance suitable for police work 21090  
may be given to a law enforcement agency for that purpose. 21091  
Firearms suitable for sporting use, or as museum pieces or 21092  
collectors' items, may be disposed of by sale pursuant to division 21093  
(B)(7) of this section. Other firearms and dangerous ordnance 21094  
shall be destroyed by a law enforcement agency or shall be sent to 21095  
the bureau of criminal identification and investigation for 21096  
destruction by it. 21097

(4) Computers, computer networks, computer systems, and 21098  
computer software suitable for police work may be given to a law 21099  
enforcement agency for that purpose. Other computers, computer 21100  
networks, computer systems, and computer software shall be 21101  
disposed of by sale pursuant to division (B)(7) of this section or 21102  
disposed of in another manner that the court that issued the order 21103  
of forfeiture considers proper under the circumstances. 21104

(5) Obscene materials shall be destroyed. 21105

(6) Beer, intoxicating liquor, and alcohol shall be disposed 21106  
of in accordance with division (D)(4) of section 2933.41 of the 21107  
Revised Code. 21108

(7) In the case of property not described in divisions (B)(1) 21109  
to (6) of this section and of property described in those 21110  
divisions but not disposed of pursuant to them, the property shall 21111  
be sold in accordance with division (B)(7) of this section or, in 21112  
the case of forfeited moneys, disposed of in accordance with 21113  
division (B)(7) of this section. If the property is to be sold, 21114  
the prosecuting attorney shall cause a notice of the proposed sale 21115  
of the property to be given in accordance with law, and the 21116  
property shall be sold, without appraisal, at a public auction to 21117  
the highest bidder for cash. The proceeds of a sale and forfeited 21118  
moneys shall be applied in the following order: 21119

(a) First, to the payment of the costs incurred in connection 21120  
with the seizure of, storage of, maintenance of, and provision of 21121  
security for the property, the forfeiture proceeding or civil 21122  
action, and, if any, the sale; 21123

(b) Second, the remaining proceeds or forfeited moneys after 21124  
compliance with division (B)(7)(a) of this section, to the payment 21125  
of the value of any legal right, title, or interest in the 21126  
property that is possessed by a person who, pursuant to division 21127  
(F) of section 2923.44 of the Revised Code or division (E) of 21128  
section 2923.45 of the Revised Code, established the validity of 21129  
and consequently preserved that legal right, title, or interest, 21130  
including, but not limited to, any mortgage, perfected or other 21131  
security interest, or other lien in the property. The value of 21132  
these rights, titles, or interests shall be paid according to 21133  
their record or other order of priority. 21134

(c) Third, the remaining proceeds or forfeited moneys after 21135  
compliance with divisions (B)(7)(a) and (b) of this section, as 21136

follows: 21137

(i) If the forfeiture was ordered in a juvenile court, ten 21138  
per cent to one or more alcohol and drug addiction treatment 21139  
programs that are certified by the department of alcohol and drug 21140  
addiction services under section 3793.06 of the Revised Code and 21141  
that are specified in the order of forfeiture. A juvenile court 21142  
shall not specify an alcohol or drug addiction treatment program 21143  
in the order of forfeiture unless the program is a certified 21144  
alcohol and drug addiction treatment program and, except as 21145  
provided in division (B)(7)(c)(i) of this section, unless the 21146  
program is located in the county in which the court that orders 21147  
the forfeiture is located or in a contiguous county. If no 21148  
certified alcohol and drug addiction treatment program is located 21149  
in any of those counties, the juvenile court may specify in the 21150  
order a certified alcohol and drug addiction treatment program 21151  
located anywhere within this state. 21152

(ii) If the forfeiture was ordered in a juvenile court, 21153  
ninety per cent, and if the forfeiture was ordered in a court 21154  
other than a juvenile court, one hundred per cent to appropriate 21155  
funds in accordance with divisions (D)(1)(c) and (2) of section 21156  
2933.43 of the Revised Code. The remaining proceeds or forfeited 21157  
moneys so deposited shall be used only for the purposes authorized 21158  
by those divisions and division (D)(3)(a)(ii) of that section. 21159

(C)(1) Sections 2923.44 to 2923.47 of the Revised Code do not 21160  
preclude a financial institution that possessed a valid mortgage, 21161  
security interest, or lien that is not satisfied prior to a sale 21162  
under division (B)(7) of this section or following a sale by 21163  
application of division (B)(7)(b) of this section, from commencing 21164  
a civil action in any appropriate court in this or another state 21165  
to obtain a deficiency judgment against the debtor if the 21166  
financial institution otherwise would have been entitled to do so 21167  
in this or another state. 21168

(2) Any law enforcement agency that obtains any vehicle 21169  
pursuant to division (B)(1) of this section shall take the vehicle 21170  
subject to the outstanding amount of any security interest or lien 21171  
that attaches to the vehicle. 21172

(3) Nothing in this section impairs a mortgage, security 21173  
interest, lien, or other interest of a financial institution in 21174  
property that was the subject of a forfeiture order under section 21175  
2923.44 or 2923.45 of the Revised Code and that was sold or 21176  
otherwise disposed of in a manner that does not conform to the 21177  
requirements of division (B) of this section, or any right of a 21178  
financial institution of that nature to commence a civil action in 21179  
any appropriate court in this or another state to obtain a 21180  
deficiency judgment against the debtor. 21181

(4) Following the sale under division (B)(7) of this section 21182  
of any property that is required to be titled or registered under 21183  
the law of this state, the prosecuting attorney responsible for 21184  
the disposition of the property shall cause the state to issue an 21185  
appropriate certificate of title or registration to the purchaser 21186  
of the property. If, in a disposition of property pursuant to 21187  
division (B) of this section, the state or a political subdivision 21188  
is given any property that is required to be titled or registered 21189  
under the law of this state, the prosecuting attorney responsible 21190  
for the disposition of the property shall cause the state to issue 21191  
an appropriate certificate of title or registration to itself or 21192  
to the political subdivision. 21193

(D) Property that has been forfeited to the state pursuant to 21194  
an order of criminal forfeiture under section 2923.44 of the 21195  
Revised Code or an order of civil forfeiture under section 2923.45 21196  
of the Revised Code shall not be available for use to pay any fine 21197  
imposed upon a person who is convicted of or pleads guilty to a 21198  
violation of section 2923.42 of the Revised Code or upon a 21199  
juvenile who is found by a juvenile court to be a delinquent child 21200

for an act that is a violation of section 2923.42 of the Revised Code. 21201  
21202

(E) Sections 2923.44 to 2923.47 of the Revised Code do not 21203  
prohibit a law enforcement officer from seeking the forfeiture of 21204  
contraband associated with a violation of section 2923.42 of the 21205  
Revised Code pursuant to section 2933.43 of the Revised Code. 21206

**Sec. 2925.44.** (A) If property is seized pursuant to section 21207  
2925.42 or 2925.43 of the Revised Code, it is deemed to be in the 21208  
custody of the head of the law enforcement agency that seized it, 21209  
and the head of that agency may do any of the following with 21210  
respect to that property prior to its disposition in accordance 21211  
with division (A)(4) or (B) of this section: 21212

(1) Place the property under seal; 21213

(2) Remove the property to a place that the head of that 21214  
agency designates; 21215

(3) Request the issuance of a court order that requires any 21216  
other appropriate municipal corporation, county, township, park 21217  
district created pursuant to section 511.18 or 1545.01 of the 21218  
Revised Code, or state law enforcement officer or other officer to 21219  
take custody of the property and, if practicable, remove it to an 21220  
appropriate location for eventual disposition in accordance with 21221  
division (B) of this section; 21222

(4)(a) Seek forfeiture of the property pursuant to federal 21223  
law. If the head of that agency seeks its forfeiture pursuant to 21224  
federal law, the law enforcement agency shall deposit, use, and 21225  
account for proceeds from a sale of the property upon its 21226  
forfeiture, proceeds from another disposition of the property upon 21227  
its forfeiture, or forfeited moneys it receives, in accordance 21228  
with the applicable federal law and otherwise shall comply with 21229  
that law. 21230

(b) If the state highway patrol seized the property and if 21231  
the superintendent of the state highway patrol seeks its 21232  
forfeiture pursuant to federal law, the appropriate governmental 21233  
officials shall deposit into the ~~state~~ highway patrol federal 21234  
contraband, forfeiture, and other fund all interest or other 21235  
earnings derived from the investment of the proceeds from a sale 21236  
of the property upon its forfeiture, the proceeds from another 21237  
disposition of the property upon its forfeiture, or the forfeited 21238  
moneys. The state highway patrol shall use and account for that 21239  
interest or other earnings in accordance with the applicable 21240  
federal law. 21241

(c) If the investigative unit of the department of public 21242  
safety seized the property and if the director of public safety 21243  
seeks its forfeiture pursuant to federal law, the appropriate 21244  
governmental officials shall deposit into the department of public 21245  
safety investigative unit ~~contraband, forfeiture, and other~~ 21246  
federal equitable share account fund all interest or other 21247  
earnings derived from the investment of the proceeds from a sale 21248  
of the property upon its forfeiture, the proceeds from another 21249  
disposition of the property upon its forfeiture, or the forfeited 21250  
moneys. The department shall use and account for that interest or 21251  
other earnings in accordance with the applicable federal law. 21252

(d) If the enforcement division of the department of taxation 21253  
seized the property and if the tax commissioner seeks its 21254  
forfeiture pursuant to federal law, the appropriate governmental 21255  
officials shall deposit into the department of taxation 21256  
enforcement fund all interest or other earnings derived from the 21257  
investment of the proceeds from a sale of the property upon its 21258  
forfeiture, the proceeds from another disposition of the property 21259  
upon its forfeiture, or the forfeited moneys. The department shall 21260  
use and account for that interest or other earnings in accordance 21261  
with the applicable federal law. 21262

(e) Division (B) of this section and divisions (D)(1) to (3) 21263  
of section 2933.43 of the Revised Code do not apply to proceeds or 21264  
forfeited moneys received pursuant to federal law or to the 21265  
interest or other earnings that are derived from the investment of 21266  
proceeds or forfeited moneys received pursuant to federal law and 21267  
that are described in division (A)(4)(b) or (d) of this section. 21268

(B) In addition to complying with any requirements imposed by 21269  
a court pursuant to section 2925.42 or 2925.43 of the Revised 21270  
Code, and the requirements imposed by those sections, in relation 21271  
to the disposition of property forfeited to the state under either 21272  
of those sections, the prosecuting attorney who is responsible for 21273  
its disposition shall dispose of the property as follows: 21274

(1) Any vehicle, as defined in section 4501.01 of the Revised 21275  
Code, that was used in a felony drug abuse offense or in an act 21276  
that, if committed by an adult, would be a felony drug abuse 21277  
offense shall be given to the law enforcement agency of the 21278  
municipal corporation or county in which the offense occurred if 21279  
that agency desires to have the vehicle, except that, if the 21280  
offense occurred in a township or in a park district created 21281  
pursuant to section 511.18 or 1545.01 of the Revised Code and a 21282  
law enforcement officer employed by the township or the park 21283  
district was involved in the seizure of the vehicle, the vehicle 21284  
may be given to the law enforcement agency of that township or 21285  
park district if that agency desires to have the vehicle, and 21286  
except that, if the state highway patrol made the seizure of the 21287  
vehicle, the vehicle may be given to the state highway patrol if 21288  
it desires to have the vehicle. 21289

(2) Any drug paraphernalia that was used, possessed, sold, or 21290  
manufactured in a violation of section 2925.14 of the Revised Code 21291  
that would be a felony drug abuse offense or in a violation of 21292  
that section committed by a juvenile that, if committed by an 21293  
adult, would be a felony drug abuse offense, may be given to the 21294

law enforcement agency of the municipal corporation or county in 21295  
which the offense occurred if that agency desires to have and can 21296  
use the drug paraphernalia, except that, if the offense occurred 21297  
in a township or in a park district created pursuant to section 21298  
511.18 or 1545.01 of the Revised Code and a law enforcement 21299  
officer employed by the township or the park district was involved 21300  
in the seizure of the drug paraphernalia, the drug paraphernalia 21301  
may be given to the law enforcement agency of that township or 21302  
park district if that agency desires to have and can use the drug 21303  
paraphernalia. If the drug paraphernalia is not so given, it shall 21304  
be disposed of by sale pursuant to division (B)(8) of this section 21305  
or disposed of in another manner that the court that issued the 21306  
order of forfeiture considers proper under the circumstances. 21307

(3) Drugs shall be disposed of pursuant to section 3719.11 of 21308  
the Revised Code or placed in the custody of the secretary of the 21309  
treasury of the United States for disposal or use for medical or 21310  
scientific purposes under applicable federal law. 21311

(4) Firearms and dangerous ordnance suitable for police work 21312  
may be given to a law enforcement agency for that purpose. 21313  
Firearms suitable for sporting use, or as museum pieces or 21314  
collectors' items, may be disposed of by sale pursuant to division 21315  
(B)(8) of this section. Other firearms and dangerous ordnance 21316  
shall be destroyed by a law enforcement agency or shall be sent to 21317  
the bureau of criminal identification and investigation for 21318  
destruction by it. As used in this division, "firearms" and 21319  
"dangerous ordnance" have the same meanings as in section 2923.11 21320  
of the Revised Code. 21321

(5) Computers, computer networks, computer systems, and 21322  
computer software suitable for police work may be given to a law 21323  
enforcement agency for that purpose. Other computers, computer 21324  
networks, computer systems, and computer software shall be 21325  
disposed of by sale pursuant to division (B)(8) of this section or 21326

disposed of in another manner that the court that issued the order 21327  
of forfeiture considers proper under the circumstances. As used in 21328  
this division, "computers," "computer networks," "computer 21329  
systems," and "computer software" have the same meanings as in 21330  
section 2913.01 of the Revised Code. 21331

(6) Obscene materials shall be destroyed. 21332

(7) Beer, intoxicating liquor, and alcohol shall be disposed 21333  
of in accordance with division (D)(4) of section 2933.41 of the 21334  
Revised Code. 21335

(8) In the case of property not described in divisions (B)(1) 21336  
to (7) of this section and of property described in those 21337  
divisions but not disposed of pursuant to them, the property shall 21338  
be sold in accordance with division (B)(8) of this section or, in 21339  
the case of forfeited moneys, disposed of in accordance with 21340  
division (B)(8) of this section. If the property is to be sold, 21341  
the prosecuting attorney shall cause a notice of the proposed sale 21342  
of the property to be given in accordance with law, and the 21343  
property shall be sold, without appraisal, at a public auction to 21344  
the highest bidder for cash. The proceeds of a sale and forfeited 21345  
moneys shall be applied in the following order: 21346

(a) First, to the payment of the costs incurred in connection 21347  
with the seizure of, storage of, maintenance of, and provision of 21348  
security for the property, the forfeiture proceeding or civil 21349  
action, and, if any, the sale; 21350

(b) Second, the remaining proceeds or forfeited moneys after 21351  
compliance with division (B)(8)(a) of this section, to the payment 21352  
of the value of any legal right, title, or interest in the 21353  
property that is possessed by a person who, pursuant to division 21354  
(F) of section 2925.42 of the Revised Code or division (E) of 21355  
section 2925.43 of the Revised Code, established the validity of 21356  
and consequently preserved that legal right, title, or interest, 21357

including, but not limited to, any mortgage, perfected or other  
security interest, or other lien in the property. The value of  
these rights, titles, or interests shall be paid according to  
their record or other order of priority.

(c) Third, the remaining proceeds or forfeited moneys after  
compliance with divisions (B)(8)(a) and (b) of this section, as  
follows:

(i) If the forfeiture was ordered in a juvenile court, ten  
per cent to one or more alcohol and drug addiction treatment  
programs that are certified by the department of alcohol and drug  
addiction services under section 3793.06 of the Revised Code and  
that are specified in the order of forfeiture. A juvenile court  
shall not specify an alcohol or drug addiction treatment program  
in the order of forfeiture unless the program is a certified  
alcohol and drug addiction treatment program and, except as  
provided in division (B)(8)(c)(i) of this section, unless the  
program is located in the county in which the court that orders  
the forfeiture is located or in a contiguous county. If no  
certified alcohol and drug addiction treatment program is located  
in any of those counties, the juvenile court may specify in the  
order a certified alcohol and drug addiction treatment program  
located anywhere within this state.

(ii) If the forfeiture was ordered in a juvenile court,  
ninety per cent, and if the forfeiture was ordered in a court  
other than a juvenile court, one hundred per cent to appropriate  
funds in accordance with divisions (D)(1)(c) and (2) of section  
2933.43 of the Revised Code. The remaining proceeds or forfeited  
moneys so deposited shall be used only for the purposes authorized  
by those divisions and division (D)(3)(a)(ii) of that section.

(C)(1) Sections 2925.41 to 2925.45 of the Revised Code do not  
preclude a financial institution that possessed a valid mortgage,

security interest, or lien that is not satisfied prior to a sale 21389  
under division (B)(8) of this section or following a sale by 21390  
application of division (B)(8)(b) of this section, from commencing 21391  
a civil action in any appropriate court in this or another state 21392  
to obtain a deficiency judgment against the debtor if the 21393  
financial institution otherwise would have been entitled to do so 21394  
in this or another state. 21395

(2) Any law enforcement agency that obtains any vehicle 21396  
pursuant to division (B)(1) of this section shall take the vehicle 21397  
subject to the outstanding amount of any security interest or lien 21398  
that attaches to the vehicle. 21399

(3) Nothing in this section impairs a mortgage, security 21400  
interest, lien, or other interest of a financial institution in 21401  
property that was the subject of a forfeiture order under section 21402  
2925.42 or 2925.43 of the Revised Code and that was sold or 21403  
otherwise disposed of in a manner that does not conform to the 21404  
requirements of division (B) of this section, or any right of a 21405  
financial institution of that nature to commence a civil action in 21406  
any appropriate court in this or another state to obtain a 21407  
deficiency judgment against the debtor. 21408

(4) Following the sale under division (B)(8) of this section 21409  
of any property that is required to be titled or registered under 21410  
the law of this state, the prosecuting attorney responsible for 21411  
the disposition of the property shall cause the state to issue an 21412  
appropriate certificate of title or registration to the purchaser 21413  
of the property. Additionally, if, in a disposition of property 21414  
pursuant to division (B) of this section, the state or a political 21415  
subdivision is given any property that is required to be titled or 21416  
registered under the law of this state, the prosecuting attorney 21417  
responsible for the disposition of the property shall cause the 21418  
state to issue an appropriate certificate of title or registration 21419  
to itself or to the political subdivision. 21420

(D) Property that has been forfeited to the state pursuant to 21421  
an order of criminal forfeiture under section 2925.42 of the 21422  
Revised Code or an order of civil forfeiture under section 2925.43 21423  
of the Revised Code shall not be available for use to pay any fine 21424  
imposed upon a person who is convicted of or pleads guilty to a 21425  
felony drug abuse offense or upon any juvenile who is found by a 21426  
juvenile court to be a delinquent child for an act that, if 21427  
committed by an adult, would be a felony drug abuse offense. 21428

(E) Sections 2925.41 to 2925.45 of the Revised Code do not 21429  
prohibit a law enforcement officer from seeking the forfeiture of 21430  
contraband associated with a felony drug abuse offense pursuant to 21431  
section 2933.43 of the Revised Code. 21432

**Sec. 2927.023.** (A) As used in this section "authorized 21433  
recipient of tobacco products" means a person who is: 21434

(1) Licensed as a cigarette wholesale dealer under section 21435  
5743.15 of the Revised Code; 21436

(2) Licensed as a distributor of tobacco products under 21437  
section 5743.61 of the Revised Code; 21438

(3) An export warehouse proprietor as defined in section 5702 21439  
of the Internal Revenue Code; 21440

(4) An operator of a customs bonded warehouse under 19 U.S.C. 21441  
1311 or 19 U.S.C. 1555; 21442

(5) An officer, employee, or agent of the federal government 21443  
or of this state acting in the person's official capacity; 21444

(6) A department, agency, instrumentality, or political 21445  
subdivision of the federal government or of this state; 21446

(7) A person having a consent for consumer shipment issued by 21447  
the tax commissioner under section 5743.71 of the Revised Code. 21448

The purpose of this section is to prevent the sale of 21449

cigarettes to minors and to ensure compliance with the Master 21450  
Settlement Agreement, as defined in section 1346.01 of the Revised 21451  
Code. 21452

(B)(1) No person shall cause to be shipped any cigarettes to 21453  
any person in this state other than an authorized recipient of 21454  
tobacco products. 21455

(2) No common carrier, contract carrier, or other person 21456  
shall knowingly transport cigarettes to any person in this state 21457  
that the carrier or other person reasonably believes is not an 21458  
authorized recipient of tobacco products. If cigarettes are 21459  
transported to a home or residence, it shall be presumed that the 21460  
common carrier, contract carrier, or other person knew that the 21461  
person to whom the cigarettes were delivered was not an authorized 21462  
recipient of tobacco products. 21463

(C) No person engaged in the business of selling cigarettes 21464  
who ships or causes to be shipped cigarettes to any person in this 21465  
state in any container or wrapping other than the original 21466  
container or wrapping of the cigarettes shall fail to plainly and 21467  
visibly mark the exterior of the container or wrapping in which 21468  
the cigarettes are shipped with the words "cigarettes." 21469

(D) A court shall impose a fine of up to one thousand dollars 21470  
for each violation of division (B)(1), (B)(2), or (C) of this 21471  
section. 21472

**Sec. 2933.43.** (A)(1) Except as provided in this division or 21473  
in section 2913.34 or sections 2923.44 to 2923.47 or 2925.41 to 21474  
2925.45 of the Revised Code, a law enforcement officer shall seize 21475  
any contraband that has been, is being, or is intended to be used 21476  
in violation of division (A) of section 2933.42 of the Revised 21477  
Code. A law enforcement officer shall seize contraband that is a 21478  
watercraft, motor vehicle, or aircraft and that has been, is 21479

being, or is intended to be used in violation of division (A) of 21480  
section 2933.42 of the Revised Code only if the watercraft, motor 21481  
vehicle, or aircraft is contraband because of its relationship to 21482  
an underlying criminal offense that is a felony. 21483

Additionally, a law enforcement officer shall seize any 21484  
watercraft, motor vehicle, aircraft, or other personal property 21485  
that is classified as contraband under division (B) of section 21486  
2933.42 of the Revised Code if the underlying offense involved in 21487  
the violation of division (A) of that section that resulted in the 21488  
watercraft, motor vehicle, aircraft, or personal property being 21489  
classified as contraband, is a felony. 21490

(2) If a law enforcement officer seizes property that is 21491  
titled or registered under law, including a motor vehicle, 21492  
pursuant to division (A)(1) of this section, the officer or the 21493  
officer's employing law enforcement agency shall notify the owner 21494  
of the seizure. The notification shall be given to the owner at 21495  
the owner's last known address within seventy-two hours after the 21496  
seizure, and may be given orally by any means, including 21497  
telephone, or by certified mail, return receipt requested. 21498

If the officer or the officer's agency is unable to provide 21499  
the notice required by this division despite reasonable, good 21500  
faith efforts to do so, the exercise of the reasonable, good faith 21501  
efforts constitutes fulfillment of the notice requirement imposed 21502  
by this division. 21503

(B)(1) A motor vehicle seized pursuant to division (A)(1) of 21504  
this section and the contents of the vehicle may be retained for a 21505  
reasonable period of time, not to exceed seventy-two hours, for 21506  
the purpose of inspection, investigation, and the gathering of 21507  
evidence of any offense or illegal use. 21508

At any time prior to the expiration of the seventy-two-hour 21509  
period, the law enforcement agency that seized the motor vehicle 21510

may petition the court of common pleas of the county that has  
jurisdiction over the underlying criminal case or administrative  
proceeding involved in the forfeiture for an extension of the  
seventy-two-hour period if the motor vehicle or its contents are  
needed as evidence or if additional time is needed for the  
inspection, investigation, or gathering of evidence. Upon the  
filing of such a petition, the court immediately shall schedule a  
hearing to be held at a time as soon as possible after the filing,  
but in no event at a time later than the end of the next business  
day subsequent to the day on which the petition was filed, and  
upon scheduling the hearing, immediately shall notify the owner of  
the vehicle, at the address at which notification of the seizure  
was provided under division (A) of this section, of the date,  
time, and place of the hearing. If the court, at the hearing,  
determines that the vehicle or its contents, or both, are needed  
as evidence or that additional time is needed for the inspection,  
investigation, or gathering of evidence, the court may grant the  
petition and issue an order authorizing the retention of the  
vehicle or its contents, or both, for an extended period as  
specified by the court in its order. An order extending a period  
of retention issued under this division may be renewed.

If no petition for the extension of the initial  
seventy-two-hour period has been filed, prior to the expiration of  
that period, under this division, if the vehicle was not in the  
custody and control of the owner at the time of its seizure, and  
if, at the end of that seventy-two-hour period, the owner of the  
vehicle has not been charged with an offense or administrative  
violation that includes the use of the vehicle as an element and  
has not been charged with any other offense or administrative  
violation in the actual commission of which the motor vehicle was  
used, the vehicle and its contents shall be released to its owner  
or the owner's agent, provided that the law enforcement agency

that seized the vehicle may require proof of ownership of the  
vehicle, proof of ownership or legal possession of the contents,  
and an affidavit of the owner that the owner neither knew of nor  
expressly or impliedly consented to the use of the vehicle that  
resulted in its forfeiture as conditions precedent to release. If  
a petition for the extension of the initial seventy-two-hour  
period has been filed, prior to the expiration of that period,  
under this division but the court does not grant the petition, if  
the vehicle was not in the custody and control of the owner at the  
time of its seizure, and if, at the end of that seventy-two-hour  
period, the owner of the vehicle has not been charged with an  
offense or administrative violation that includes the use of the  
vehicle as an element and has not been charged with any other  
offense or administrative violation in the actual commission of  
which the motor vehicle was used, the vehicle and its contents  
shall be released to its owner or the owner's agent, provided that  
the court may require the proof and affidavit described in the  
preceding sentence as conditions precedent to release. If the  
initial seventy-two-hour period has been extended under this  
division, the vehicle and its contents to which the extension  
applies may be retained in accordance with the extension order.  
If, at the end of that extended period, the owner of the vehicle  
has not been charged with an offense or administrative violation  
that includes the use of the vehicle as an element and has not  
been charged with any other offense or administrative violation in  
the actual commission of which the motor vehicle was used, and if  
the vehicle was not in the custody and control of the owner at the  
time of its seizure, the vehicle and its contents shall be  
released to its owner or the owner's agent, provided that the  
court may require the proof and affidavit described in the third  
preceding sentence as conditions precedent to release. In cases in  
which the court may require proof and affidavits as conditions  
precedent to release, the court also may require the posting of a

bond, with sufficient sureties approved by the court, in an amount  
equal to the value of the property to be released, as determined  
by the court, and conditioned upon the return of the property to  
the court if it is forfeited under this section, as a further  
condition to release. If, at the end of the initial  
seventy-two-hour period or at the end of any extended period  
granted under this section, the owner has been charged with an  
offense or administrative violation that includes the use of the  
vehicle as an element or has been charged with another offense or  
administrative violation in the actual commission of which the  
motor vehicle was used, or if the vehicle was in the custody and  
control of the owner at the time of its seizure, the vehicle and  
its contents shall be retained pending disposition of the charge,  
provided that upon the filing of a motion for release by the  
owner, if the court determines that the motor vehicle or its  
contents, or both, are not needed as evidence in the underlying  
criminal case or administrative proceeding, the court may permit  
the release of the property that is not needed as evidence to the  
owner; as a condition precedent to a release of that nature, the  
court may require the owner to execute a bond with the court. Any  
bond so required shall be in an amount equal to the value of the  
property to be released, as determined by the court, shall have  
sufficient sureties approved by the court, and shall be  
conditioned upon the return of the property to the court to which  
it is forfeited under this section.

The final disposition of a motor vehicle seized pursuant to  
division (A)(1) of this section shall be determined in accordance  
with division (C) of this section.

(2) Pending a hearing pursuant to division (C) of this  
section, and subject to divisions (B)(1) and (C) of this section,  
any property lawfully seized pursuant to division (A) of this  
section because it was contraband of a type described in division

(A)(13)(b), (d), (e), (f), (g), (h), (i), or (j) of section 21608  
2901.01 of the Revised Code shall not be subject to replevin or 21609  
other action in any court and shall not be subject to release upon 21610  
request of the owner, and no judgment shall be enforced against 21611  
the property. Pending the hearing, and subject to divisions (B)(1) 21612  
and (C) of this section, the property shall be kept in the custody 21613  
of the law enforcement agency responsible for its seizure. 21614

Pending a hearing pursuant to division (C) of this section, 21615  
and notwithstanding any provisions of division (B)(1) or (C) of 21616  
this section to the contrary, any property lawfully seized 21617  
pursuant to division (A) of this section because it was contraband 21618  
of a type described in division (A)(13)(a) or (c) of section 21619  
2901.01 of the Revised Code shall not be subject to replevin or 21620  
other action in any court and shall not be subject to release upon 21621  
request of the owner, and no judgment shall be enforced against 21622  
the property. Pending the hearing, and notwithstanding any 21623  
provisions of division (B)(1) or (C) of this section to the 21624  
contrary, the property shall be kept in the custody of the law 21625  
enforcement agency responsible for its seizure. 21626

A law enforcement agency that seizes property under division 21627  
(A) of this section because it was contraband of any type 21628  
described in division (A)(13) of section 2901.01 or division (B) 21629  
of section 2933.42 of the Revised Code shall maintain an accurate 21630  
record of each item of property so seized, which record shall 21631  
include the date on which each item was seized, the manner and 21632  
date of its disposition, and if applicable, the name of the person 21633  
who received the item; however, the record shall not identify or 21634  
enable the identification of the individual officer who seized the 21635  
item. The record of property of that nature that no longer is 21636  
needed as evidence shall be open to public inspection during the 21637  
agency's regular business hours. Each law enforcement agency that, 21638  
during any calendar year, seizes property under division (A) of 21639

this section because it was contraband shall prepare a report 21640  
covering the calendar year that cumulates all of the information 21641  
contained in all of the records kept by the agency pursuant to 21642  
this division for that calendar year, and shall send a copy of the 21643  
cumulative report, no later than the first day of March in the 21644  
calendar year following the calendar year covered by the report, 21645  
to the attorney general. Each report received by the attorney 21646  
general is a public record open for inspection under section 21647  
149.43 of the Revised Code. Not later than the fifteenth day of 21648  
April in the calendar year in which the reports are received, the 21649  
attorney general shall send to the president of the senate and the 21650  
speaker of the house of representatives a written notification 21651  
that does all of the following: 21652

(a) Indicates that the attorney general has received from law 21653  
enforcement agencies reports of the type described in this 21654  
division that cover the previous calendar year and indicates that 21655  
the reports were received under this division; 21656

(b) Indicates that the reports are open for inspection under 21657  
section 149.43 of the Revised Code; 21658

(c) Indicates that the attorney general will provide a copy 21659  
of any or all of the reports to the president of the senate or the 21660  
speaker of the house of representatives upon request. 21661

(C) The prosecuting attorney, village solicitor, city 21662  
director of law, or similar chief legal officer who has 21663  
responsibility for the prosecution of the underlying criminal case 21664  
or administrative proceeding, or the attorney general if the 21665  
attorney general has that responsibility, shall file a petition 21666  
for the forfeiture, to the seizing law enforcement agency of the 21667  
contraband seized pursuant to division (A) of this section. The 21668  
petition shall be filed in the court that has jurisdiction over 21669  
the underlying criminal case or administrative proceeding involved 21670

in the forfeiture. If the property was seized on the basis of both 21671  
a criminal violation and an administrative regulation violation, 21672  
the petition shall be filed by the officer and in the court that 21673  
is appropriate in relation to the criminal case. 21674

The petitioner shall conduct or cause to be conducted a 21675  
search of the appropriate public records that relate to the seized 21676  
property for the purpose of determining, and shall make or cause 21677  
to be made reasonably diligent inquiries for the purpose of 21678  
determining, any person having an ownership or security interest 21679  
in the property. The petitioner then shall give notice of the 21680  
forfeiture proceedings by personal service or by certified mail, 21681  
return receipt requested, to any persons known, because of the 21682  
conduct of the search, the making of the inquiries, or otherwise, 21683  
to have an ownership or security interest in the property, and 21684  
shall publish notice of the proceedings once each week for two 21685  
consecutive weeks in a newspaper of general circulation in the 21686  
county in which the seizure occurred. The notices shall be 21687  
personally served, mailed, and first published at least four weeks 21688  
before the hearing. They shall describe the property seized; state 21689  
the date and place of seizure; name the law enforcement agency 21690  
that seized the property and, if applicable, that is holding the 21691  
property; list the time, date, and place of the hearing; and state 21692  
that any person having an ownership or security interest in the 21693  
property may contest the forfeiture. 21694

If the property seized was determined by the seizing law 21695  
enforcement officer to be contraband because of its relationship 21696  
to an underlying criminal offense or administrative violation, no 21697  
forfeiture hearing shall be held under this section unless the 21698  
person pleads guilty to or is convicted of the commission of, or 21699  
an attempt or conspiracy to commit, the offense or a different 21700  
offense arising out of the same facts and circumstances or unless 21701  
the person admits or is adjudicated to have committed the 21702

administrative violation or a different violation arising out of 21703  
the same facts and circumstances; a forfeiture hearing shall be 21704  
held in a case of that nature no later than forty-five days after 21705  
the conviction or the admission or adjudication of the violation, 21706  
unless the time for the hearing is extended by the court for good 21707  
cause shown. The owner of any property seized because of its 21708  
relationship to an underlying criminal offense or administrative 21709  
violation may request the court to release the property to the 21710  
owner. Upon receipt of a request of that nature, if the court 21711  
determines that the property is not needed as evidence in the 21712  
underlying criminal case or administrative proceeding, the court 21713  
may permit the release of the property to the owner. As a 21714  
condition precedent to a release of that nature, the court may 21715  
require the owner to execute a bond with the court. Any bond so 21716  
required shall have sufficient sureties approved by the court, 21717  
shall be in a sum equal to the value of the property, as 21718  
determined by the court, and shall be conditioned upon the return 21719  
of the property to the court if the property is forfeited under 21720  
this section. Any property seized because of its relationship to 21721  
an underlying criminal offense or administrative violation shall 21722  
be returned to its owner if charges are not filed in relation to 21723  
that underlying offense or violation within thirty days after the 21724  
seizure, if charges of that nature are filed and subsequently are 21725  
dismissed, or if charges of that nature are filed and the person 21726  
charged does not plead guilty to and is not convicted of the 21727  
offense or does not admit and is not found to have committed the 21728  
violation. 21729

If the property seized was determined by the seizing law 21730  
enforcement officer to be contraband other than because of a 21731  
relationship to an underlying criminal offense or administrative 21732  
violation, the forfeiture hearing under this section shall be held 21733  
no later than forty-five days after the seizure, unless the time 21734

for the hearing is extended by the court for good cause shown. 21735

Where possible, a court holding a forfeiture hearing under 21736  
this section shall follow the Rules of Civil Procedure. When a 21737  
hearing is conducted under this section, property shall be 21738  
forfeited upon a showing, by a preponderance of the evidence, by 21739  
the petitioner that the person from which the property was seized 21740  
was in violation of division (A) of section 2933.42 of the Revised 21741  
Code. If that showing is made, the court shall issue an order of 21742  
forfeiture. If an order of forfeiture is issued in relation to 21743  
contraband that was released to the owner or the owner's agent 21744  
pursuant to this division or division (B)(1) of this section, the 21745  
order shall require the owner to deliver the property, by a 21746  
specified date, to the law enforcement agency that employed the 21747  
law enforcement officer who made the seizure of the property, and 21748  
the court shall deliver a copy of the order to the owner or send a 21749  
copy of it by certified mail, return receipt requested, to the 21750  
owner at the address to which notice of the seizure was given 21751  
under division (A)(2) of this section. Except as otherwise 21752  
provided in this division, all rights, interest, and title to the 21753  
forfeited contraband vests in the state, effective from the date 21754  
of seizure. 21755

No property shall be forfeited pursuant to this division if 21756  
the owner of the property establishes, by a preponderance of the 21757  
evidence, that the owner neither knew, nor should have known after 21758  
a reasonable inquiry, that the property was used, or was likely to 21759  
be used, in a crime or administrative violation. No bona fide 21760  
security interest shall be forfeited pursuant to this division if 21761  
the holder of the interest establishes, by a preponderance of the 21762  
evidence, that the holder of the interest neither knew, nor should 21763  
have known after a reasonable inquiry, that the property was used, 21764  
or likely to be used, in a crime or administrative violation, that 21765  
the holder of the interest did not expressly or impliedly consent 21766

to the use of the property in a crime or administrative violation, 21767  
and that the security interest was perfected pursuant to law prior 21768  
to the seizure. If the holder of the interest satisfies the court 21769  
that these requirements are met, the interest shall be preserved 21770  
by the court. In a case of that nature, the court shall either 21771  
order that the agency to which the property is forfeited reimburse 21772  
the holder of the interest to the extent of the preserved interest 21773  
or order that the holder be paid for the interest from the 21774  
proceeds of any sale pursuant to division (D) of this section. 21775

(D)(1) Contraband ordered forfeited pursuant to this section 21776  
shall be disposed of pursuant to divisions (D)(1) to (7) of 21777  
section 2933.41 of the Revised Code or, if the contraband is not 21778  
described in those divisions, may be used, with the approval of 21779  
the court, by the law enforcement agency that has custody of the 21780  
contraband pursuant to division (D)(8) of that section. In the 21781  
case of contraband not described in any of those divisions and of 21782  
contraband not disposed of pursuant to any of those divisions, the 21783  
contraband shall be sold in accordance with this division or, in 21784  
the case of forfeited moneys, disposed of in accordance with this 21785  
division. If the contraband is to be sold, the prosecuting 21786  
attorney shall cause a notice of the proposed sale of the 21787  
contraband to be given in accordance with law, and the property 21788  
shall be sold, without appraisal, at a public auction to the 21789  
highest bidder for cash. The proceeds of a sale and forfeited 21790  
moneys shall be applied in the following order: 21791

(a) First, to the payment of the costs incurred in connection 21792  
with the seizure of, storage of, maintenance of, and provision of 21793  
security for the contraband, the forfeiture proceeding, and, if 21794  
any, the sale; 21795

(b) Second, the remaining proceeds or forfeited moneys after 21796  
compliance with division (D)(1)(a) of this section, to the payment 21797  
of the balance due on any security interest preserved pursuant to 21798

division (C) of this section; 21799

(c) Third, the remaining proceeds or forfeited moneys after 21800  
compliance with divisions (D)(1)(a) and (b) of this section, as 21801  
follows: 21802

(i) If the forfeiture was ordered in a juvenile court, ten 21803  
per cent to one or more alcohol and drug addiction treatment 21804  
programs that are certified by the department of alcohol and drug 21805  
addiction services under section 3793.06 of the Revised Code and 21806  
that are specified in the order of forfeiture. A juvenile court 21807  
shall not certify an alcohol or drug addiction treatment program 21808  
in the order of forfeiture unless the program is a certified 21809  
alcohol and drug addiction treatment program and, except as 21810  
provided in division (D)(1)(c)(i) of this section, unless the 21811  
program is located in the county in which the court that orders 21812  
the forfeiture is located or in a contiguous county. If no 21813  
certified alcohol and drug addiction treatment program is located 21814  
in any of those counties, the juvenile court may specify in the 21815  
order a certified alcohol and drug addiction treatment program 21816  
located anywhere within this state. 21817

(ii) If the forfeiture was ordered in a juvenile court, 21818  
ninety per cent, and if the forfeiture was ordered in a court 21819  
other than a juvenile court, one hundred per cent to the law 21820  
enforcement trust fund of the prosecuting attorney and to the law 21821  
enforcement trust fund of the county sheriff if the county sheriff 21822  
made the seizure, to the law enforcement trust fund of a municipal 21823  
corporation if its police department made the seizure, to the law 21824  
enforcement trust fund of a township if the seizure was made by a 21825  
township police department, township police district police force, 21826  
or office of a township constable, to the law enforcement trust 21827  
fund of a park district created pursuant to section 511.18 or 21828  
1545.01 of the Revised Code if the seizure was made by the park 21829  
district police force or law enforcement department, to the ~~state~~ 21830

highway patrol state contraband, forfeiture, and other fund if the 21831  
state highway patrol made the seizure, to the department of public 21832  
safety investigative unit contraband, forfeiture, and other fund 21833  
if the investigative unit of the department of public safety made 21834  
the seizure, to the department of taxation enforcement fund if the 21835  
department of taxation made the seizure, to the board of pharmacy 21836  
drug law enforcement fund created by division (B)(1) of section 21837  
4729.65 of the Revised Code if the board made the seizure, or to 21838  
the treasurer of state for deposit into the peace officer training 21839  
commission fund if a state law enforcement agency, other than the 21840  
state highway patrol, the investigative unit of the department of 21841  
public safety, the enforcement division of the department of 21842  
taxation, or the state board of pharmacy, made the seizure. The 21843  
prosecuting attorney may decline to accept any of the remaining 21844  
proceeds or forfeited moneys, and, if the prosecuting attorney so 21845  
declines, the remaining proceeds or forfeited moneys shall be 21846  
applied to the fund described in this division that relates to the 21847  
law enforcement agency that made the seizure. 21848

A law enforcement trust fund shall be established by the 21849  
prosecuting attorney of each county who intends to receive any 21850  
remaining proceeds or forfeited moneys pursuant to this division, 21851  
by the sheriff of each county, by the legislative authority of 21852  
each municipal corporation, by the board of township trustees of 21853  
each township that has a township police department, township 21854  
police district police force, or office of the constable, and by 21855  
the board of park commissioners of each park district created 21856  
pursuant to section 511.18 or 1545.01 of the Revised Code that has 21857  
a park district police force or law enforcement department, for 21858  
the purposes of this division. There is hereby created in the 21859  
state treasury the ~~state~~ highway patrol state contraband, 21860  
forfeiture, and other fund, the department of public safety 21861  
investigative unit contraband, forfeiture, and other fund, the 21862  
department of taxation enforcement fund, and the peace officer 21863

training commission fund, for the purposes described in this 21864  
division. 21865

Proceeds or forfeited moneys distributed to any municipal 21866  
corporation, township, or park district law enforcement trust fund 21867  
shall be allocated from the fund by the legislative authority only 21868  
to the police department of the municipal corporation, by the 21869  
board of township trustees only to the township police department, 21870  
township police district police force, or office of the constable, 21871  
and by the board of park commissioners only to the park district 21872  
police force or law enforcement department. 21873

Additionally, no proceeds or forfeited moneys shall be 21874  
allocated to or used by the state highway patrol, the department 21875  
of public safety, the department of taxation, the state board of 21876  
pharmacy, or a county sheriff, prosecuting attorney, municipal 21877  
corporation police department, township police department, 21878  
township police district police force, office of the constable, or 21879  
park district police force or law enforcement department unless 21880  
the state highway patrol, department of public safety, department 21881  
of taxation, state board of pharmacy, sheriff, prosecuting 21882  
attorney, municipal corporation police department, township police 21883  
department, township police district police force, office of the 21884  
constable, or park district police force or law enforcement 21885  
department has adopted a written internal control policy under 21886  
division (D)(3) of this section that addresses the use of moneys 21887  
received from the ~~state~~ highway patrol state contraband, 21888  
forfeiture, and other fund, the department of public safety 21889  
investigative unit contraband, forfeiture, and other fund, the 21890  
department of taxation enforcement fund, the board of pharmacy 21891  
drug law enforcement fund, or the appropriate law enforcement 21892  
trust fund. 21893

The ~~state~~ highway patrol state contraband, forfeiture, and 21894  
other fund, the department of public safety investigative unit 21895

contraband, forfeiture, and other fund, the department of taxation 21896  
enforcement fund, and a law enforcement trust fund shall be 21897  
expended only in accordance with the written internal control 21898  
policy so adopted by the recipient, and, subject to the 21899  
requirements specified in division (D)(3)(a)(ii) of this section, 21900  
only to pay the costs of protracted or complex investigations or 21901  
prosecutions, to provide reasonable technical training or 21902  
expertise, to provide matching funds to obtain federal grants to 21903  
aid law enforcement, in the support of DARE programs or other 21904  
programs designed to educate adults or children with respect to 21905  
the dangers associated with the use of drugs of abuse, to pay the 21906  
costs of emergency action taken under section 3745.13 of the 21907  
Revised Code relative to the operation of an illegal 21908  
methamphetamine laboratory if the forfeited property or money 21909  
involved was that of a person responsible for the operation of the 21910  
laboratory, or for other law enforcement purposes that the 21911  
superintendent of the state highway patrol, department of public 21912  
safety, department of taxation, prosecuting attorney, county 21913  
sheriff, legislative authority, board of township trustees, or 21914  
board of park commissioners determines to be appropriate. The 21915  
board of pharmacy drug law enforcement fund shall be expended only 21916  
in accordance with the written internal control policy so adopted 21917  
by the board and only in accordance with section 4729.65 of the 21918  
Revised Code, except that it also may be expended to pay the costs 21919  
of emergency action taken under section 3745.13 of the Revised 21920  
Code relative to the operation of an illegal methamphetamine 21921  
laboratory if the forfeited property or money involved was that of 21922  
a person responsible for the operation of the laboratory. The 21923  
~~state~~ highway patrol state contraband, forfeiture, and other fund, 21924  
the department of public safety investigative unit contraband, 21925  
forfeiture, and other fund, the department of taxation enforcement 21926  
fund, the board of pharmacy drug law enforcement fund, and a law 21927  
enforcement trust fund shall not be used to meet the operating 21928

costs of the state highway patrol, of the investigative unit of 21929  
the department of public safety, of the department of taxation 21930  
enforcement division, of the state board of pharmacy, of any 21931  
political subdivision, or of any office of a prosecuting attorney 21932  
or county sheriff that are unrelated to law enforcement. 21933

Proceeds and forfeited moneys that are paid into the state 21934  
treasury to be deposited into the peace officer training 21935  
commission fund shall be used by the commission only to pay the 21936  
costs of peace officer training. 21937

Any sheriff or prosecuting attorney who receives proceeds or 21938  
forfeited moneys pursuant to this division during any calendar 21939  
year shall file a report with the county auditor, no later than 21940  
the thirty-first day of January of the next calendar year, 21941  
verifying that the proceeds and forfeited moneys were expended 21942  
only for the purposes authorized by this division and division 21943  
(D)(3)(a)(ii) of this section and specifying the amounts expended 21944  
for each authorized purpose. Any municipal corporation police 21945  
department that is allocated proceeds or forfeited moneys from a 21946  
municipal corporation law enforcement trust fund pursuant to this 21947  
division during any calendar year shall file a report with the 21948  
legislative authority of the municipal corporation, no later than 21949  
the thirty-first day of January of the next calendar year, 21950  
verifying that the proceeds and forfeited moneys were expended 21951  
only for the purposes authorized by this division and division 21952  
(D)(3)(a)(ii) of this section and specifying the amounts expended 21953  
for each authorized purpose. Any township police department, 21954  
township police district police force, or office of the constable 21955  
that is allocated proceeds or forfeited moneys from a township law 21956  
enforcement trust fund pursuant to this division during any 21957  
calendar year shall file a report with the board of township 21958  
trustees of the township, no later than the thirty-first day of 21959  
January of the next calendar year, verifying that the proceeds and 21960

forfeited moneys were expended only for the purposes authorized by 21961  
this division and division (D)(3)(a)(ii) of this section and 21962  
specifying the amounts expended for each authorized purpose. Any 21963  
park district police force or law enforcement department that is 21964  
allocated proceeds or forfeited moneys from a park district law 21965  
enforcement trust fund pursuant to this division during any 21966  
calendar year shall file a report with the board of park 21967  
commissioners of the park district, no later than the thirty-first 21968  
day of January of the next calendar year, verifying that the 21969  
proceeds and forfeited moneys were expended only for the purposes 21970  
authorized by this division and division (D)(3)(a)(ii) of this 21971  
section and specifying the amounts expended for each authorized 21972  
purpose. The superintendent of the state highway patrol shall file 21973  
a report with the attorney general, no later than the thirty-first 21974  
day of January of each calendar year, verifying that proceeds and 21975  
forfeited moneys paid into the ~~state~~ highway patrol state 21976  
contraband, forfeiture, and other fund pursuant to this division 21977  
during the prior calendar year were used by the state highway 21978  
patrol during the prior calendar year only for the purposes 21979  
authorized by this division and specifying the amounts expended 21980  
for each authorized purpose. The executive director of the state 21981  
board of pharmacy shall file a report with the attorney general, 21982  
no later than the thirty-first day of January of each calendar 21983  
year, verifying that proceeds and forfeited moneys paid into the 21984  
board of pharmacy drug law enforcement fund during the prior 21985  
calendar year were used only in accordance with section 4729.65 of 21986  
the Revised Code and specifying the amounts expended for each 21987  
authorized purpose. The peace officer training commission shall 21988  
file a report with the attorney general, no later than the 21989  
thirty-first day of January of each calendar year, verifying that 21990  
proceeds and forfeited moneys paid into the peace officer training 21991  
commission fund pursuant to this division during the prior 21992  
calendar year were used by the commission during the prior 21993

calendar year only to pay the costs of peace officer training and 21994  
specifying the amount used for that purpose. 21995

The tax commissioner shall file a report with the attorney 21996  
general, not later than the thirty-first day of January of each 21997  
calendar year, verifying that proceeds and forfeited moneys paid 21998  
into the department of taxation enforcement fund pursuant to this 21999  
division during the prior calendar year were used by the 22000  
enforcement division during the prior calendar year to pay only 22001  
the costs of enforcing the tax laws and specifying the amount used 22002  
for that purpose. 22003

(2) If more than one law enforcement agency is substantially 22004  
involved in the seizure of contraband that is forfeited pursuant 22005  
to this section, the court ordering the forfeiture shall equitably 22006  
divide the proceeds or forfeited moneys, after calculating any 22007  
distribution to the law enforcement trust fund of the prosecuting 22008  
attorney pursuant to division (D)(1)(c) of this section, among any 22009  
county sheriff whose office is determined by the court to be 22010  
substantially involved in the seizure, any legislative authority 22011  
of a municipal corporation whose police department is determined 22012  
by the court to be substantially involved in the seizure, any 22013  
board of township trustees whose law enforcement agency is 22014  
determined by the court to be substantially involved in the 22015  
seizure, any board of park commissioners of a park district whose 22016  
police force or law enforcement department is determined by the 22017  
court to be substantially involved in the seizure, the state board 22018  
of pharmacy if it is determined by the court to be substantially 22019  
involved in the seizure, the investigative unit of the department 22020  
of public safety if it is determined by the court to be 22021  
substantially involved in the seizure, the enforcement division of 22022  
the department of taxation if it is determined by the court to be 22023  
substantially involved in the seizure and the state highway patrol 22024  
if it is determined by the court to be substantially involved in 22025

the seizure. The proceeds or forfeited moneys shall be deposited 22026  
in the respective law enforcement trust funds of the county 22027  
sheriff, municipal corporation, township, and park district, the 22028  
board of pharmacy drug law enforcement fund, the department of 22029  
public safety investigative unit contraband, forfeiture, and other 22030  
fund, the department of taxation enforcement fund, or the ~~state~~ 22031  
highway patrol state contraband, forfeiture, and other fund, in 22032  
accordance with division (D)(1)(c) of this section. If a state law 22033  
enforcement agency, other than the state highway patrol, the 22034  
investigative unit of the department of public safety, the 22035  
department of taxation, or the state board of pharmacy, is 22036  
determined by the court to be substantially involved in the 22037  
seizure, the state agency's equitable share of the proceeds and 22038  
forfeited moneys shall be paid to the treasurer of state for 22039  
deposit into the peace officer training commission fund. 22040

(3)(a)(i) Prior to being allocated or using any proceeds or 22041  
forfeited moneys out of the ~~state~~ highway patrol state contraband, 22042  
forfeiture, and other fund, the department of public safety 22043  
investigative unit contraband, forfeiture, and other fund, the 22044  
department of taxation enforcement fund, the board of pharmacy 22045  
drug law enforcement fund, or a law enforcement trust fund under 22046  
division (D)(1)(c) of this section, the state highway patrol, the 22047  
department of public safety, the department of taxation, the state 22048  
board of pharmacy, and a county sheriff, prosecuting attorney, 22049  
municipal corporation police department, township police 22050  
department, township police district police force, office of the 22051  
constable, or park district police force or law enforcement 22052  
department shall adopt a written internal control policy that 22053  
addresses the state highway patrol's, department of public 22054  
safety's, department of taxation's, state board of pharmacy's, 22055  
sheriff's, prosecuting attorney's, police department's, police 22056  
force's, office of the constable's, or law enforcement 22057

department's use and disposition of all the proceeds and forfeited 22058  
moneys received and that provides for the keeping of detailed 22059  
financial records of the receipts of the proceeds and forfeited 22060  
moneys, the general types of expenditures made out of the proceeds 22061  
and forfeited moneys, the specific amount of each general type of 22062  
expenditure, and the amounts, portions, and programs described in 22063  
division (D)(3)(a)(ii) of this section. The policy shall not 22064  
provide for or permit the identification of any specific 22065  
expenditure that is made in an ongoing investigation. 22066

All financial records of the receipts of the proceeds and 22067  
forfeited moneys, the general types of expenditures made out of 22068  
the proceeds and forfeited moneys, the specific amount of each 22069  
general type of expenditure by the state highway patrol, by the 22070  
department of public safety, by the department of taxation, by the 22071  
state board of pharmacy, and by a sheriff, prosecuting attorney, 22072  
municipal corporation police department, township police 22073  
department, township police district police force, office of the 22074  
constable, or park district police force or law enforcement 22075  
department, and the amounts, portions, and programs described in 22076  
division (D)(3)(a)(ii) of this section are public records open for 22077  
inspection under section 149.43 of the Revised Code. Additionally, 22078  
a written internal control policy adopted under this division is a 22079  
public record of that nature, and the state highway patrol, the 22080  
department of public safety, the department of taxation, the state 22081  
board of pharmacy, or the sheriff, prosecuting attorney, municipal 22082  
corporation police department, township police department, 22083  
township police district police force, office of the constable, or 22084  
park district police force or law enforcement department that 22085  
adopted it shall comply with it. 22086

(ii) The written internal control policy of a county sheriff, 22087  
prosecuting attorney, municipal corporation police department, 22088  
township police department, township police district police force, 22089

office of the constable, or park district police force or law enforcement department shall provide that at least ten per cent of the first one hundred thousand dollars of proceeds and forfeited moneys deposited during each calendar year in the sheriff's, prosecuting attorney's, municipal corporation's, township's, or park district's law enforcement trust fund pursuant to division (B)(7)(c)(ii) of section 2923.46 or division (B)(8)(c)(ii) of section 2925.44 of the Revised Code, and at least twenty per cent of the proceeds and forfeited moneys exceeding one hundred thousand dollars that are so deposited, shall be used in connection with community preventive education programs. The manner in which the described percentages are so used shall be determined by the sheriff, prosecuting attorney, department, police force, or office of the constable after the receipt and consideration of advice on appropriate community preventive education programs from the county's board of alcohol, drug addiction, and mental health services, from the county's alcohol and drug addiction services board, or through appropriate community dialogue. The financial records described in division (D)(3)(a)(i) of this section shall specify the amount of the proceeds and forfeited moneys deposited during each calendar year in the sheriff's, prosecuting attorney's, municipal corporation's, township's, or park district's law enforcement trust fund pursuant to division (B)(7)(c)(ii) of section 2923.46 or division (B)(8)(c)(ii) of section 2925.44 of the Revised Code, the portion of that amount that was used pursuant to the requirements of this division, and the community preventive education programs in connection with which the portion of that amount was so used.

As used in this division, "community preventive education programs" includes, but is not limited to, DARE programs and other programs designed to educate adults or children with respect to the dangers associated with the use of drugs of abuse.

(b) Each sheriff, prosecuting attorney, municipal corporation 22122  
police department, township police department, township police 22123  
district police force, office of the constable, or park district 22124  
police force or law enforcement department that receives in any 22125  
calendar year any proceeds or forfeited moneys out of a law 22126  
enforcement trust fund under division (D)(1)(c) of this section or 22127  
uses any proceeds or forfeited moneys in its law enforcement trust 22128  
fund in any calendar year shall prepare a report covering the 22129  
calendar year that cumulates all of the information contained in 22130  
all of the public financial records kept by the sheriff, 22131  
prosecuting attorney, municipal corporation police department, 22132  
township police department, township police district police force, 22133  
office of the constable, or park district police force or law 22134  
enforcement department pursuant to division (D)(3)(a) of this 22135  
section for that calendar year, and shall send a copy of the 22136  
cumulative report, no later than the first day of March in the 22137  
calendar year following the calendar year covered by the report, 22138  
to the attorney general. 22139

The superintendent of the state highway patrol shall prepare 22140  
a report covering each calendar year in which the state highway 22141  
patrol uses any proceeds or forfeited moneys in the ~~state~~ highway 22142  
patrol state contraband, forfeiture, and other fund under division 22143  
(D)(1)(c) of this section, that cumulates all of the information 22144  
contained in all of the public financial records kept by the state 22145  
highway patrol pursuant to division (D)(3)(a) of this section for 22146  
that calendar year, and shall send a copy of the cumulative 22147  
report, no later than the first day of March in the calendar year 22148  
following the calendar year covered by the report, to the attorney 22149  
general. 22150

The department of public safety shall prepare a report 22151  
covering each fiscal year in which the department uses any 22152  
proceeds or forfeited moneys in the department of public safety 22153

investigative unit contraband, forfeiture, and other fund under 22154  
division (D)(1)(c) of this section that cumulates all of the 22155  
information contained in all of the public financial records kept 22156  
by the department pursuant to division (D)(3)(a) of this section 22157  
for that fiscal year. The department shall send a copy of the 22158  
cumulative report to the attorney general no later than the first 22159  
day of August in the fiscal year following the fiscal year covered 22160  
by the report. The director of public safety shall include in the 22161  
report a verification that proceeds and forfeited moneys paid into 22162  
the department of public safety investigative unit contraband, 22163  
forfeiture, and other fund under division (D)(1)(c) of this 22164  
section during the preceding fiscal year were used by the 22165  
department during that fiscal year only for the purposes 22166  
authorized by that division and shall specify the amount used for 22167  
each authorized purpose. 22168

The tax commissioner shall prepare a report covering each 22169  
calendar year in which the department of taxation enforcement 22170  
division uses any proceeds or forfeited moneys in the department 22171  
of taxation enforcement fund under division (D)(1)(c) of this 22172  
section, that cumulates all of the information contained in all of 22173  
the public financial records kept by the department of taxation 22174  
enforcement division pursuant to division (D)(3)(a) of this 22175  
section for that calendar year, and shall send a copy of the 22176  
cumulative report, not later than the first day of March in the 22177  
calendar year following the calendar year covered by the report, 22178  
to the attorney general. 22179

The executive director of the state board of pharmacy shall 22180  
prepare a report covering each calendar year in which the board 22181  
uses any proceeds or forfeited moneys in the board of pharmacy 22182  
drug law enforcement fund under division (D)(1)(c) of this 22183  
section, that cumulates all of the information contained in all of 22184  
the public financial records kept by the board pursuant to 22185

division (D)(3)(a) of this section for that calendar year, and 22186  
shall send a copy of the cumulative report, no later than the 22187  
first day of March in the calendar year following the calendar 22188  
year covered by the report, to the attorney general. Each report 22189  
received by the attorney general is a public record open for 22190  
inspection under section 149.43 of the Revised Code. Not later 22191  
than the fifteenth day of April in the calendar year in which the 22192  
reports are received, the attorney general shall send to the 22193  
president of the senate and the speaker of the house of 22194  
representatives a written notification that does all of the 22195  
following: 22196

(i) Indicates that the attorney general has received from 22197  
entities or persons specified in this division reports of the type 22198  
described in this division that cover the previous calendar year 22199  
and indicates that the reports were received under this division; 22200

(ii) Indicates that the reports are open for inspection under 22201  
section 149.43 of the Revised Code; 22202

(iii) Indicates that the attorney general will provide a copy 22203  
of any or all of the reports to the president of the senate or the 22204  
speaker of the house of representatives upon request. 22205

(4)(a) A law enforcement agency that receives pursuant to 22206  
federal law proceeds from a sale of forfeited contraband, proceeds 22207  
from another disposition of forfeited contraband, or forfeited 22208  
contraband moneys shall deposit, use, and account for the proceeds 22209  
or forfeited moneys in accordance with, and otherwise comply with, 22210  
the applicable federal law. 22211

(b) If the state highway patrol receives pursuant to federal 22212  
law proceeds from a sale of forfeited contraband, proceeds from 22213  
another disposition of forfeited contraband, or forfeited 22214  
contraband moneys, the appropriate governmental officials shall 22215  
deposit the proceeds into the ~~state~~ highway patrol federal 22216

contraband, forfeiture, and other fund ~~all~~, which is hereby 22217  
created in the state treasury. All interest or other earnings 22218  
derived from the investment of the proceeds or forfeited moneys 22219  
shall be credited to the fund. The state highway patrol shall use 22220  
and account for that interest or other earnings in accordance with 22221  
the applicable federal law. 22222

(c) If the investigative unit of the department of public 22223  
safety receives pursuant to federal law proceeds from a sale of 22224  
forfeited contraband, proceeds from another disposition of 22225  
forfeited contraband, or forfeited contraband moneys, the 22226  
appropriate governmental officials shall deposit the proceeds into 22227  
the department of public safety investigative unit ~~contraband,~~ 22228  
~~forfeiture, and other~~ federal equitable share account fund all, 22229  
which is hereby created in the state treasury. All interest or 22230  
other earnings derived from the investment of the proceeds or 22231  
forfeited moneys shall be credited to the fund. The department 22232  
shall use and account for that interest or other earnings in 22233  
accordance with the applicable federal law. 22234

(d) If the tax commissioner receives pursuant to federal law 22235  
proceeds from a sale of forfeited contraband, proceeds from 22236  
another disposition of forfeited contraband, or forfeited 22237  
contraband moneys, the appropriate governmental officials, shall 22238  
deposit into the department of taxation enforcement fund all 22239  
interest or other earnings derived from the investment of the 22240  
proceeds or forfeited moneys. The department shall use and account 22241  
for that interest or other earnings in accordance with the 22242  
applicable federal law. 22243

(e) Divisions (D)(1) to (3) of this section do not apply to 22244  
proceeds or forfeited moneys received pursuant to federal law or 22245  
to the interest or other earnings that are derived from the 22246  
investment of proceeds or forfeited moneys received pursuant to 22247  
federal law and that are described in division (D)(4)(b) of this 22248

section. 22249

(E) Upon the sale pursuant to this section of any property 22250  
that is required to be titled or registered under law, the state 22251  
shall issue an appropriate certificate of title or registration to 22252  
the purchaser. If the state is vested with title pursuant to 22253  
division (C) of this section and elects to retain property that is 22254  
required to be titled or registered under law, the state shall 22255  
issue an appropriate certificate of title or registration. 22256

(F) Notwithstanding any provisions of this section to the 22257  
contrary, any property that is lawfully seized in relation to a 22258  
violation of section 2923.32 of the Revised Code shall be subject 22259  
to forfeiture and disposition in accordance with sections 2923.32 22260  
to 2923.36 of the Revised Code; any property that is forfeited 22261  
pursuant to section 2923.44 or 2923.45 of the Revised Code in 22262  
relation to a violation of section 2923.42 of the Revised Code or 22263  
in relation to an act of a juvenile that is a violation of section 22264  
2923.42 of the Revised Code may be subject to forfeiture and 22265  
disposition in accordance with sections 2923.44 to 2923.47 of the 22266  
Revised Code; and any property that is forfeited pursuant to 22267  
section 2925.42 or 2925.43 of the Revised Code in relation to a 22268  
felony drug abuse offense, as defined in section 2925.01 of the 22269  
Revised Code, or in relation to an act that, if committed by an 22270  
adult, would be a felony drug abuse offense of that nature, may be 22271  
subject to forfeiture and disposition in accordance with sections 22272  
2925.41 to 2925.45 of the Revised Code or this section. 22273

(G) Any failure of a law enforcement officer or agency, a 22274  
prosecuting attorney, village solicitor, city director of law, or 22275  
similar chief legal officer, a court, or the attorney general to 22276  
comply with any duty imposed by this section in relation to any 22277  
property seized or with any other provision of this section in 22278  
relation to any property seized does not affect the validity of 22279  
the seizure of the property, provided the seizure itself was made 22280

in accordance with law, and is not and shall not be considered to 22281  
be the basis for the suppression of any evidence resulting from 22282  
the seizure of the property, provided the seizure itself was made 22283  
in accordance with law. 22284

(H) Contraband that has been forfeited pursuant to division 22285  
(C) of this section shall not be available for use to pay any fine 22286  
imposed upon a person who is convicted of or pleads guilty to an 22287  
underlying criminal offense or a different offense arising out of 22288  
the same facts and circumstances. 22289

**Sec. 2933.74.** (A)(1) With respect to forfeitable property 22290  
ordered forfeited under section 2933.73 of the Revised Code, the 22291  
court that issued the order, upon petition of the prosecuting 22292  
attorney or attorney general who prosecuted the case, may do any 22293  
of the following: 22294

(a) Authorize the prosecuting attorney or the attorney 22295  
general to settle claims; 22296

(b) Award compensation to persons who provide information 22297  
that results in a forfeiture under section 2933.73 of the Revised 22298  
Code; 22299

(c) Take any other action to protect the rights of innocent 22300  
persons that is in the interest of justice and that is consistent 22301  
with the purposes of sections 2933.71 to 2933.75 of the Revised 22302  
Code. ~~(2)~~ 22303

(2) The court shall maintain an accurate record of the 22304  
actions it takes under division (A)(1) of this section with 22305  
respect to the forfeitable property ordered forfeited. The record 22306  
is a public record open for inspection under section 149.43 of the 22307  
Revised Code. 22308

(B)(1) Subject to division (A) of this section and 22309  
notwithstanding any contrary provision of section 2933.41 of the 22310