

**As Passed by the Senate**

**126th General Assembly**

**Regular Session**

**2005-2006**

**Sub. S. B. No. 223**

**Senators Niehaus, Schuring, Spada, Mumper, Jacobson, Clancy, Armbruster,  
Coughlin, Hagan, Harris, Kearney, Miller, D., Roberts, Fedor, Zurz, Miller, R.**

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**A B I L L**

To amend sections 121.04, 121.08, 169.01, 169.13, and 1  
169.99 and to enact sections 169.14, 169.16, and 2  
169.17 of the Revised Code to statutorily 3  
recognize the Division of Unclaimed Funds and the 4  
Office of Superintendent of Unclaimed Funds in the 5  
Department of Commerce and to require the 6  
registration of persons who, for compensation, 7  
agree to locate or recover the unclaimed funds of 8  
another. 9

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

**Section 1.** That sections 121.04, 121.08, 169.01, 169.13, and 10  
169.99 be amended and sections 169.14, 169.16, and 169.17 of the 11  
Revised Code be enacted to read as follows: 12

**Sec. 121.04.** Offices are created within the several 13  
departments as follows: 14

In the department of commerce: 15  
Commissioner of securities; 16  
Superintendent of real estate and professional 17  
licensing;  
Superintendent of financial institutions; 18

Fire marshal;	19
Superintendent of labor and worker safety;	20
<del>Beginning on July 1, 1997,</del>	21
Superintendent of liquor control;	22
Superintendent of industrial compliance;	23
<u>Superintendent of unclaimed funds.</u>	24
In the department of administrative services:	25
State architect and engineer;	26
Equal employment opportunity coordinator.	27
In the department of agriculture:	28
Chiefs of divisions as follows:	29
Administration;	30
Animal industry;	31
Dairy;	32
Food safety;	33
Plant industry;	34
Markets;	35
Meat inspection;	36
Consumer analytical laboratory;	37
Amusement ride safety;	38
Enforcement;	39
Weights and measures.	40
In the department of natural resources:	41
Chiefs of divisions as follows:	42
Water;	43
Mineral resources management;	44
Forestry;	45
Natural areas and preserves;	46
Wildlife;	47
Geological survey;	48
Parks and recreation;	49

Watercraft;	50
Recycling and litter prevention;	51
Soil and water conservation;	52
Real estate and land management;	53
Engineering.	54

In the department of insurance:	55
Deputy superintendent of insurance;	56
Assistant superintendent of insurance, technical;	57
Assistant superintendent of insurance, administrative;	58
Assistant superintendent of insurance, research.	59

**Sec. 121.08.** (A) There is hereby created in the department of 60  
commerce the position of deputy director of administration. This 61  
officer shall be appointed by the director of commerce, serve 62  
under the director's direction, supervision, and control, perform 63  
the duties the director prescribes, and hold office during the 64  
director's pleasure. The director of commerce may designate an 65  
assistant director of commerce to serve as the deputy director of 66  
administration. The deputy director of administration shall 67  
perform the duties prescribed by the director of commerce in 68  
supervising the activities of the division of administration of 69  
the department of commerce. 70

(B) Except as provided in section 121.07 of the Revised Code, 71  
the department of commerce shall have all powers and perform all 72  
duties vested in the deputy director of administration, the state 73  
fire marshal, the superintendent of financial institutions, the 74  
superintendent of real estate and professional licensing, the 75  
superintendent of liquor control, the superintendent of ~~the~~ 76  
~~division of~~ industrial compliance, the superintendent of labor and 77  
worker safety, the superintendent of unclaimed funds, and the 78  
commissioner of securities, and shall have all powers and perform 79  
all duties vested by law in all officers, deputies, and employees 80

of those offices. Except as provided in section 121.07 of the Revised Code, wherever powers are conferred or duties imposed upon any of those officers, the powers and duties shall be construed as vested in the department of commerce.

(C)(1) There is hereby created in the department of commerce a division of financial institutions, which shall have all powers and perform all duties vested by law in the superintendent of financial institutions. Wherever powers are conferred or duties imposed upon the superintendent of financial institutions, those powers and duties shall be construed as vested in the division of financial institutions. The division of financial institutions shall be administered by a the superintendent of financial institutions.

(2) All provisions of law governing the superintendent of financial institutions shall apply to and govern the superintendent of financial institutions provided for in this section; all authority vested by law in the superintendent of financial institutions with respect to the management of the division of financial institutions shall be construed as vested in the superintendent of financial institutions created by this section with respect to the division of financial institutions provided for in this section; and all rights, privileges, and emoluments conferred by law upon the superintendent of financial institutions shall be construed as conferred upon the superintendent of financial institutions as head of the division of financial institutions. The director of commerce shall not transfer from the division of financial institutions any of the functions specified in division (C)(2) of this section.

(D) There is hereby created in the department of commerce a division of liquor control, which shall have all powers and perform all duties vested by law in the superintendent of liquor control. Wherever powers are conferred or duties are imposed upon

the superintendent of liquor control, those powers and duties 113  
shall be construed as vested in the division of liquor control. 114  
The division of liquor control shall be administered by a the 115  
superintendent of liquor control. 116

(E) The director of commerce shall not be interested, 117  
directly or indirectly, in any firm or corporation which is a 118  
dealer in securities as defined in sections 1707.01 and 1707.14 of 119  
the Revised Code, or in any firm or corporation licensed under 120  
sections 1321.01 to 1321.19 of the Revised Code. 121

(F) The director of commerce shall not have any official 122  
connection with a savings and loan association, a savings bank, a 123  
bank, a bank holding company, a savings and loan association 124  
holding company, a consumer finance company, or a credit union 125  
that is under the supervision of the division of financial 126  
institutions, or a subsidiary of any of the preceding entities, or 127  
be interested in the business thereof. 128

(G) There is hereby created in the state treasury the 129  
division of administration fund. The fund shall receive 130  
assessments on the operating funds of the department of commerce 131  
in accordance with procedures prescribed by the director of 132  
commerce and approved by the director of budget and management. 133  
All operating expenses of the division of administration shall be 134  
paid from the division of administration fund. 135

(H) There is hereby created in the department of commerce a 136  
division of real estate and professional licensing, which shall be 137  
under the control and supervision of the director of commerce. The 138  
division of real estate and professional licensing shall be 139  
administered by a the superintendent of real estate and 140  
professional licensing. The superintendent of real estate and 141  
professional licensing shall exercise the powers and perform the 142  
functions and duties delegated to the superintendent under 143

Chapters 4735., 4763., and 4767. of the Revised Code. 144

(I) There is hereby created in the department of commerce a 145  
division of labor and worker safety, which shall have all powers 146  
and perform all duties vested by law in the superintendent of 147  
labor and worker safety. Wherever powers are conferred or duties 148  
imposed upon the superintendent of labor and worker safety, those 149  
powers and duties shall be construed as vested in the division of 150  
labor and worker safety. The division of labor and worker safety 151  
shall be under the control and supervision of the director of 152  
commerce and be administered by a the superintendent of labor and 153  
worker safety. The superintendent of labor and worker safety shall 154  
exercise the powers and perform the duties delegated to the 155  
superintendent by the director under Chapters 4109., 4111., and 156  
4115. of the Revised Code. 157

(J) There is hereby created in the department of commerce a 158  
division of unclaimed funds, which shall have all powers and 159  
perform all duties delegated to or vested by law in the 160  
superintendent of unclaimed funds. Wherever powers are conferred 161  
or duties imposed upon the superintendent of unclaimed funds, 162  
those powers and duties shall be construed as vested in the 163  
division of unclaimed funds. The division of unclaimed funds shall 164  
be under the control and supervision of the director of commerce 165  
and shall be administered by the superintendent of unclaimed 166  
funds. The superintendent of unclaimed funds shall exercise the 167  
powers and perform the functions and duties delegated to the 168  
superintendent by the director of commerce under section 121.07 169  
and Chapter 169. of the Revised Code, and as may otherwise be 170  
provided by law. 171

(K) The department of commerce or a division of the 172  
department created by the Revised Code that is acting with 173  
authorization on the department's behalf may request from the 174  
bureau of criminal identification and investigation pursuant to 175

section 109.572 of the Revised Code, or coordinate with 176  
appropriate federal, state, and local government agencies to 177  
accomplish, criminal records checks for the persons whose 178  
identities are required to be disclosed by an applicant for the 179  
issuance or transfer of a permit, license, certificate of 180  
registration, or certification issued or transferred by the 181  
department or division. At or before the time of making a request 182  
for a criminal records check, the department or division may 183  
require any person whose identity is required to be disclosed by 184  
an applicant for the issuance or transfer of such a license, 185  
permit, certificate of registration, or certification to submit to 186  
the department or division valid fingerprint impressions in a 187  
format and by any media or means acceptable to the bureau of 188  
criminal identification and investigation and, when applicable, 189  
the federal bureau of investigation. The department or division 190  
may cause the bureau of criminal identification and investigation 191  
to conduct a criminal records check through the federal bureau of 192  
investigation only if the person for whom the criminal records 193  
check would be conducted resides or works outside of this state or 194  
has resided or worked outside of this state during the preceding 195  
five years, or if a criminal records check conducted by the bureau 196  
of criminal identification and investigation within this state 197  
indicates that the person may have a criminal record outside of 198  
this state. 199

In the case of a criminal records check under section 109.572 200  
of the Revised Code, the department or division shall forward to 201  
the bureau of criminal identification and investigation the 202  
requisite form, fingerprint impressions, and fee described in 203  
division (C) of that section. When requested by the department or 204  
division in accordance with this section, the bureau of criminal 205  
identification and investigation shall request from the federal 206  
bureau of investigation any information it has with respect to the 207  
person who is the subject of the requested criminal records check 208

and shall forward the requisite fingerprint impressions and 209  
information to the federal bureau of investigation for that 210  
criminal records check. After conducting a criminal records check 211  
or receiving the results of a criminal records check from the 212  
federal bureau of investigation, the bureau of criminal 213  
identification and investigation shall provide the results to the 214  
department or division. 215

The department or division may require any person about whom 216  
a criminal records check is requested to pay to the department or 217  
division the amount necessary to cover the fee charged to the 218  
department or division by the bureau of criminal identification 219  
and investigation under division (C)(3) of section 109.572 of the 220  
Revised Code, including, when applicable, any fee for a criminal 221  
records check conducted by the federal bureau of investigation. 222

**Sec. 169.01.** As used in this chapter, unless the context 223  
otherwise requires: 224

(A) "Financial organization" means any bank, trust company, 225  
savings bank, safe deposit company, mutual savings bank without 226  
mutual stock, savings and loan association, credit union, or 227  
investment company. 228

(B)(1) "Unclaimed funds" means any moneys, rights to moneys, 229  
or intangible property, described in section 169.02 of the Revised 230  
Code, when, as shown by the records of the holder, the owner has 231  
not, within the times provided in section 169.02 of the Revised 232  
Code, done any of the following: 233

(a) Increased, decreased, or adjusted the amount of such 234  
funds; 235

(b) Assigned, paid premiums, or encumbered such funds; 236

(c) Presented an appropriate record for the crediting of such 237  
funds or received payment of such funds by check, draft, or 238



otherwise;	239
(d) Corresponded with the holder concerning such funds;	240
(e) Otherwise indicated an interest in or knowledge of such funds;	241
(f) Transacted business with the holder.	242
(2) "Unclaimed funds" does not include any of the following:	243
(a) Money received or collected under section 9.39 of the Revised Code;	244
(b) Any payment or credit due to a business association from a business association representing sums payable to suppliers, or payment for services rendered, in the course of business, including, but not limited to, checks or memoranda, overpayments, unidentified remittances, nonrefunded overcharges, discounts, refunds, and rebates;	245
(c) Any payment or credit received by a business association from a business association for tangible goods sold, or services performed, in the course of business, including, but not limited to, checks or memoranda, overpayments, unidentified remittances, nonrefunded overcharges, discounts, refunds, and rebates;	246
(d) Any credit due a retail customer that is represented by a gift certificate, gift card, merchandise credit, or merchandise credit card, redeemable only for merchandise.	247
For purposes of divisions (B)(2)(b) and (c) of this section, "business association" means any corporation, joint venture, business trust, limited liability company, partnership, association, or other business entity composed of one or more individuals, whether or not the entity is for profit.	248
(C) "Owner" means any person, or the person's legal representative, entitled to receive or having a legal or equitable interest in or claim against moneys, rights to moneys, or other	249
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intangible property, subject to this chapter.	269
(D)(1) "Holder" means any person that has possession,	270
custody, or control of moneys, rights to moneys, or other	271
intangible property, or that is indebted to another, if any of the	272
following applies:	273
(a) Such person resides in this state;	274
(b) Such person is formed under the laws of this state;	275
(c) Such person is formed under the laws of the United States	276
and has an office or principal place of business in this state;	277
(d) The records of such person indicate that the last known	278
address of the owner of such moneys, rights to moneys, or other	279
intangible property is in this state;	280
(e) The records of such person do not indicate the last known	281
address of the owner of the moneys, rights to moneys, or other	282
intangible property and the entity originating or issuing the	283
moneys, rights to moneys, or other intangible property is this	284
state or any political subdivision of this state, or is	285
incorporated, organized, created, or otherwise located in this	286
state. Division (D)(1)(e) of this section applies to all moneys,	287
rights to moneys, or other intangible property that is in the	288
possession, custody, or control of such person on or after July	289
22, 1994, whether the moneys, rights to moneys, or other	290
intangible property becomes unclaimed funds prior to or on or	291
after that date.	292
(2) "Holder" does not mean any hospital granted tax-exempt	293
status under section 501(c)(3) of the Internal Revenue Code or any	294
hospital owned or operated by the state or by any political	295
subdivision. Any entity in order to be exempt from the definition	296
of "holder" pursuant to this division shall make a reasonable,	297
good-faith effort to contact the owner of the unclaimed funds.	298

(E) "Person" includes a natural person; corporation, whether 299  
for profit or not for profit; copartnership; unincorporated 300  
association or organization; public authority; estate; trust; two 301  
or more persons having a joint or common interest; eleemosynary 302  
organization; fraternal or cooperative association; other legal or 303  
community entity; the United States government, including any 304  
district, territory, possession, officer, agency, department, 305  
authority, instrumentality, board, bureau, or court; or any state 306  
or political subdivision thereof, including any officer, agency, 307  
board, bureau, commission, division, department, authority, court, 308  
or instrumentality. 309

(F) "Mortgage funds" means the mortgage insurance fund 310  
created by section 122.561 of the Revised Code, and the housing 311  
guarantee fund created by division (D) of section 128.11 of the 312  
Revised Code. 313

(G) "Lawful claims" means any vested right a holder of 314  
unclaimed funds has against the owner of such unclaimed funds. 315

(H) "Public utility" means any entity defined as such by 316  
division (A) of section 745.01 or by section 4905.02 of the 317  
Revised Code. 318

(I) "Deposit" means to place money in the custody of a 319  
financial organization for the purpose of establishing an 320  
income-bearing account by purchase or otherwise. 321

(J) "Income-bearing account" means a time or savings account, 322  
whether or not evidenced by a certificate of deposit, or an 323  
investment account through which investments are made solely in 324  
obligations of the United States or its agencies or 325  
instrumentalities or guaranteed as to principal and interest by 326  
the United States or its agencies or instrumentalities, debt 327  
securities rated as investment grade by at least two nationally 328  
recognized rating services, debt securities which the director of 329

commerce has determined to have been issued for the safety and  
welfare of the residents of this state, and equity interests in  
mutual funds that invest solely in some or all of the above-listed  
securities and involve no general liability, without regard to  
whether income earned on such accounts, securities, or interests  
is paid periodically or at the end of a term.

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(K) "Director of commerce" may be read as the "division of  
unclaimed funds" or the "superintendent of unclaimed funds."

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**Sec. 169.13.** (A)(1) All agreements to pay a fee,  
compensation, commission, or other remuneration to locate,  
deliver, recover, or assist in the recovery of unclaimed funds  
reported under section 169.03 of the Revised Code, entered into  
within two years immediately after the date a report is filed  
under division (C) of section 169.03 of the Revised Code, are  
invalid.

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(2) A person interested in entering into an agreement to  
locate, deliver, recover, or assist in the recovery of unclaimed  
funds for remuneration shall not initiate any contact with an  
owner during the two-year period immediately after the date a  
report is filed under division (C) of section 169.03 of the  
Revised Code. Failure to comply with this requirement is grounds  
for the invalidation of any such agreement between the person and  
the owner.

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(B) An agreement entered into any time after such two-year  
period is valid only if ~~both~~ all of the following conditions are  
met:

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(1) The aggregate fee, compensation, commission, or other  
remuneration agreed upon, paid directly or indirectly, is not in  
excess of ten per cent of the amount recovered and paid to the  
owner by the auditor of state;

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(2) The agreement is in writing, signed by the owner, and 360  
notarized and discloses all of the following items: 361

(a) The name and address of the owner, as shown by the 362  
records of the person or entity in possession of the property; 363

(b) The nature and value of the property; 364

~~(b)~~(c) The amount the owner will receive after the fee or 365  
compensation has been subtracted; 366

~~(e)~~(d) The name and address of the person or entity in 367  
possession of the property; 368

(e) That the person agreeing to locate, deliver, recover, or 369  
assist in the recovery of the property is not an employee or agent 370  
of the director of commerce; 371

(f) That the director is not a party to the agreement; 372

(g) That the person agreeing to locate, deliver, recover, or 373  
assist in the recovery of the property holds a valid certificate 374  
of registration issued by the director under section 169.16 of the 375  
Revised Code; 376

(h) The number designated on that certificate of registration 377  
and the date the certificate of registration expires. 378

(3) If the agreement involves recovery of the contents of a 379  
safe deposit box, the agreement stipulates that the person 380  
receiving any fee, compensation, commission, or other remuneration 381  
for engaging in any activity for the purpose of locating, 382  
delivering, recovering, or assisting in the recovery of unclaimed 383  
funds or other items stored in a safe deposit box on behalf of any 384  
other person shall do all of the following: 385

(a) Make arrangements to have an appraiser and the director 386  
of commerce view the contents of the safe deposit box together, at 387  
a time mutually agreeable to the appraiser and director; 388

(b) State that the value of the property in the safe deposit box is the amount established by the appraiser who viewed the safe deposit box contents; 389  
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(c) Base the fee, compensation, commission, or other remuneration for locating, delivering, recovering, or assisting in the recovery of unclaimed funds or other items stored in a safe deposit box on the appraised value established by the appraiser who viewed the safe deposit box contents. 392  
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(C) No person shall receive a fee, compensation, commission, or other remuneration, or engage in any activity for the purpose of locating, delivering, recovering, or assisting in the recovery of unclaimed funds, under an agreement that is invalid under this section. 397  
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~~(D) Whoever violates division (C) of this section is guilty of a misdemeanor of the first degree for a first offense and of a felony of the fifth degree for each subsequent offense~~ 402  
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A person who receives any fee, compensation, commission, or other remuneration for engaging in any activity for the purpose of locating, delivering, recovering, or assisting in the recovery of unclaimed funds or other items stored in a safe deposit box on behalf of any other person cannot function as an appraiser of the contents of the safe deposit box for purposes of division (B)(3) of this section. 404  
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**Sec. 169.14.** (A) Each person that files a claim with the director of commerce, pursuant to an agreement entered into under section 169.13 of the Revised Code, shall include with that claim the number designated on the certificate of registration that is issued to the person under section 169.16 of the Revised Code. 412  
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(B) The division of unclaimed funds shall not process any claim described in division (A) of this section that does not 417  
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include the required certificate of registration number.

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Sec. 169.16. (A) No person, on behalf of any other person, shall engage in any activity for the purpose of locating, delivering, recovering, or assisting in the recovery of unclaimed funds, and receive a fee, compensation, commission, or other remuneration for such activity, without first having obtained a certificate of registration from the director of commerce in accordance with this section.

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(B) An application for a certificate of registration shall be in writing and in the form prescribed by the director. The application shall be accompanied by a recent full-face color photograph of the applicant and notarized character reference letters from two reputable character witnesses. The application shall, at a minimum, provide all of the following:

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(1) The applicant's full name, home address, and work address;

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(2) The name, address, and telephone number of the two character witnesses who have provided the character reference letters;

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(3) A statement that the applicant has not, during the ten-year period immediately preceding the submission of the application, violated division (A) of this section on or after the effective date of this section, or division (C) of section 169.13 of the Revised Code, or been convicted of, or pleaded guilty to, any felony or any offense involving moral turpitude, including theft, attempted theft, falsification, tampering with records, securing writings by deception, fraud, forgery, and perjury;

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(4) The notarized signature of the applicant immediately following an acknowledgment that any false or perjured statement subjects the applicant to criminal liability under section 2921.13

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of the Revised Code.

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(C) Upon the filing of the application with the division of unclaimed funds, the division may investigate the applicant to verify the information provided in the application and to determine the applicant's eligibility for a certificate of registration under this section. False information on an application is grounds for the denial or revocation of the applicant's certificate of registration.

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(D) The director shall issue a certificate of registration to an applicant if the director finds that the following conditions are met:

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(1) The applicant has not, during the ten-year period immediately preceding the submission of the application, violated division (A) of this section on or after the effective date of this section, or division (C) of section 169.13 of the Revised Code, or been convicted of, or pleaded guilty to, any felony or any offense involving moral turpitude, including theft, attempted theft, falsification, tampering with records, securing writings by deception, fraud, forgery, and perjury.

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(2) The applicant's character and general fitness command the confidence of the public and warrant the belief that the applicant's business will be conducted honestly and fairly.

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(E) The certificate of registration issued pursuant to division (D) of this section may be renewed annually if the director finds that the following conditions are met:

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(1) The applicant submits a renewal application form prescribed by the director.

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(2) The applicant meets the conditions set forth in division (D) of this section.

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(3) The applicant's certificate of registration is not

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subject to an order of revocation by the director.

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Sec. 169.17. (A) After notice and an opportunity for a hearing conducted in accordance with Chapter 119. of the Revised Code, the director of commerce shall revoke or refuse to issue or renew a certificate of registration if the director finds either of the following:

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(1) During the immediately preceding ten-year period, the person violated division (A) of section 169.16 on or after the effective date of this section, or division (C) of section 169.13 of the Revised Code, or has been convicted of, or pleaded guilty to, any felony or any offense involving moral turpitude, including theft, attempted theft, falsification, tampering with records, securing writings by deception, fraud, forgery, and perjury.

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(2) The person's character and general fitness do not command the confidence of the public or warrant the belief that the person's business will be conducted honestly and fairly.

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(B) The director may investigate alleged violations of division (C) of section 169.13 or division (A) of section 169.16 of the Revised Code or complaints concerning any such violation. The director may make application to the court of common pleas for an order enjoining any such violation and, upon a showing by the director that a person has committed or is about to commit such a violation, the court shall grant an injunction, restraining order, or other appropriate relief.

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(C) In conducting any investigation pursuant to this section, the director may compel, by subpoena, witnesses to testify in relation to any matter over which the director has jurisdiction and may require the production of any book, record, or other document pertaining to that matter. If a person fails to file any statement or report, obey any subpoena, give testimony, produce

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any book, record, or other document as required by a subpoena, or 509  
permit photocopying of any book, record, or other document 510  
subpoenaed, the court of common pleas of any county in this state, 511  
upon application made to it by the director, shall compel 512  
obedience by attachment proceedings for contempt, as in the case 513  
of disobedience of the requirements of a subpoena issued from the 514  
court or a refusal to testify therein. 515

(D) If the director determines that a person is engaged in or 516  
is believed to be engaged in activities that may constitute a 517  
violation of division (C) of section 169.13 or division (A) of 518  
section 169.16 of the Revised Code, the director, after notice and 519  
a hearing conducted in accordance with Chapter 119. of the Revised 520  
Code, may issue a cease and desist order. Such an order shall be 521  
enforceable in the court of common pleas. 522

**Sec. 169.99.** (A) Whoever violates section 169.10 of the 523  
Revised Code shall be fined not more than five hundred dollars. 524  
Each day of continuance of such violation is a separate offense. 525

(B) Whoever violates division (C) of section 169.13 or 526  
division (A) of section 169.16 of the Revised Code is guilty of a 527  
misdemeanor of the first degree for a first offense and of a 528  
felony of the fifth degree for any subsequent offense. 529

**Section 2.** That existing sections 121.04, 121.08, 169.01, 530  
169.13, and 169.99 of the Revised Code are hereby repealed. 531

**Section 3.** Sections 169.13 and 169.14 of the Revised Code, as 532  
amended or enacted by this act, shall apply only to agreements 533  
that are entered into on or after the effective date of this act. 534

**Section 4.** All of the following provisions of this act shall 535  
take effect sixty days after the effective date of this act: 536

(A) Division (B)(2)(g) and (h) of section 169.13 of the 537

Revised Code;	538
(B) Section 169.14 of the Revised Code;	539
(C) Division (A) of section 169.16 of the Revised Code;	540
(D) Division (B) of section 169.99 of the Revised Code.	541