

As Reported by the House Commerce and Labor Committee

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**Senators Niehaus, Schuring, Spada, Mumper, Jacobson, Clancy, Armbruster,
Coughlin, Hagan, Harris, Kearney, Miller, D., Roberts, Fedor, Zurz, Miller, R.
Representatives Combs, Collier, Widener, McGregor, J., Cassell**

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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
Beginning on July 1, 1997,	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 commerce the position of deputy director of administration. This officer shall be appointed by the director of commerce, serve under the director's direction, supervision, and control, perform the duties the director prescribes, and hold office during the director's pleasure. The director of commerce may designate an assistant director of commerce to serve as the deputy director of administration. The deputy director of administration shall perform the duties prescribed by the director of commerce in supervising the activities of the division of administration of the department of commerce.

(B) Except as provided in section 121.07 of the Revised Code, the department of commerce shall have all powers and perform all duties vested in the deputy director of administration, the state fire marshal, the superintendent of financial institutions, the superintendent of real estate and professional licensing, the superintendent of liquor control, the superintendent of ~~the~~ ~~division of~~ industrial compliance, the superintendent of labor and worker safety, the superintendent of unclaimed funds, and the commissioner of securities, and shall have all powers and perform

all duties vested by law in all officers, deputies, and employees 80
of those offices. Except as provided in section 121.07 of the 81
Revised Code, wherever powers are conferred or duties imposed upon 82
any of those officers, the powers and duties shall be construed as 83
vested in the department of commerce. 84

(C)(1) There is hereby created in the department of commerce 85
a division of financial institutions, which shall have all powers 86
and perform all duties vested by law in the superintendent of 87
financial institutions. Wherever powers are conferred or duties 88
imposed upon the superintendent of financial institutions, those 89
powers and duties shall be construed as vested in the division of 90
financial institutions. The division of financial institutions 91
shall be administered by a the superintendent of financial 92
institutions. 93

(2) All provisions of law governing the superintendent of 94
financial institutions shall apply to and govern the 95
superintendent of financial institutions provided for in this 96
section; all authority vested by law in the superintendent of 97
financial institutions with respect to the management of the 98
division of financial institutions shall be construed as vested in 99
the superintendent of financial institutions created by this 100
section with respect to the division of financial institutions 101
provided for in this section; and all rights, privileges, and 102
emoluments conferred by law upon the superintendent of financial 103
institutions shall be construed as conferred upon the 104
superintendent of financial institutions as head of the division 105
of financial institutions. The director of commerce shall not 106
transfer from the division of financial institutions any of the 107
functions specified in division (C)(2) of this section. 108

(D) There is hereby created in the department of commerce a 109
division of liquor control, which shall have all powers and 110
perform all duties vested by law in the superintendent of liquor 111

control. Wherever powers are conferred or duties are imposed upon 112
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	241
funds;	242
(f) Transacted business with the holder.	243
(2) "Unclaimed funds" does not include any of the following:	244
(a) Money received or collected under section 9.39 of the	245
Revised Code;	246
(b) Any payment or credit due to a business association from	247
a business association representing sums payable to suppliers, or	248
payment for services rendered, in the course of business,	249
including, but not limited to, checks or memoranda, overpayments,	250
unidentified remittances, nonrefunded overcharges, discounts,	251
refunds, and rebates;	252
(c) Any payment or credit received by a business association	253
from a business association for tangible goods sold, or services	254
performed, in the course of business, including, but not limited	255
to, checks or memoranda, overpayments, unidentified remittances,	256
nonrefunded overcharges, discounts, refunds, and rebates;	257
(d) Any credit due a retail customer that is represented by a	258
gift certificate, gift card, merchandise credit, or merchandise	259
credit card, redeemable only for merchandise.	260
For purposes of divisions (B)(2)(b) and (c) of this section,	261
"business association" means any corporation, joint venture,	262
business trust, limited liability company, partnership,	263
association, or other business entity composed of one or more	264
individuals, whether or not the entity is for profit.	265
(C) "Owner" means any person, or the person's legal	266
representative, entitled to receive or having a legal or equitable	267

interest in or claim against moneys, rights to moneys, or other
intangible property, subject to this chapter. 268
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(D)(1) "Holder" means any person that has possession,
custody, or control of moneys, rights to moneys, or other
intangible property, or that is indebted to another, if any of the
following applies: 270
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(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
and has an office or principal place of business in this state; 276
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(d) The records of such person indicate that the last known
address of the owner of such moneys, rights to moneys, or other
intangible property is in this state; 278
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(e) The records of such person do not indicate the last known
address of the owner of the moneys, rights to moneys, or other
intangible property and the entity originating or issuing the
moneys, rights to moneys, or other intangible property is this
state or any political subdivision of this state, or is
incorporated, organized, created, or otherwise located in this
state. Division (D)(1)(e) of this section applies to all moneys,
rights to moneys, or other intangible property that is in the
possession, custody, or control of such person on or after July
22, 1994, whether the moneys, rights to moneys, or other
intangible property becomes unclaimed funds prior to or on or
after that date. 281
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(2) "Holder" does not mean any hospital granted tax-exempt
status under section 501(c)(3) of the Internal Revenue Code or any
hospital owned or operated by the state or by any political
subdivision. Any entity in order to be exempt from the definition
of "holder" pursuant to this division shall make a reasonable,
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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
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.

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

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.

(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.

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

(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; 359

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

(a) The name, address, and telephone number of the owner, as 362
shown by the records of the person or entity in possession of the 363
unclaimed funds or contents of a safe deposit box; 364

(b) The name, address, and telephone number of the owner if 365
the owner's name, address, or telephone number are different from 366
the name, address, or telephone number of the owner as shown by 367
the records of the person or entity in possession of the unclaimed 368
funds or contents of a safe deposit box; 369

(c) The nature and value of the ~~property~~ unclaimed funds or 370
contents of a safe deposit box; 371

~~(b)~~(d) The amount the owner will receive after the fee or 372
compensation has been subtracted; 373

~~(e)~~(e) The name and address of the person or entity in 374
possession of the ~~property~~ unclaimed funds or contents of a safe 375
deposit box; 376

(f) That the auditor of state will pay the unclaimed funds 377
directly to the owner or the director shall deliver the contents 378
of a safe deposit box directly to the owner; 379

(g) That the person agreeing to locate, deliver, recover, or 380
assist in the recovery of the unclaimed funds or contents of a 381
safe deposit box is not an employee or agent of the director of 382
commerce; 383

(h) That the director is not a party to the agreement; 384

(i) That the person agreeing to locate, deliver, recover, or 385
assist in the recovery of the unclaimed funds or contents of a 386
safe deposit box holds a valid certificate of registration issued 387
by the director under section 169.16 of the Revised Code; 388

(j) The number designated on that certificate of registration 389
and the date the certificate of registration expires. 390

(3) No agreement described in division (B)(2) of this section 391
shall include a power of attorney for the payment of the unclaimed 392
funds or delivery of the contents of a safe deposit box to any 393
person other than the owner of the unclaimed funds or contents of 394
a safe deposit box. 395

(4) If the agreement involves recovery of the contents of a 396
safe deposit box, the agreement stipulates that the person 397
receiving any fee, compensation, commission, or other remuneration 398
for engaging in any activity for the purpose of locating, 399
delivering, recovering, or assisting in the recovery of unclaimed 400
funds or other items stored in a safe deposit box on behalf of any 401
other person shall do all of the following: 402

(a) Make arrangements to have an appraiser and the director 403
of commerce view the contents of the safe deposit box together, at 404
a time mutually agreeable to the appraiser and director; 405

(b) State that the value of the property in the safe deposit 406
box is the amount established by the appraiser who viewed the safe 407
deposit box contents; 408

(c) Base the fee, compensation, commission, or other 409
remuneration for locating, delivering, recovering, or assisting in 410
the recovery of unclaimed funds or other items stored in a safe 411
deposit box on the appraised value established by the appraiser 412
who viewed the safe deposit box contents. 413

(C) No person shall receive a fee, compensation, commission, 414
or other remuneration, or engage in any activity for the purpose 415
of locating, delivering, recovering, or assisting in the recovery 416
of unclaimed funds or contents of a safe deposit box, under an 417
agreement that is invalid under this section. 418

~~(D) Whoever violates division (C) of this section is guilty~~ 419
~~of a misdemeanor of the first degree for a first offense and of a~~ 420
~~felony of the fifth degree for each subsequent offense~~ A person 421
who receives any fee, compensation, commission, or other 422
remuneration for engaging in any activity for the purpose of 423
locating, delivering, recovering, or assisting in the recovery of 424
unclaimed funds or other items stored in a safe deposit box on 425
behalf of any other person cannot function as an appraiser of the 426
contents of the safe deposit box for purposes of division (B)(4) 427
of this section. 428

(E) The director shall not recognize or make any delivery and 429
the auditor of state shall not make any payment pursuant to any 430
power of attorney between an owner of the unclaimed funds or 431
contents of a safe deposit box and the person with whom the owner 432
entered into an agreement pursuant to division (B)(2) of this 433
section to locate, deliver, recover, or assist in the recovery of 434
the unclaimed funds or contents of a safe deposit box if that 435
power of attorney is entered into on or after the effective date 436
of this amendment and that power of attorney specifically provides 437
for the payment of unclaimed funds or delivery of the contents of 438
a safe deposit box to any person other than the owner of the 439
unclaimed funds or contents of a safe deposit box. Nothing in this 440
section shall be construed as prohibiting the payment of unclaimed 441
funds or delivery of the contents of a safe deposit box to the 442
legal representative of the owner of the unclaimed funds or 443
contents of the safe deposit box. Notwithstanding the definition 444
of "owner" specified in division (C) of section 169.01 of the 445
Revised Code, for purposes of the payment of unclaimed funds or 446
delivery of the contents of the safe deposit box, a person with 447
whom an owner entered into an agreement under division (B)(2) of 448
this section is not a legal representative. 449

Sec. 169.14. (A) Each person that files a claim with the 450
director of commerce, pursuant to an agreement entered into under 451
section 169.13 of the Revised Code, shall include with that claim 452
the number designated on the certificate of registration that is 453
issued to the person under section 169.16 of the Revised Code. 454

(B) The division of unclaimed funds shall not process any 455
claim described in division (A) of this section that does not 456
include the required certificate of registration number. 457

Sec. 169.16. (A) No person, on behalf of any other person, 458
shall engage in any activity for the purpose of locating, 459
delivering, recovering, or assisting in the recovery of unclaimed 460
funds or contents of a safe deposit box, and receive a fee, 461
compensation, commission, or other remuneration for such activity, 462
without first having obtained a certificate of registration from 463
the director of commerce in accordance with this section. 464

(B) An application for a certificate of registration shall be 465
in writing and in the form prescribed by the director. The 466
application shall be accompanied by a recent full-face color 467
photograph of the applicant and notarized character reference 468
letters from two reputable character witnesses. The application 469
shall, at a minimum, provide all of the following: 470

(1) The applicant's full name, home address, and work 471
address; 472

(2) The name, address, and telephone number of the two 473
character witnesses who have provided the character reference 474
letters; 475

(3) A statement that the applicant has not, during the 476
ten-year period immediately preceding the submission of the 477
application, violated division (A) of this section on or after the 478
effective date of this section, or division (C) of section 169.13 479

of the Revised Code, or been convicted of, or pleaded guilty to, 480
any felony or any offense involving moral turpitude, including 481
theft, attempted theft, falsification, tampering with records, 482
securing writings by deception, fraud, forgery, and perjury; 483

(4) The notarized signature of the applicant immediately 484
following an acknowledgment that any false or perjured statement 485
subjects the applicant to criminal liability under section 2921.13 486
of the Revised Code. 487

(C) Upon the filing of the application with the division of 488
unclaimed funds, the division may investigate the applicant to 489
verify the information provided in the application and to 490
determine the applicant's eligibility for a certificate of 491
registration under this section. False information on an 492
application is grounds for the denial or revocation of the 493
applicant's certificate of registration. 494

(D) The director shall issue a certificate of registration to 495
an applicant if the director finds that the following conditions 496
are met: 497

(1) The applicant has not, during the ten-year period 498
immediately preceding the submission of the application, violated 499
division (A) of this section on or after the effective date of 500
this section, or division (C) of section 169.13 of the Revised 501
Code, or been convicted of, or pleaded guilty to, any felony or 502
any offense involving moral turpitude, including theft, attempted 503
theft, falsification, tampering with records, securing writings by 504
deception, fraud, forgery, and perjury. 505

(2) The applicant's character and general fitness command the 506
confidence of the public and warrant the belief that the 507
applicant's business will be conducted honestly and fairly. 508

(E) The certificate of registration issued pursuant to 509
division (D) of this section may be renewed annually if the 510

<u>director finds that the following conditions are met:</u>	511
<u>(1) The applicant submits a renewal application form</u>	512
<u>prescribed by the director.</u>	513
<u>(2) The applicant meets the conditions set forth in division</u>	514
<u>(D) of this section.</u>	515
<u>(3) The applicant's certificate of registration is not</u>	516
<u>subject to an order of revocation by the director.</u>	517
<u>Sec. 169.17. (A) After notice and an opportunity for a</u>	518
<u>hearing conducted in accordance with Chapter 119. of the Revised</u>	519
<u>Code, the director of commerce shall revoke or refuse to issue or</u>	520
<u>renew a certificate of registration if the director finds either</u>	521
<u>of the following:</u>	522
<u>(1) During the immediately preceding ten-year period, the</u>	523
<u>person violated division (A) of section 169.16 on or after the</u>	524
<u>effective date of this section, or division (C) of section 169.13</u>	525
<u>of the Revised Code, or has been convicted of, or pleaded guilty</u>	526
<u>to, any felony or any offense involving moral turpitude, including</u>	527
<u>theft, attempted theft, falsification, tampering with records,</u>	528
<u>securing writings by deception, fraud, forgery, and perjury.</u>	529
<u>(2) The person's character and general fitness do not command</u>	530
<u>the confidence of the public or warrant the belief that the</u>	531
<u>person's business will be conducted honestly and fairly.</u>	532
<u>(B) The director may investigate alleged violations of</u>	533
<u>division (C) of section 169.13 or division (A) of section 169.16</u>	534
<u>of the Revised Code or complaints concerning any such violation.</u>	535
<u>The director may make application to the court of common pleas for</u>	536
<u>an order enjoining any such violation and, upon a showing by the</u>	537
<u>director that a person has committed or is about to commit such a</u>	538
<u>violation, the court shall grant an injunction, restraining order,</u>	539
<u>or other appropriate relief.</u>	540

(C) In conducting any investigation pursuant to this section, 541
the director may compel, by subpoena, witnesses to testify in 542
relation to any matter over which the director has jurisdiction 543
and may require the production of any book, record, or other 544
document pertaining to that matter. If a person fails to file any 545
statement or report, obey any subpoena, give testimony, produce 546
any book, record, or other document as required by a subpoena, or 547
permit photocopying of any book, record, or other document 548
subpoenaed, the court of common pleas of any county in this state, 549
upon application made to it by the director, shall compel 550
obedience by attachment proceedings for contempt, as in the case 551
of disobedience of the requirements of a subpoena issued from the 552
court or a refusal to testify therein. 553

(D) If the director determines that a person is engaged in or 554
is believed to be engaged in activities that may constitute a 555
violation of division (C) of section 169.13 or division (A) of 556
section 169.16 of the Revised Code, the director, after notice and 557
a hearing conducted in accordance with Chapter 119. of the Revised 558
Code, may issue a cease and desist order. Such an order shall be 559
enforceable in the court of common pleas. 560

Sec. 169.99. (A) Whoever violates section 169.10 of the 561
Revised Code shall be fined not more than five hundred dollars. 562
Each day of continuance of such violation is a separate offense. 563

(B) Whoever violates division (C) of section 169.13 or 564
division (A) of section 169.16 of the Revised Code is guilty of a 565
misdemeanor of the first degree for a first offense and of a 566
felony of the fifth degree for any subsequent offense. 567

Section 2. That existing sections 121.04, 121.08, 169.01, 568
169.13, and 169.99 of the Revised Code are hereby repealed. 569

Section 3. Sections 169.13 and 169.14 of the Revised Code, as 570
amended or enacted by this act, shall apply only to agreements 571
that are entered into on or after the effective date of this act. 572

Section 4. All of the following provisions of this act shall 573
take effect sixty days after the effective date of this act: 574

(A) Division (B)(2)(i) and (j) of section 169.13 of the 575
Revised Code; 576

(B) Section 169.14 of the Revised Code; 577

(C) Division (A) of section 169.16 of the Revised Code; 578

(D) Division (B) of section 169.99 of the Revised Code. 579