

**As Reported by the Senate Insurance, Commerce and Labor
Committee**

126th General Assembly

Regular Session

2005-2006

Sub. S. B. No. 223

Senators Niehaus, Schuring, Spada, Mumper, Jacobson, Clancy

—

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 licensing;	17
--	----

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	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, <u>the superintendent of unclaimed funds</u> , 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 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
information to the federal bureau of investigation for that
criminal records check. After conducting a criminal records check
or receiving the results of a criminal records check from the
federal bureau of investigation, the bureau of criminal
identification and investigation shall provide the results to the
department or division.

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

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

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

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

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

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

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

otherwise;	239
(d) Corresponded with the holder concerning such funds;	240
(e) Otherwise indicated an interest in or knowledge of such funds;	241 242
(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 Revised Code;	245 246
(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;	247 248 249 250 251 252
(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;	253 254 255 256 257
(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.	258 259 260
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.	261 262 263 264 265
(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	266 267 268

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.

(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;

(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

~~(c)~~(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
390
391

(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
393
394
395
396

(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
398
399
400
401

~~(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
403
404
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. 405
406
407
408
409
410
411

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
413
414
415
416

(B) The division of unclaimed funds shall not process any claim described in division (A) of this section that does not 417
418

include the required certificate of registration number.

419

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.

420

421

422

423

424

425

426

(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:

427

428

429

430

431

432

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

433

434

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

435

436

437

(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;

438

439

440

441

442

443

444

445

(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

446

447

448

of the Revised Code.

449

(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.

450

451

452

453

454

455

456

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

457

458

459

(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.

460

461

462

463

464

465

466

467

(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.

468

469

470

(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:

471

472

473

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

474

475

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

476

477

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

478

subject to an order of revocation by the director.

479

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:

480

481

482

483

484

(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.

485

486

487

488

489

490

491

(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.

492

493

494

(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.

495

496

497

498

499

500

501

502

(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

503

504

505

506

507

508

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

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

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

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

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

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

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

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

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