

As Introduced

**127th General Assembly
Regular Session
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H. B. No. 189

Representatives Ujvagi, McGregor, J.

**Cosponsors: Representatives Dodd, Lundy, Brown, Skindell, Stebelton,
Strahorn, Stewart, J., Yuko, Bolon, Koziura**

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A B I L L

To amend sections 124.93, 125.111, 153.59, 153.591, 1
176.04, 176.06, 717.01, 1751.18, 2927.03, 3905.55, 2
4112.01, 4112.02, 4112.021, 4112.04, 4112.05, 3
4112.08, 4117.19, 4735.16, and 4735.55 and to 4
enact sections 1349.04 and 4112.023 of the Revised 5
Code to prohibit discrimination under the Ohio 6
Civil Rights Commission Law and certain other laws 7
on the basis of military status and to require the 8
Attorney General to appoint a staff member of the 9
Consumer Protection Division to expedite certain 10
cases or issues raised by a person, or the 11
person's immediate family, who is deployed on 12
active duty. 13

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

Section 1. That sections 124.93, 125.111, 153.59, 153.591, 14
176.04, 176.06, 717.01, 1751.18, 2927.03, 3905.55, 4112.01, 15
4112.02, 4112.021, 4112.04, 4112.05, 4112.08, 4117.19, 4735.16, 16
and 4735.55 be amended and sections 1349.04 and 4112.023 of the 17
Revised Code be enacted to read as follows: 18

Sec. 124.93. (A) As used in this section, "physician" means 19
any person who holds a valid certificate to practice medicine and 20
surgery or osteopathic medicine and surgery issued under Chapter 21
4731. of the Revised Code. 22

(B) No health insuring corporation that, on or after July 1, 23
1993, enters into or renews a contract with the department of 24
administrative services under section 124.82 of the Revised Code, 25
because of a physician's race, color, religion, sex, national 26
origin, disability or military status as defined in section 27
4112.01 of the Revised Code, age, or ancestry, shall refuse to 28
contract with that physician for the provision of health care 29
services under section 124.82 of the Revised Code. 30

Any health insuring corporation that violates this division 31
is deemed to have engaged in an unlawful discriminatory practice 32
as defined in section 4112.02 of the Revised Code and is subject 33
to Chapter 4112. of the Revised Code. 34

(C) Each health insuring corporation that, on or after July 35
1, 1993, enters into or renews a contract with the department of 36
administrative services under section 124.82 of the Revised Code 37
and that refuses to contract with a physician for the provision of 38
health care services under that section shall provide that 39
physician with a written notice that clearly explains the reason 40
or reasons for the refusal. The notice shall be sent to the 41
physician by regular mail within thirty days after the refusal. 42

Any health insuring corporation that fails to provide notice 43
in compliance with this division is deemed to have engaged in an 44
unfair and deceptive act or practice in the business of insurance 45
as defined in section 3901.21 of the Revised Code and is subject 46
to sections 3901.19 to 3901.26 of the Revised Code. 47

Sec. 125.111. (A) Every contract for or on behalf of the 48

state or any of its political subdivisions for any purchase shall 49
contain provisions similar to those required by section 153.59 of 50
the Revised Code in the case of construction contracts by which 51
the contractor agrees to both of the following: 52

(1) That, in the hiring of employees for the performance of 53
work under the contract or any subcontract, no contractor or 54
subcontractor, by reason of race, color, religion, sex, age, 55
disability or military status as defined in section 4112.01 of the 56
Revised Code, national origin, or ancestry, shall discriminate 57
against any citizen of this state in the employment of a person 58
qualified and available to perform the work to which the contract 59
relates; 60

(2) That no contractor, subcontractor, or person acting on 61
behalf of any contractor or subcontractor, in any manner, shall 62
discriminate against, intimidate, or retaliate against any 63
employee hired for the performance of work under the contract on 64
account of race, color, religion, sex, age, disability or military 65
status as defined in section 4112.01 of the Revised Code, national 66
origin, or ancestry. 67

(B) All contractors from whom the state or any of its 68
political subdivisions make purchases shall have a written 69
affirmative action program for the employment and effective 70
utilization of economically disadvantaged persons, as referred to 71
in division (E)(1) of section 122.71 of the Revised Code. 72
Annually, each such contractor shall file a description of the 73
affirmative action program and a progress report on its 74
implementation with the equal employment opportunity office of the 75
department of administrative services. 76

Sec. 153.59. Every contract for or on behalf of the state, or 77
any township, county, or municipal corporation of the state, for 78
the construction, alteration, or repair of any public building or 79

public work in the state shall contain provisions by which the contractor agrees to both of the following:

(A) That, in the hiring of employees for the performance of work under the contract or any subcontract, no contractor, subcontractor, or any person acting on a contractor's or subcontractor's behalf, by reason of race, creed, sex, disability or military status as defined in section 4112.01 of the Revised Code, or color, shall discriminate against any citizen of the state in the employment of labor or workers who is qualified and available to perform the work to which the employment relates;

(B) That no contractor, subcontractor, or any person on a contractor's or subcontractor's behalf, in any manner, shall discriminate against or intimidate any employee hired for the performance of work under the contract on account of race, creed, sex, disability or military status as defined in section 4112.01 of the Revised Code, or color.

The department of administrative services shall ensure that no capital moneys appropriated by the general assembly for any purpose shall be expended unless the project for which those moneys are appropriated provides for an affirmative action program for the employment and effective utilization of disadvantaged persons whose disadvantage may arise from cultural, racial, or ethnic background, or other similar cause, including, but not limited to, race, religion, sex, disability or military status as defined in section 4112.01 of the Revised Code, national origin, or ancestry.

In awarding contracts for capital improvement projects, the department shall ensure that equal consideration be given to contractors, subcontractors, or joint venturers who qualify as a minority business enterprise. As used in this section, "minority business enterprise" means a business enterprise that is owned or controlled by one or more socially or economically disadvantaged

persons who are residents of this state. "Socially or economically 112
disadvantaged persons" means persons, regardless of marital 113
status, who are members of groups whose disadvantage may arise 114
from discrimination on the basis of race, religion, sex, 115
disability or military status as defined in section 4112.01 of the 116
Revised Code, national origin, ancestry, or other similar cause. 117

Sec. 153.591. Any provision of a hiring hall contract or 118
agreement which obligates a contractor to hire, if available, only 119
employees referred to the contractor by a labor organization shall 120
be void as against public policy and unenforceable with respect to 121
employment under any public works contract unless at the date of 122
execution of the hiring hall contract or agreement, or within 123
thirty days thereafter, the labor organization has in effect 124
procedures for referring qualified employees for hire without 125
regard to race, color, religion, national origin, military status 126
as defined in section 4112.01 of the Revised Code, or ancestry and 127
unless the labor organization includes in its apprentice and 128
journey person's membership, or otherwise has available for job 129
referral without discrimination, qualified employees, both whites 130
and non-whites (including African-Americans). 131

Sec. 176.04. (A) No municipal corporation, county, or 132
township shall issue general obligations pursuant to section 133
133.51 of the Revised Code or expend moneys raised by taxation to 134
provide, or assist in providing, housing pursuant to Section 16 of 135
Article VIII, Ohio Constitution, unless the municipal corporation, 136
county, or township has done all of the following: 137

(1) Established or designated a housing advisory board 138
pursuant to section 176.01 of the Revised Code, or entered into an 139
agreement pursuant to section 176.02 of the Revised Code for the 140
service of a housing advisory board established by one or more 141
other subdivisions; 142

(2) At least thirty days prior to approval of it by the legislative authority of the municipal corporation, county, or township, submitted to the housing advisory board for review, comments, and recommendations, a comprehensive housing affordability strategy for the municipal corporation, county, or township developed under the "Cranston-Gonzalez National Affordable Housing Act," 104 Stat. 4079 (1990), Pub. Law No. 101-625, or other state or local comprehensive plan for the development and maintenance of affordable housing within the boundaries of the municipal corporation, county, or township.

Approval of the plan by the legislative authority may be effective for a period of one to five years. No submission of an amended plan is required unless the submitted description of the purposes for which any part of those moneys are proposed to be applied is intended to be, or raise a reasonable concern that it might be construed to be, inconsistent with the existing plan.

(3) Submitted to the housing advisory board a written description of the purposes to which the proceeds of the proposed general obligations or the moneys raised by taxation are proposed to be applied, and allowed at least fifteen days to elapse during which the housing advisory board may review the submitted description and advise the municipal corporation, county, or township in accordance with division (D) of this section. For purposes of this section, the written description of the purposes to which the moneys raised by taxation are proposed to be applied may be submitted annually to the housing advisory board prior to the adoption of the annual appropriation measure pursuant to section 5705.38 of the Revised Code.

(B) No municipal corporation, county, or township shall issue general obligations pursuant to section 133.51 of the Revised Code to provide, or assist in providing, housing pursuant to Section 16 of Article VIII, Ohio Constitution, unless the municipal

legislative authority, the board of county commissioners, or the 175
board of township trustees has substantially complied with each of 176
the following requirements: 177

(1) Analyzed the anticipated impact of the purposes to which 178
the proceeds of the proposed general obligations are to be applied 179
upon existing housing patterns in the municipal corporation, 180
county, or township; 181

(2) Submitted to the housing advisory board serving it a fair 182
housing impact statement summarizing the analysis undertaken under 183
division (B)(1) of this section and conclusions from that 184
analysis; 185

(3) Submitted to the housing advisory board serving it a plan 186
for affirmative marketing to persons, regardless of marital 187
status, who are members of groups that may be disadvantaged by 188
discrimination on the basis of race, religion, sex, disability or 189
military status as defined in section 4112.01 of the Revised Code, 190
national origin, ancestry, children, or other similar cause or who 191
traditionally would not be expected to apply for housing at the 192
location proposed to be benefited by the proceeds of the proposed 193
general obligations. 194

(C) No approval of a housing advisory board shall be required 195
for issuance of general obligations pursuant to section 133.51 of 196
the Revised Code or any proposed expenditure of moneys raised by 197
taxation to provide, or assist in providing, housing pursuant to 198
Section 16 of Article VIII, Ohio Constitution. 199

(D) The matters on which a housing advisory board shall 200
advise the subdivisions it serves shall include the following: 201

(1) The consistency of a project or program with the plan 202
submitted under division (A)(2) of this section; 203

(2) The extent to which any project or program to which the 204
proceeds of the proposed general obligations or the moneys raised 205

by taxation are proposed to be applied may displace households 206
that consequently may need relocation assistance; 207

(3) The length of time for which projects to which the 208
proceeds of the proposed general obligations or the moneys raised 209
by taxation are proposed to be applied will remain affordable to 210
any targeted income group; 211

(4) The extent to which any lending program is available, in 212
whole or in part, from private lenders upon reasonably equivalent 213
terms and conditions. 214

Sec. 176.06. (A) Each municipal corporation, county, and 215
township shall compile and make available, in accordance with this 216
section, to the public for inspection and copying for a period of 217
five years, the number and total dollar amount of mortgage loans 218
that were originated, for which completed applications were 219
received and applicants were rejected, and that were purchased by 220
that municipal corporation, county, or township during each fiscal 221
year. Information regarding each mortgage loan category described 222
in this section shall be itemized to clearly and conspicuously 223
disclose the following: 224

(1) The number and dollar amount of mortgage loans insured 225
under Title II of the "National Housing Act," 48 Stat. 1246 226
(1934), 12 U.S.C.A. 1707 et seq., or under Title V of the "Housing 227
Act of 1949," 63 Stat. 413, 432, 42 U.S.C.A. 1471 et seq., or 228
guaranteed under the "Veterans' Loan Act," 58 Stat. 284 (1944), 38 229
U.S.C.A. 1801 et seq.; 230

(2) The number and dollar amount of mortgage loans made to 231
mortgagors who did not, at the time of execution of the mortgage, 232
intend to reside in the property securing the mortgage loan; 233

(3) The number and dollar amount of home improvement loans; 234

(4) The number and dollar amount of mortgage loans involving 235

mortgagors or mortgage applicants grouped according to census 236
tract, income level, race, color, religion, sex, ancestry, 237
disability as defined in section 4112.01 of the Revised Code, 238
military status as defined in that section, and national origin. 239

(B) The information described in this section shall be made 240
available to the public in raw data form and updated quarterly. 241
Within four months after the end of each fiscal year, each 242
municipal corporation, county, and township shall submit to the 243
president of the senate and the speaker of the house of 244
representatives a report containing the information described in 245
this section for the immediately preceding fiscal year. 246

(C) As used in this section, "mortgage loan" means a loan 247
secured by a mortgage, deed of trust, or other security interest 248
to finance the acquisition, construction, improvement, or 249
rehabilitation of single-family residential housing. 250

Sec. 717.01. Each municipal corporation may do any of the 251
following: 252

(A) Acquire by purchase or condemnation real estate with or 253
without buildings on it, and easements or interests in real 254
estate; 255

(B) Extend, enlarge, reconstruct, repair, equip, furnish, or 256
improve a building or improvement that it is authorized to acquire 257
or construct; 258

(C) Erect a crematory or provide other means for disposing of 259
garbage or refuse, and erect public comfort stations; 260

(D) Purchase turnpike roads and make them free; 261

(E) Construct wharves and landings on navigable waters; 262

(F) Construct infirmaries, workhouses, prisons, police 263
stations, houses of refuge and correction, market houses, public 264
halls, public offices, municipal garages, repair shops, storage 265

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| houses, and warehouses; | 266 |
| (G) Construct or acquire waterworks for supplying water to the municipal corporation and its inhabitants and extend the waterworks system outside of the municipal corporation limits; | 267 268 269 |
| (H) Construct or purchase gas works or works for the generation and transmission of electricity, for the supplying of gas or electricity to the municipal corporation and its inhabitants; | 270 271 272 273 |
| (I) Provide grounds for cemeteries or crematories, enclose and embellish them, and construct vaults or crematories; | 274 275 |
| (J) Construct sewers, sewage disposal works, flushing tunnels, drains, and ditches; | 276 277 |
| (K) Construct free public libraries and reading rooms, and free recreation centers; | 278 279 |
| (L) Establish free public baths and municipal lodging houses; | 280 |
| (M) Construct monuments or memorial buildings to commemorate the services of soldiers, sailors, and marines of the state and nation; | 281 282 283 |
| (N) Provide land for and improve parks, boulevards, and public playgrounds; | 284 285 |
| (O) Construct hospitals and pesthouses; | 286 |
| (P) Open, construct, widen, extend, improve, resurface, or change the line of any street or public highway; | 287 288 |
| (Q) Construct and improve levees, dams, waterways, waterfronts, and embankments and improve any watercourse passing through the municipal corporation; | 289 290 291 |
| (R) Construct or improve viaducts, bridges, and culverts; | 292 |
| (S)(1) Construct any building necessary for the police or fire department; | 293 294 |

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| (2) Purchase fire engines or fire boats; | 295 |
| (3) Construct water towers or fire cisterns; | 296 |
| (4) Place underground the wires or signal apparatus of any police or fire department. | 297 298 |
| (T) Construct any municipal ice plant for the purpose of manufacturing ice for the citizens of a municipal corporation; | 299 300 |
| (U) Construct subways under any street or boulevard or elsewhere; | 301 302 |
| (V) Acquire by purchase, gift, devise, bequest, lease, condemnation proceedings, or otherwise, real or personal property, and thereon and thereof to establish, construct, enlarge, improve, equip, maintain, and operate airports, landing fields, or other air navigation facilities, either within or outside the limits of a municipal corporation, and acquire by purchase, gift, devise, lease, or condemnation proceedings rights-of-way for connections with highways, waterways, and electric, steam, and interurban railroads, and improve and equip such facilities with structures necessary or appropriate for such purposes. No municipal corporation may take or disturb property or facilities belonging to any public utility or to a common carrier engaged in interstate commerce, which property or facilities are required for the proper and convenient operation of the utility or carrier, unless provision is made for the restoration, relocation, or duplication of the property or facilities elsewhere at the sole cost of the municipal corporation. | 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 |
| (W) Provide by agreement with any regional airport authority, created under section 308.03 of the Revised Code, for the making of necessary surveys, appraisals, and examinations preliminary to the acquisition or construction of any airport or airport facility and pay the portion of the expense of the surveys, appraisals, and examinations as set forth in the agreement; | 320 321 322 323 324 325 |

(X) Provide by agreement with any regional airport authority, 326
created under section 308.03 of the Revised Code, for the 327
acquisition, construction, maintenance, or operation of any 328
airport or airport facility owned or to be owned and operated by 329
the regional airport authority or owned or to be owned and 330
operated by the municipal corporation and pay the portion of the 331
expense of it as set forth in the agreement; 332

(Y) Acquire by gift, purchase, lease, or condemnation, land, 333
forest, and water rights necessary for conservation of forest 334
reserves, water parks, or reservoirs, either within or without the 335
limits of the municipal corporation, and improve and equip the 336
forest and water parks with structures, equipment, and 337
reforestation necessary or appropriate for any purpose for the 338
utilization of any of the forest and water benefits that may 339
properly accrue therefrom to the municipal corporation; 340

(Z) Acquire real property by purchase, gift, or devise and 341
construct and maintain on it public swimming pools, either within 342
or outside the limits of the municipal corporation; 343

(AA) Construct or rehabilitate, equip, maintain, operate, and 344
lease facilities for housing of elderly persons and for persons of 345
low and moderate income, and appurtenant facilities. No municipal 346
corporation shall deny housing accommodations to or withhold 347
housing accommodations from elderly persons or persons of low and 348
moderate income because of race, color, religion, sex, familial 349
status as defined in section 4112.01 of the Revised Code, military 350
status as defined in that section, disability as defined in that 351
section, ancestry, or national origin. Any elderly person or 352
person of low or moderate income who is denied housing 353
accommodations or has them withheld by a municipal corporation 354
because of race, color, religion, sex, familial status as defined 355
in section 4112.01 of the Revised Code, military status as defined 356
in that section, disability as defined in that section, ancestry, 357

or national origin may file a charge with the Ohio civil rights 358
commission as provided in Chapter 4112. of the Revised Code. 359

(BB) Acquire, rehabilitate, and develop rail property or rail 360
service, and enter into agreements with the Ohio rail development 361
commission, boards of county commissioners, boards of township 362
trustees, legislative authorities of other municipal corporations, 363
with other governmental agencies or organizations, and with 364
private agencies or organizations in order to achieve those 365
purposes; 366

(CC) Appropriate and contribute money to a soil and water 367
conservation district for use under Chapter 1515. of the Revised 368
Code; 369

(DD) Authorize the board of county commissioners, pursuant to 370
a contract authorizing the action, to contract on the municipal 371
corporation's behalf for the administration and enforcement within 372
its jurisdiction of the state building code by another county or 373
another municipal corporation located within or outside the 374
county. The contract for administration and enforcement shall 375
provide for obtaining certification pursuant to division (E) of 376
section 3781.10 of the Revised Code for the exercise of 377
administration and enforcement authority within the municipal 378
corporation seeking those services and shall specify which 379
political subdivision is responsible for securing that 380
certification. 381

(EE) Expend money for providing and maintaining services and 382
facilities for senior citizens. 383

"Airport," "landing field," and "air navigation facility," as 384
defined in section 4561.01 of the Revised Code, apply to division 385
(V) of this section. 386

As used in divisions (W) and (X) of this section, "airport" 387
and "airport facility" have the same meanings as in section 308.01 388

of the Revised Code. 389

As used in division (BB) of this section, "rail property" and 390
"rail service" have the same meanings as in section 4981.01 of the 391
Revised Code. 392

Sec. 1349.04. (A) As used in this section: 393

(1) "Active duty" means active duty pursuant to an executive 394
order of the president of the United States, an act of the 395
congress of the United States, or section 5919.29 or 5923.21 of 396
the Revised Code. 397

(2) "Immediate family" means a person's spouse residing in 398
the person's household; brothers and sisters of the whole or half 399
blood; children, including adopted children and stepchildren; 400
parents; and grandparents. 401

(B) The attorney general shall appoint a member of the staff 402
of the consumer protection division of the attorney general's 403
office to expedite cases or issues raised by a person, or the 404
immediate family of the person, who is deployed on active duty, 405
which cases or issues raised relate to sections 125.021, 317.322, 406
1343.031, 1349.02, 1349.03, 1713.60, 1923.062, 3313.64, 3332.20, 407
3345.53, 3915.053, 4933.12, or 4933.121 of the Revised Code or to 408
any other relevant section of the Revised Code regulating consumer 409
protection. 410

Sec. 1751.18. (A)(1) No health insuring corporation shall 411
cancel or fail to renew the coverage of a subscriber or enrollee 412
because of any health status-related factor in relation to the 413
subscriber or enrollee, the subscriber's or enrollee's 414
requirements for health care services, or for any other reason 415
designated under rules adopted by the superintendent of insurance. 416

(2) Unless otherwise required by state or federal law, no 417
health insuring corporation, or health care facility or provider 418

through which the health insuring corporation has made 419
arrangements to provide health care services, shall discriminate 420
against any individual with regard to enrollment, disenrollment, 421
or the quality of health care services rendered, on the basis of 422
the individual's race, color, sex, age, religion, military status 423
as defined in section 4112.01 of the Revised Code, or status as a 424
recipient of medicare or medical assistance under Title XVIII or 425
XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 426
301, as amended, or any health status-related factor in relation 427
to the individual. However, a health insuring corporation shall 428
not be required to accept a recipient of medicare or medical 429
assistance, if an agreement has not been reached on appropriate 430
payment mechanisms between the health insuring corporation and the 431
governmental agency administering these programs. Further, except 432
during a period of open enrollment under section 1751.15 of the 433
Revised Code, a health insuring corporation may reject an 434
applicant for nongroup enrollment on the basis of any health 435
status-related factor in relation to the applicant. 436

(B) A health insuring corporation may cancel or decide not to 437
renew the coverage of an enrollee if the enrollee has performed an 438
act or practice that constitutes fraud or intentional 439
misrepresentation of material fact under the terms of the coverage 440
and if the cancellation or nonrenewal is not based, either 441
directly or indirectly, on any health status-related factor in 442
relation to the enrollee. 443

(C) An enrollee may appeal any action or decision of a health 444
insuring corporation taken pursuant to section 2742(b) to (e) of 445
the "Health Insurance Portability and Accountability Act of 1996," 446
Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg-42, as 447
amended. To appeal, the enrollee may submit a written complaint to 448
the health insuring corporation pursuant to section 1751.19 of the 449
Revised Code. The enrollee may, within thirty days after receiving 450

a written response from the health insuring corporation, appeal 451
the health insuring corporation's action or decision to the 452
superintendent. 453

(D) As used in this section, "health status-related factor" 454
means any of the following: 455

(1) Health status; 456

(2) Medical condition, including both physical and mental 457
illnesses; 458

(3) Claims experience; 459

(4) Receipt of health care; 460

(5) Medical history; 461

(6) Genetic information; 462

(7) Evidence of insurability, including conditions arising 463
out of acts of domestic violence; 464

(8) Disability. 465

Sec. 2927.03. (A) No person, whether or not acting under 466
color of law, shall by force or threat of force willfully injure, 467
intimidate, or interfere with, or attempt to injure, intimidate, 468
or interfere with, any of the following: 469

(1) Any person because of race, color, religion, sex, 470
familial status as defined in section 4112.01 of the Revised Code, 471
national origin, military status as defined in that section, 472
disability as defined in that section, or ancestry and because 473
that person is or has been selling, purchasing, renting, 474
financing, occupying, contracting, or negotiating for the sale, 475
purchase, rental, financing, or occupation of any housing 476
accommodations, or applying for or participating in any service, 477
organization, or facility relating to the business of selling or 478
renting housing accommodations; 479

(2) Any person because that person is or has been doing, or 480
in order to intimidate that person or any other person or any 481
class of persons from doing, either of the following: 482

(a) Participating, without discrimination on account of race, 483
color, religion, sex, familial status as defined in section 484
4112.01 of the Revised Code, national origin, military status as 485
defined in that section, disability as defined in that section, or 486
ancestry, in any of the activities, services, organizations, or 487
facilities described in division (A)(1) of this section; 488

(b) Affording another person or class of persons opportunity 489
or protection so to participate. 490

(3) Any person because that person is or has been, or in 491
order to discourage that person or any other person from, lawfully 492
aiding or encouraging other persons to participate, without 493
discrimination on account of race, color, religion, sex, familial 494
status as defined in section 4112.01 of the Revised Code, national 495
origin, military status as defined in that section, disability as 496
defined in that section, or ancestry, in any of the activities, 497
services, organizations, or facilities described in division 498
(A)(1) of this section, or participating lawfully in speech or 499
peaceful assembly opposing any denial of the opportunity to so 500
participate. 501

(B) Whoever violates division (A) of this section is guilty 502
of a misdemeanor of the first degree. 503

Sec. 3905.55. (A) Except as provided in division (B) of this 504
section, an agent may charge a consumer a fee if all of the 505
following conditions are met: 506

(1) The fee is disclosed to the consumer in a manner that 507
separately identifies the fee and the premium. 508

(2) The fee is not calculated as a percentage of the premium. 509

(3) The fee is not refunded, forgiven, waived, offset, or 510
reduced by any commission earned or received for any policy or 511
coverage sold. 512

(4) The amount of the fee, and the consumer's obligation to 513
pay the fee, are not conditioned upon the occurrence of a future 514
event or condition, such as the purchase, cancellation, lapse, 515
declination, or nonrenewal of insurance. 516

(5) The agent discloses to the consumer that the fee is being 517
charged by the agent and not by the insurance company, that 518
neither state law nor the insurance company requires the agent to 519
charge the fee, and that the fee is not refundable. 520

(6) The consumer consents to the fee. 521

(7) The agent, in charging the fee, does not discriminate on 522
the basis of race, sex, national origin, religion, disability, 523
health status, age, marital status, military status as defined in 524
section 4112.01 of the Revised Code, or geographic location, and 525
does not unfairly discriminate between persons of essentially the 526
same class and of essentially the same hazard or expectation of 527
life. 528

(B) A fee may not be charged for taking or submitting an 529
initial application for coverage with any one insurer or different 530
programs with the same insurer, or processing a change to an 531
existing policy, a cancellation, a claim, or a renewal, in 532
connection with any of the following personal lines policies: 533

(1) Private passenger automobile; 534

(2) Homeowners, including coverage for tenants or condominium 535
owners, owner-occupied fire or dwelling property coverage, 536
personal umbrella liability, or any other personal lines-related 537
coverage whether sold as a separate policy or as an endorsement to 538
another personal lines policy; 539

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| (3) Individual life insurance; | 540 |
| (4) Individual sickness or accident insurance; | 541 |
| (5) Disability income policies; | 542 |
| (6) Credit insurance products. | 543 |
| (C) Notwithstanding any other provision of this section, an agent may charge a fee for agent services in connection with a policy issued on a no-commission basis, if the agent provides the consumer with prior disclosure of the fee and of the services to be provided. | 544 545 546 547 548 |
| (D) In the event of a dispute between an agent and a consumer regarding any disclosure required by this section, the agent has the burden of proving that the disclosure was made. | 549 550 551 |
| (E)(1) No person shall fail to comply with this section. | 552 |
| (2) Whoever violates division (E)(1) of this section is deemed to have engaged in an unfair and deceptive act or practice in the business of insurance under sections 3901.19 to 3901.26 of the Revised Code. | 553 554 555 556 |
| (F) This section does not apply with respect to any expense fee charged by a surety bail bond agent to cover the costs incurred by the surety bail bond agent in executing the bail bond. | 557 558 559 |
| Sec. 4112.01. (A) As used in this chapter: | 560 |
| (1) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and other organized groups of persons. "Person" also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesperson, appraiser, agent, employee, lending institution, and the state and all political subdivisions, authorities, agencies, boards, and commissions of the state. | 561 562 563 564 565 566 567 568 |

(2) "Employer" includes the state, any political subdivision of the state, any person employing four or more persons within the state, and any person acting directly or indirectly in the interest of an employer.

(3) "Employee" means an individual employed by any employer but does not include any individual employed in the domestic service of any person.

(4) "Labor organization" includes any organization that exists, in whole or in part, for the purpose of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or other mutual aid or protection in relation to employment.

(5) "Employment agency" includes any person regularly undertaking, with or without compensation, to procure opportunities to work or to procure, recruit, refer, or place employees.

(6) "Commission" means the Ohio civil rights commission created by section 4112.03 of the Revised Code.

(7) "Discriminate" includes segregate or separate.

(8) "Unlawful discriminatory practice" means any act prohibited by section 4112.02, 4112.021, or 4112.022 of the Revised Code.

(9) "Place of public accommodation" means any inn, restaurant, eating house, barbershop, public conveyance by air, land, or water, theater, store, other place for the sale of merchandise, or any other place of public accommodation or amusement of which the accommodations, advantages, facilities, or privileges are available to the public.

(10) "Housing accommodations" includes any building or structure, or portion of a building or structure, that is used or

occupied or is intended, arranged, or designed to be used or 599
occupied as the home residence, dwelling, dwelling unit, or 600
sleeping place of one or more individuals, groups, or families 601
whether or not living independently of each other; and any vacant 602
land offered for sale or lease. "Housing accommodations" also 603
includes any housing accommodations held or offered for sale or 604
rent by a real estate broker, salesperson, or agent, by any other 605
person pursuant to authorization of the owner, by the owner, or by 606
the owner's legal representative. 607

(11) "Restrictive covenant" means any specification limiting 608
the transfer, rental, lease, or other use of any housing 609
accommodations because of race, color, religion, sex, military 610
status, familial status, national origin, disability, or ancestry, 611
or any limitation based upon affiliation with or approval by any 612
person, directly or indirectly, employing race, color, religion, 613
sex, military status, familial status, national origin, 614
disability, or ancestry as a condition of affiliation or approval. 615

(12) "Burial lot" means any lot for the burial of deceased 616
persons within any public burial ground or cemetery, including, 617
but not limited to, cemeteries owned and operated by municipal 618
corporations, townships, or companies or associations incorporated 619
for cemetery purposes. 620

(13) "Disability" means a physical or mental impairment that 621
substantially limits one or more major life activities, including 622
the functions of caring for one's self, performing manual tasks, 623
walking, seeing, hearing, speaking, breathing, learning, and 624
working; a record of a physical or mental impairment; or being 625
regarded as having a physical or mental impairment. 626

(14) Except as otherwise provided in section 4112.021 of the 627
Revised Code, "age" means at least forty years old. 628

(15) "Familial status" means either of the following: 629

(a) One or more individuals who are under eighteen years of age and who are domiciled with a parent or guardian having legal custody of the individual or domiciled, with the written permission of the parent or guardian having legal custody, with a designee of the parent or guardian;

(b) Any person who is pregnant or in the process of securing legal custody of any individual who is under eighteen years of age.

(16)(a) Except as provided in division (A)(16)(b) of this section, "physical or mental impairment" includes any of the following:

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine;

(ii) Any mental or psychological disorder, including, but not limited to, mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;

(iii) Diseases and conditions, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, mental retardation, emotional illness, drug addiction, and alcoholism.

(b) "Physical or mental impairment" does not include any of the following:

(i) Homosexuality and bisexuality;

(ii) Transvestism, transsexualism, pedophilia, exhibitionism,

voyeurism, gender identity disorders not resulting from physical 660
impairments, or other sexual behavior disorders; 661

(iii) Compulsive gambling, kleptomania, or pyromania; 662

(iv) Psychoactive substance use disorders resulting from the 663
current illegal use of a controlled substance or the current use 664
of alcoholic beverages. 665

(17) "Dwelling unit" means a single unit of residence for a 666
family of one or more persons. 667

(18) "Common use areas" means rooms, spaces, or elements 668
inside or outside a building that are made available for the use 669
of residents of the building or their guests, and includes, but is 670
not limited to, hallways, lounges, lobbies, laundry rooms, refuse 671
rooms, mail rooms, recreational areas, and passageways among and 672
between buildings. 673

(19) "Public use areas" means interior or exterior rooms or 674
spaces of a privately or publicly owned building that are made 675
available to the general public. 676

(20) "Controlled substance" has the same meaning as in 677
section 3719.01 of the Revised Code. 678

(21) "Disabled tenant" means a tenant or prospective tenant 679
who is a person with a disability. 680

(22) "Military status" means a person's status in "service in 681
the uniformed services" as defined in section 5903.01 of the 682
Revised Code. 683

(B) For the purposes of divisions (A) to (F) of section 684
4112.02 of the Revised Code, the terms "because of sex" and "on 685
the basis of sex" include, but are not limited to, because of or 686
on the basis of pregnancy, any illness arising out of and 687
occurring during the course of a pregnancy, childbirth, or related 688
medical conditions. Women affected by pregnancy, childbirth, or 689

related medical conditions shall be treated the same for all 690
employment-related purposes, including receipt of benefits under 691
fringe benefit programs, as other persons not so affected but 692
similar in their ability or inability to work, and nothing in 693
division (B) of section 4111.17 of the Revised Code shall be 694
interpreted to permit otherwise. This division shall not be 695
construed to require an employer to pay for health insurance 696
benefits for abortion, except where the life of the mother would 697
be endangered if the fetus were carried to term or except where 698
medical complications have arisen from the abortion, provided that 699
nothing in this division precludes an employer from providing 700
abortion benefits or otherwise affects bargaining agreements in 701
regard to abortion. 702

Sec. 4112.02. It shall be an unlawful discriminatory 703
practice: 704

(A) For any employer, because of the race, color, religion, 705
sex, military status, national origin, disability, age, or 706
ancestry of any person, to discharge without just cause, to refuse 707
to hire, or otherwise to discriminate against that person with 708
respect to hire, tenure, terms, conditions, or privileges of 709
employment, or any matter directly or indirectly related to 710
employment. 711

(B) For an employment agency or personnel placement service, 712
because of race, color, religion, sex, military status, national 713
origin, disability, age, or ancestry, to do any of the following: 714

(1) Refuse or fail to accept, register, classify properly, or 715
refer for employment, or otherwise discriminate against any 716
person; 717

(2) Comply with a request from an employer for referral of 718
applicants for employment if the request directly or indirectly 719
indicates that the employer fails to comply with the provisions of 720

sections 4112.01 to 4112.07 of the Revised Code. 721

(C) For any labor organization to do any of the following: 722

(1) Limit or classify its membership on the basis of race, 723
color, religion, sex, military status, national origin, 724
disability, age, or ancestry; 725

(2) Discriminate against, limit the employment opportunities 726
of, or otherwise adversely affect the employment status, wages, 727
hours, or employment conditions of any person as an employee 728
because of race, color, religion, sex, military status, national 729
origin, disability, age, or ancestry. 730

(D) For any employer, labor organization, or joint 731
labor-management committee controlling apprentice training 732
programs to discriminate against any person because of race, 733
color, religion, sex, military status, national origin, 734
disability, or ancestry in admission to, or employment in, any 735
program established to provide apprentice training. 736

(E) Except where based on a bona fide occupational 737
qualification certified in advance by the commission, for any 738
employer, employment agency, personnel placement service, or labor 739
organization, prior to employment or admission to membership, to 740
do any of the following: 741

(1) Elicit or attempt to elicit any information concerning 742
the race, color, religion, sex, military status, national origin, 743
disability, age, or ancestry of an applicant for employment or 744
membership; 745

(2) Make or keep a record of the race, color, religion, sex, 746
military status, national origin, disability, age, or ancestry of 747
any applicant for employment or membership; 748

(3) Use any form of application for employment, or personnel 749
or membership blank, seeking to elicit information regarding race, 750

color, religion, sex, military status, national origin, 751
disability, age, or ancestry; but an employer holding a contract 752
containing a nondiscrimination clause with the government of the 753
United States, or any department or agency of that government, may 754
require an employee or applicant for employment to furnish 755
documentary proof of United States citizenship and may retain that 756
proof in the employer's personnel records and may use photographic 757
or fingerprint identification for security purposes; 758

(4) Print or publish or cause to be printed or published any 759
notice or advertisement relating to employment or membership 760
indicating any preference, limitation, specification, or 761
discrimination, based upon race, color, religion, sex, military 762
status, national origin, disability, age, or ancestry; 763

(5) Announce or follow a policy of denying or limiting, 764
through a quota system or otherwise, employment or membership 765
opportunities of any group because of the race, color, religion, 766
sex, military status, national origin, disability, age, or 767
ancestry of that group; 768

(6) Utilize in the recruitment or hiring of persons any 769
employment agency, personnel placement service, training school or 770
center, labor organization, or any other employee-referring source 771
known to discriminate against persons because of their race, 772
color, religion, sex, military status, national origin, 773
disability, age, or ancestry. 774

(F) For any person seeking employment to publish or cause to 775
be published any advertisement that specifies or in any manner 776
indicates that person's race, color, religion, sex, military 777
status, national origin, disability, age, or ancestry, or 778
expresses a limitation or preference as to the race, color, 779
religion, sex, military status, national origin, disability, age, 780
or ancestry of any prospective employer. 781

(G) For any proprietor or any employee, keeper, or manager of a place of public accommodation to deny to any person, except for reasons applicable alike to all persons regardless of race, color, religion, sex, military status, national origin, disability, age, or ancestry, the full enjoyment of the accommodations, advantages, facilities, or privileges of the place of public accommodation.

(H) For any person to do any of the following:

(1) Refuse to sell, transfer, assign, rent, lease, sublease, or finance housing accommodations, refuse to negotiate for the sale or rental of housing accommodations, or otherwise deny or make unavailable housing accommodations because of race, color, religion, sex, military status, familial status, ancestry, disability, or national origin;

(2) Represent to any person that housing accommodations are not available for inspection, sale, or rental, when in fact they are available, because of race, color, religion, sex, military status, familial status, ancestry, disability, or national origin;

(3) Discriminate against any person in the making or purchasing of loans or the provision of other financial assistance for the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations, or any person in the making or purchasing of loans or the provision of other financial assistance that is secured by residential real estate, because of race, color, religion, sex, military status, familial status, ancestry, disability, or national origin or because of the racial composition of the neighborhood in which the housing accommodations are located, provided that the person, whether an individual, corporation, or association of any type, lends money as one of the principal aspects or incident to the person's principal business and not only as a part of the purchase price of an owner-occupied residence the person is selling nor merely casually or occasionally to a relative or friend;

(4) Discriminate against any person in the terms or 814
conditions of selling, transferring, assigning, renting, leasing, 815
or subleasing any housing accommodations or in furnishing 816
facilities, services, or privileges in connection with the 817
ownership, occupancy, or use of any housing accommodations, 818
including the sale of fire, extended coverage, or homeowners 819
insurance, because of race, color, religion, sex, military status, 820
familial status, ancestry, disability, or national origin or 821
because of the racial composition of the neighborhood in which the 822
housing accommodations are located; 823

(5) Discriminate against any person in the terms or 824
conditions of any loan of money, whether or not secured by 825
mortgage or otherwise, for the acquisition, construction, 826
rehabilitation, repair, or maintenance of housing accommodations 827
because of race, color, religion, sex, military status, familial 828
status, ancestry, disability, or national origin or because of the 829
racial composition of the neighborhood in which the housing 830
accommodations are located; 831

(6) Refuse to consider without prejudice the combined income 832
of both husband and wife for the purpose of extending mortgage 833
credit to a married couple or either member of a married couple; 834

(7) Print, publish, or circulate any statement or 835
advertisement, or make or cause to be made any statement or 836
advertisement, relating to the sale, transfer, assignment, rental, 837
lease, sublease, or acquisition of any housing accommodations, or 838
relating to the loan of money, whether or not secured by mortgage 839
or otherwise, for the acquisition, construction, rehabilitation, 840
repair, or maintenance of housing accommodations, that indicates 841
any preference, limitation, specification, or discrimination based 842
upon race, color, religion, sex, military status, familial status, 843
ancestry, disability, or national origin, or an intention to make 844
any such preference, limitation, specification, or discrimination; 845

(8) Except as otherwise provided in division (H)(8) or (17) 846
of this section, make any inquiry, elicit any information, make or 847
keep any record, or use any form of application containing 848
questions or entries concerning race, color, religion, sex, 849
military status, familial status, ancestry, disability, or 850
national origin in connection with the sale or lease of any 851
housing accommodations or the loan of any money, whether or not 852
secured by mortgage or otherwise, for the acquisition, 853
construction, rehabilitation, repair, or maintenance of housing 854
accommodations. Any person may make inquiries, and make and keep 855
records, concerning race, color, religion, sex, military status, 856
familial status, ancestry, disability, or national origin for the 857
purpose of monitoring compliance with this chapter. 858

(9) Include in any transfer, rental, or lease of housing 859
accommodations any restrictive covenant, or honor or exercise, or 860
attempt to honor or exercise, any restrictive covenant; 861

(10) Induce or solicit, or attempt to induce or solicit, a 862
housing accommodations listing, sale, or transaction by 863
representing that a change has occurred or may occur with respect 864
to the racial, religious, sexual, military status, familial 865
status, or ethnic composition of the block, neighborhood, or other 866
area in which the housing accommodations are located, or induce or 867
solicit, or attempt to induce or solicit, a housing accommodations 868
listing, sale, or transaction by representing that the presence or 869
anticipated presence of persons of any race, color, religion, sex, 870
military status, familial status, ancestry, disability, or 871
national origin, in the block, neighborhood, or other area will or 872
may have results including, but not limited to, the following: 873

(a) The lowering of property values; 874

(b) A change in the racial, religious, sexual, military 875
status, familial status, or ethnic composition of the block, 876
neighborhood, or other area; 877

| | |
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| (c) An increase in criminal or antisocial behavior in the block, neighborhood, or other area; | 878 879 |
| (d) A decline in the quality of the schools serving the block, neighborhood, or other area. | 880 881 |
| (11) Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting housing accommodations, or discriminate against any person in the terms or conditions of that access, membership, or participation, on account of race, color, religion, sex, <u>military status</u> , familial status, national origin, disability, or ancestry; | 882 883 884 885 886 887 888 889 |
| (12) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person's having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by division (H) of this section; | 890 891 892 893 894 |
| (13) Discourage or attempt to discourage the purchase by a prospective purchaser of housing accommodations, by representing that any block, neighborhood, or other area has undergone or might undergo a change with respect to its religious, racial, sexual, <u>military status</u> , familial status, or ethnic composition; | 895 896 897 898 899 |
| (14) Refuse to sell, transfer, assign, rent, lease, sublease, or finance, or otherwise deny or withhold, a burial lot from any person because of the race, color, sex, <u>military status</u> , familial status, age, ancestry, disability, or national origin of any prospective owner or user of the lot; | 900 901 902 903 904 |
| (15) Discriminate in the sale or rental of, or otherwise make unavailable or deny, housing accommodations to any buyer or renter because of a disability of any of the following: | 905 906 907 |
| (a) The buyer or renter; | 908 |

| | |
|--|--|
| (b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available; | 909 910 911 |
| (c) Any individual associated with the person described in division (H)(15)(b) of this section. | 912 913 |
| (16) Discriminate in the terms, conditions, or privileges of the sale or rental of housing accommodations to any person or in the provision of services or facilities to any person in connection with the housing accommodations because of a disability of any of the following: | 914 915 916 917 918 |
| (a) That person; | 919 |
| (b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available; | 920 921 922 |
| (c) Any individual associated with the person described in division (H)(16)(b) of this section. | 923 924 |
| (17) Except as otherwise provided in division (H)(17) of this section, make an inquiry to determine whether an applicant for the sale or rental of housing accommodations, a person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available, or any individual associated with that person has a disability, or make an inquiry to determine the nature or severity of a disability of the applicant or such a person or individual. The following inquiries may be made of all applicants for the sale or rental of housing accommodations, regardless of whether they have disabilities: | 925 926 927 928 929 930 931 932 933 934 |
| (a) An inquiry into an applicant's ability to meet the requirements of ownership or tenancy; | 935 936 |
| (b) An inquiry to determine whether an applicant is qualified for housing accommodations available only to persons with | 937 938 |

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|--|-----|
| disabilities or persons with a particular type of disability; | 939 |
| (c) An inquiry to determine whether an applicant is qualified | 940 |
| for a priority available to persons with disabilities or persons | 941 |
| with a particular type of disability; | 942 |
| (d) An inquiry to determine whether an applicant currently | 943 |
| uses a controlled substance in violation of section 2925.11 of the | 944 |
| Revised Code or a substantively comparable municipal ordinance; | 945 |
| (e) An inquiry to determine whether an applicant at any time | 946 |
| has been convicted of or pleaded guilty to any offense, an element | 947 |
| of which is the illegal sale, offer to sell, cultivation, | 948 |
| manufacture, other production, shipment, transportation, delivery, | 949 |
| or other distribution of a controlled substance. | 950 |
| (18)(a) Refuse to permit, at the expense of a person with a | 951 |
| disability, reasonable modifications of existing housing | 952 |
| accommodations that are occupied or to be occupied by the person | 953 |
| with a disability, if the modifications may be necessary to afford | 954 |
| the person with a disability full enjoyment of the housing | 955 |
| accommodations. This division does not preclude a landlord of | 956 |
| housing accommodations that are rented or to be rented to a | 957 |
| disabled tenant from conditioning permission for a proposed | 958 |
| modification upon the disabled tenant's doing one or more of the | 959 |
| following: | 960 |
| (i) Providing a reasonable description of the proposed | 961 |
| modification and reasonable assurances that the proposed | 962 |
| modification will be made in a workerlike manner and that any | 963 |
| required building permits will be obtained prior to the | 964 |
| commencement of the proposed modification; | 965 |
| (ii) Agreeing to restore at the end of the tenancy the | 966 |
| interior of the housing accommodations to the condition they were | 967 |
| in prior to the proposed modification, but subject to reasonable | 968 |
| wear and tear during the period of occupancy, if it is reasonable | 969 |

for the landlord to condition permission for the proposed 970
modification upon the agreement; 971

(iii) Paying into an interest-bearing escrow account that is 972
in the landlord's name, over a reasonable period of time, a 973
reasonable amount of money not to exceed the projected costs at 974
the end of the tenancy of the restoration of the interior of the 975
housing accommodations to the condition they were in prior to the 976
proposed modification, but subject to reasonable wear and tear 977
during the period of occupancy, if the landlord finds the account 978
reasonably necessary to ensure the availability of funds for the 979
restoration work. The interest earned in connection with an escrow 980
account described in this division shall accrue to the benefit of 981
the disabled tenant who makes payments into the account. 982

(b) A landlord shall not condition permission for a proposed 983
modification upon a disabled tenant's payment of a security 984
deposit that exceeds the customarily required security deposit of 985
all tenants of the particular housing accommodations. 986

(19) Refuse to make reasonable accommodations in rules, 987
policies, practices, or services when necessary to afford a person 988
with a disability equal opportunity to use and enjoy a dwelling 989
unit, including associated public and common use areas; 990

(20) Fail to comply with the standards and rules adopted 991
under division (A) of section 3781.111 of the Revised Code; 992

(21) Discriminate against any person in the selling, 993
brokering, or appraising of real property because of race, color, 994
religion, sex, military status, familial status, ancestry, 995
disability, or national origin; 996

(22) Fail to design and construct covered multifamily 997
dwellings for first occupancy on or after June 30, 1992, in 998
accordance with the following conditions: 999

(a) The dwellings shall have at least one building entrance 1000

on an accessible route, unless it is impractical to do so because 1001
of the terrain or unusual characteristics of the site. 1002

(b) With respect to dwellings that have a building entrance 1003
on an accessible route, all of the following apply: 1004

(i) The public use areas and common use areas of the 1005
dwellings shall be readily accessible to and usable by persons 1006
with a disability. 1007

(ii) All the doors designed to allow passage into and within 1008
all premises shall be sufficiently wide to allow passage by 1009
persons with a disability who are in wheelchairs. 1010

(iii) All premises within covered multifamily dwelling units 1011
shall contain an accessible route into and through the dwelling; 1012
all light switches, electrical outlets, thermostats, and other 1013
environmental controls within such units shall be in accessible 1014
locations; the bathroom walls within such units shall contain 1015
reinforcements to allow later installation of grab bars; and the 1016
kitchens and bathrooms within such units shall be designed and 1017
constructed in a manner that enables an individual in a wheelchair 1018
to maneuver about such rooms. 1019

For purposes of division (H)(22) of this section, "covered 1020
multifamily dwellings" means buildings consisting of four or more 1021
units if such buildings have one or more elevators and ground 1022
floor units in other buildings consisting of four or more units. 1023

(I) For any person to discriminate in any manner against any 1024
other person because that person has opposed any unlawful 1025
discriminatory practice defined in this section or because that 1026
person has made a charge, testified, assisted, or participated in 1027
any manner in any investigation, proceeding, or hearing under 1028
sections 4112.01 to 4112.07 of the Revised Code. 1029

(J) For any person to aid, abet, incite, compel, or coerce 1030
the doing of any act declared by this section to be an unlawful 1031

discriminatory practice, to obstruct or prevent any person from 1032
complying with this chapter or any order issued under it, or to 1033
attempt directly or indirectly to commit any act declared by this 1034
section to be an unlawful discriminatory practice. 1035

(K)(1) Nothing in division (H) of this section shall bar any 1036
religious or denominational institution or organization, or any 1037
nonprofit charitable or educational organization that is operated, 1038
supervised, or controlled by or in connection with a religious 1039
organization, from limiting the sale, rental, or occupancy of 1040
housing accommodations that it owns or operates for other than a 1041
commercial purpose to persons of the same religion, or from giving 1042
preference in the sale, rental, or occupancy of such housing 1043
accommodations to persons of the same religion, unless membership 1044
in the religion is restricted on account of race, color, or 1045
national origin. 1046

(2) Nothing in division (H) of this section shall bar any 1047
bona fide private or fraternal organization that, incidental to 1048
its primary purpose, owns or operates lodgings for other than a 1049
commercial purpose, from limiting the rental or occupancy of the 1050
lodgings to its members or from giving preference to its members. 1051

(3) Nothing in division (H) of this section limits the 1052
applicability of any reasonable local, state, or federal 1053
restrictions regarding the maximum number of occupants permitted 1054
to occupy housing accommodations. Nothing in that division 1055
prohibits the owners or managers of housing accommodations from 1056
implementing reasonable occupancy standards based on the number 1057
and size of sleeping areas or bedrooms and the overall size of a 1058
dwelling unit, provided that the standards are not implemented to 1059
circumvent the purposes of this chapter and are formulated, 1060
implemented, and interpreted in a manner consistent with this 1061
chapter and any applicable local, state, or federal restrictions 1062
regarding the maximum number of occupants permitted to occupy 1063

housing accommodations. 1064

(4) Nothing in division (H) of this section requires that 1065
housing accommodations be made available to an individual whose 1066
tenancy would constitute a direct threat to the health or safety 1067
of other individuals or whose tenancy would result in substantial 1068
physical damage to the property of others. 1069

(5) Nothing in division (H) of this section pertaining to 1070
discrimination on the basis of familial status shall be construed 1071
to apply to any of the following: 1072

(a) Housing accommodations provided under any state or 1073
federal program that have been determined under the "Fair Housing 1074
Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as 1075
amended, to be specifically designed and operated to assist 1076
elderly persons; 1077

(b) Housing accommodations intended for and solely occupied 1078
by persons who are sixty-two years of age or older; 1079

(c) Housing accommodations intended and operated for 1080
occupancy by at least one person who is fifty-five years of age or 1081
older per unit, as determined under the "Fair Housing Amendments 1082
Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as amended. 1083

(L) Nothing in divisions (A) to (E) of this section shall be 1084
construed to require a person with a disability to be employed or 1085
trained under circumstances that would significantly increase the 1086
occupational hazards affecting either the person with a 1087
disability, other employees, the general public, or the facilities 1088
in which the work is to be performed, or to require the employment 1089
or training of a person with a disability in a job that requires 1090
the person with a disability routinely to undertake any task, the 1091
performance of which is substantially and inherently impaired by 1092
the person's disability. 1093

(M) Nothing in divisions (H)(1) to (18) of this section shall 1094

be construed to require any person selling or renting property to 1095
modify the property in any way or to exercise a higher degree of 1096
care for a person with a disability, to relieve any person with a 1097
disability of any obligation generally imposed on all persons 1098
regardless of disability in a written lease, rental agreement, or 1099
contract of purchase or sale, or to forbid distinctions based on 1100
the inability to fulfill the terms and conditions, including 1101
financial obligations, of the lease, agreement, or contract. 1102

(N) An aggrieved individual may enforce the individual's 1103
rights relative to discrimination on the basis of age as provided 1104
for in this section by instituting a civil action, within one 1105
hundred eighty days after the alleged unlawful discriminatory 1106
practice occurred, in any court with jurisdiction for any legal or 1107
equitable relief that will effectuate the individual's rights. 1108

A person who files a civil action under this division is 1109
barred, with respect to the practices complained of, from 1110
instituting a civil action under section 4112.14 of the Revised 1111
Code and from filing a charge with the commission under section 1112
4112.05 of the Revised Code. 1113

(O) With regard to age, it shall not be an unlawful 1114
discriminatory practice and it shall not constitute a violation of 1115
division (A) of section 4112.14 of the Revised Code for any 1116
employer, employment agency, joint labor-management committee 1117
controlling apprenticeship training programs, or labor 1118
organization to do any of the following: 1119

(1) Establish bona fide employment qualifications reasonably 1120
related to the particular business or occupation that may include 1121
standards for skill, aptitude, physical capability, intelligence, 1122
education, maturation, and experience; 1123

(2) Observe the terms of a bona fide seniority system or any 1124
bona fide employee benefit plan, including, but not limited to, a 1125

retirement, pension, or insurance plan, that is not a subterfuge 1126
to evade the purposes of this section. However, no such employee 1127
benefit plan shall excuse the failure to hire any individual, and 1128
no such seniority system or employee benefit plan shall require or 1129
permit the involuntary retirement of any individual, because of 1130
the individual's age except as provided for in the "Age 1131
Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 1132
29 U.S.C.A. 623, as amended by the "Age Discrimination in 1133
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 1134
623, as amended. 1135

(3) Retire an employee who has attained sixty-five years of 1136
age who, for the two-year period immediately before retirement, is 1137
employed in a bona fide executive or a high policymaking position, 1138
if the employee is entitled to an immediate nonforfeitable annual 1139
retirement benefit from a pension, profit-sharing, savings, or 1140
deferred compensation plan, or any combination of those plans, of 1141
the employer of the employee, which equals, in the aggregate, at 1142
least forty-four thousand dollars, in accordance with the 1143
conditions of the "Age Discrimination in Employment Act Amendment 1144
of 1978," 92 Stat. 189, 29 U.S.C.A. 631, as amended by the "Age 1145
Discrimination in Employment Act Amendments of 1986," 100 Stat. 1146
3342, 29 U.S.C.A. 631, as amended; 1147

(4) Observe the terms of any bona fide apprenticeship program 1148
if the program is registered with the Ohio apprenticeship council 1149
pursuant to sections 4139.01 to 4139.06 of the Revised Code and is 1150
approved by the federal committee on apprenticeship of the United 1151
States department of labor. 1152

(P) Nothing in this chapter prohibiting age discrimination 1153
and nothing in division (A) of section 4112.14 of the Revised Code 1154
shall be construed to prohibit the following: 1155

(1) The designation of uniform age the attainment of which is 1156
necessary for public employees to receive pension or other 1157

retirement benefits pursuant to Chapter 145., 742., 3307., 3309., 1158
or 5505. of the Revised Code; 1159

(2) The mandatory retirement of uniformed patrol officers of 1160
the state highway patrol as provided in section 5505.16 of the 1161
Revised Code; 1162

(3) The maximum age requirements for appointment as a patrol 1163
officer in the state highway patrol established by section 5503.01 1164
of the Revised Code; 1165

(4) The maximum age requirements established for original 1166
appointment to a police department or fire department in sections 1167
124.41 and 124.42 of the Revised Code; 1168

(5) Any maximum age not in conflict with federal law that may 1169
be established by a municipal charter, municipal ordinance, or 1170
resolution of a board of township trustees for original 1171
appointment as a police officer or firefighter; 1172

(6) Any mandatory retirement provision not in conflict with 1173
federal law of a municipal charter, municipal ordinance, or 1174
resolution of a board of township trustees pertaining to police 1175
officers and firefighters; 1176

(7) Until January 1, 1994, the mandatory retirement of any 1177
employee who has attained seventy years of age and who is serving 1178
under a contract of unlimited tenure, or similar arrangement 1179
providing for unlimited tenure, at an institution of higher 1180
education as defined in the "Education Amendments of 1980," 94 1181
Stat. 1503, 20 U.S.C.A. 1141(a). 1182

(Q)(1)(a) Except as provided in division (Q)(1)(b) of this 1183
section, for purposes of divisions (A) to (E) of this section, a 1184
disability does not include any physiological disorder or 1185
condition, mental or psychological disorder, or disease or 1186
condition caused by an illegal use of any controlled substance by 1187
an employee, applicant, or other person, if an employer, 1188

employment agency, personnel placement service, labor 1189
organization, or joint labor-management committee acts on the 1190
basis of that illegal use. 1191

(b) Division (Q)(1)(a) of this section does not apply to an 1192
employee, applicant, or other person who satisfies any of the 1193
following: 1194

(i) The employee, applicant, or other person has successfully 1195
completed a supervised drug rehabilitation program and no longer 1196
is engaging in the illegal use of any controlled substance, or the 1197
employee, applicant, or other person otherwise successfully has 1198
been rehabilitated and no longer is engaging in that illegal use. 1199

(ii) The employee, applicant, or other person is 1200
participating in a supervised drug rehabilitation program and no 1201
longer is engaging in the illegal use of any controlled substance. 1202

(iii) The employee, applicant, or other person is erroneously 1203
regarded as engaging in the illegal use of any controlled 1204
substance, but the employee, applicant, or other person is not 1205
engaging in that illegal use. 1206

(2) Divisions (A) to (E) of this section do not prohibit an 1207
employer, employment agency, personnel placement service, labor 1208
organization, or joint labor-management committee from doing any 1209
of the following: 1210

(a) Adopting or administering reasonable policies or 1211
procedures, including, but not limited to, testing for the illegal 1212
use of any controlled substance, that are designed to ensure that 1213
an individual described in division (Q)(1)(b)(i) or (ii) of this 1214
section no longer is engaging in the illegal use of any controlled 1215
substance; 1216

(b) Prohibiting the illegal use of controlled substances and 1217
the use of alcohol at the workplace by all employees; 1218

(c) Requiring that employees not be under the influence of alcohol or not be engaged in the illegal use of any controlled substance at the workplace;

(d) Requiring that employees behave in conformance with the requirements established under "The Drug-Free Workplace Act of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended;

(e) Holding an employee who engages in the illegal use of any controlled substance or who is an alcoholic to the same qualification standards for employment or job performance, and the same behavior, to which the employer, employment agency, personnel placement service, labor organization, or joint labor-management committee holds other employees, even if any unsatisfactory performance or behavior is related to an employee's illegal use of a controlled substance or alcoholism;

(f) Exercising other authority recognized in the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, as amended, including, but not limited to, requiring employees to comply with any applicable federal standards.

(3) For purposes of this chapter, a test to determine the illegal use of any controlled substance does not include a medical examination.

(4) Division (Q) of this section does not encourage, prohibit, or authorize, and shall not be construed as encouraging, prohibiting, or authorizing, the conduct of testing for the illegal use of any controlled substance by employees, applicants, or other persons, or the making of employment decisions based on the results of that type of testing.

Sec. 4112.021. (A) As used in this section:

(1) "Credit" means the right granted by a creditor to a person to defer payment of a debt, to incur debt and defer its

payment, or to purchase property or services and defer payment for 1249
the property or services. 1250

(2) "Creditor" means any person who regularly extends, 1251
renews, or continues credit, any person who regularly arranges for 1252
the extension, renewal, or continuation of credit, or any assignee 1253
of an original creditor who participates in the decision to 1254
extend, renew, or continue credit, whether or not any interest or 1255
finance charge is required. 1256

(3) "Credit reporting agency" means any person who, for 1257
monetary fees or dues or on a cooperative nonprofit basis, 1258
regularly assembles or evaluates credit information for the 1259
purpose of furnishing credit reports to creditors. 1260

(4) "Age" means any age of eighteen years or older. 1261

(B) It shall be an unlawful discriminatory practice: 1262

(1) For any creditor to do any of the following: 1263

(a) Discriminate against any applicant for credit in the 1264
granting, withholding, extending, or renewing of credit, or in the 1265
fixing of the rates, terms, or conditions of any form of credit, 1266
on the basis of race, color, religion, age, sex, military status, 1267
marital status, national origin, disability, or ancestry, except 1268
that this division shall not apply with respect to age in any real 1269
estate transaction between a financial institution, a dealer in 1270
intangibles, or an insurance company as defined in section 5725.01 1271
of the Revised Code and its customers; 1272

(b) Use or make any inquiry as to race, color, religion, age, 1273
sex, military status, marital status, national origin, disability, 1274
or ancestry for the purpose of limiting or specifying those 1275
persons to whom credit will be granted, except that an inquiry of 1276
marital status does not constitute discrimination for the purposes 1277
of this section if the inquiry is made for the purpose of 1278
ascertaining the creditor's rights and remedies applicable to the 1279

particular extension of credit, and except that creditors are 1280
excepted from this division with respect to any inquiry, 1281
elicitation of information, record, or form of application 1282
required of a particular creditor by any instrumentality or agency 1283
of the United States, or required of a particular creditor by any 1284
agency or instrumentality to enforce the "Civil Rights Act of 1285
1968," 82 Stat. 84, 85, 42 U.S.C.A. 3608(c); 1286

(c) Refuse to consider the sources of income of an applicant 1287
for credit, or disregard or ignore the income of an applicant, in 1288
whole or in part, on the basis of race, color, religion, age, sex, 1289
military status, marital status, disability, national origin, or 1290
ancestry; 1291

(d) Refuse to grant credit to an individual in any name that 1292
individual customarily uses, if it has been determined in the 1293
normal course of business that the creditor will grant credit to 1294
the individual; 1295

(e) Impose any special requirements or conditions, including, 1296
but not limited to, a requirement for co-obligors or 1297
reapplication, upon any applicant or class of applicants on the 1298
basis of race, color, religion, age, sex, military status, marital 1299
status, national origin, disability, or ancestry in circumstances 1300
where similar requirements or conditions are not imposed on other 1301
applicants similarly situated, unless the special requirements or 1302
conditions that are imposed with respect to age are the result of 1303
a real estate transaction exempted under division (B)(1)(a) of 1304
this section or are the result of programs that grant preferences 1305
to certain age groups administered by instrumentalities or 1306
agencies of the United States, a state, or a political subdivision 1307
of a state; 1308

(f) Fail or refuse to provide an applicant for credit a 1309
written statement of the specific reasons for rejection of the 1310
application if requested in writing by the applicant within sixty 1311

days of the rejection. The creditor shall provide the written 1312
statement of the specific reason for rejection within thirty days 1313
after receipt of a request of that nature. For purposes of this 1314
section, a statement that the applicant was rejected solely on the 1315
basis of information received from a credit reporting agency or 1316
because the applicant failed to meet the standards required by the 1317
creditor's credit scoring system, uniformly applied, shall 1318
constitute a specific reason for rejection. 1319

(g) Fail or refuse to print on or firmly attach to each 1320
application for credit, in a type size no smaller than that used 1321
throughout most of the application form, the following notice: 1322
"The Ohio laws against discrimination require that all creditors 1323
make credit equally available to all credit worthy customers, and 1324
that credit reporting agencies maintain separate credit histories 1325
on each individual upon request. The Ohio civil rights commission 1326
administers compliance with this law." This notice is not required 1327
to be included in applications that have a multi-state 1328
distribution if the notice is mailed to the applicant with the 1329
notice of acceptance or rejection of the application. 1330

(h) Fail or refuse on the basis of race, color, religion, 1331
age, sex, military status, marital status, national origin, 1332
disability, or ancestry to maintain, upon the request of the 1333
individual, a separate account for each individual to whom credit 1334
is extended; 1335

(i) Fail or refuse on the basis of race, color, religion, 1336
age, sex, military status, marital status, national origin, 1337
disability, or ancestry to maintain records on any account 1338
established after November 1, 1976, to furnish information on the 1339
accounts to credit reporting agencies in a manner that clearly 1340
designates the contractual liability for repayment as indicated on 1341
the application for the account, and, if more than one individual 1342
is contractually liable for repayment, to maintain records and 1343

furnish information in the name of each individual. This division 1344
does not apply to individuals who are contractually liable only if 1345
the primary party defaults on the account. 1346

(2) For any credit reporting agency to do any of the 1347
following: 1348

(a) Fail or refuse on the basis of race, color, religion, 1349
age, sex, military status, marital status, national origin, 1350
disability, or ancestry to maintain, upon the request of the 1351
individual, a separate file on each individual about whom 1352
information is assembled or evaluated; 1353

(b) Fail or refuse on the basis of race, color, religion, 1354
age, sex, military status, marital status, national origin, 1355
disability, or ancestry to clearly note, maintain, and report any 1356
information furnished it under division (B)(1)(i) of this section. 1357

(C) This section does not prohibit a creditor from requesting 1358
the signature of both spouses to create a valid lien, pass clear 1359
title, or waive inchoate rights to property. 1360

(D) The rights granted by this section may be enforced by 1361
aggrieved individuals by filing a civil action in a court of 1362
common pleas within one hundred eighty days after the alleged 1363
unlawful discriminatory practice occurred. Upon application by the 1364
plaintiff and in circumstances that the court considers just, the 1365
court in which a civil action under this section is brought may 1366
appoint an attorney for the plaintiff and may authorize the 1367
commencement of a civil action upon proper showing without the 1368
payment of costs. If the court finds that an unlawful 1369
discriminatory practice prohibited by this section occurred or is 1370
about to occur, the court may grant relief that it considers 1371
appropriate, including a permanent or temporary injunction, 1372
temporary restraining order, or other order, and may award to the 1373
plaintiff compensatory and punitive damages of not less than one 1374

hundred dollars, together with attorney's fees and court costs. 1375

(E) Nothing contained in this section shall bar a creditor 1376
from reviewing an application for credit on the basis of 1377
established criteria used in the normal course of business for the 1378
determination of the credit worthiness of the individual applicant 1379
for credit, including the credit history of the applicant. 1380

Sec. 4112.023. The decision of *Fisher v. Peters*, 249 F.3d 433 1381
(6th Cir. 2001), which held that if a person's civilian job is 1382
inherently military, the person must pursue military, rather than 1383
civilian, channels when pursuing employment discrimination claims, 1384
shall be applied when construing the prohibitions contained in 1385
this chapter against discrimination on the basis of a person's 1386
military status. 1387

Sec. 4112.04. (A) The commission shall do all of the 1388
following: 1389

(1) Establish and maintain a principal office in the city of 1390
Columbus and any other offices within the state that it considers 1391
necessary; 1392

(2) Appoint an executive director who shall serve at the 1393
pleasure of the commission and be its principal administrative 1394
officer. The executive director shall be paid a salary fixed 1395
pursuant to Chapter 124. of the Revised Code. 1396

(3) Appoint hearing examiners and other employees and agents 1397
who it considers necessary and prescribe their duties subject to 1398
Chapter 124. of the Revised Code; 1399

(4) Adopt, promulgate, amend, and rescind rules to effectuate 1400
the provisions of this chapter and the policies and practice of 1401
the commission in connection with this chapter; 1402

(5) Formulate policies to effectuate the purposes of this 1403

chapter and make recommendations to agencies and officers of the 1404
state or political subdivisions to effectuate the policies; 1405

(6) Receive, investigate, and pass upon written charges made 1406
under oath of unlawful discriminatory practices; 1407

(7) Make periodic surveys of the existence and effect of 1408
discrimination because of race, color, religion, sex, military 1409
status, familial status, national origin, disability, age, or 1410
ancestry on the enjoyment of civil rights by persons within the 1411
state; 1412

(8) Report, from time to time, but not less than once a year, 1413
to the general assembly and the governor, describing in detail the 1414
investigations, proceedings, and hearings it has conducted and 1415
their outcome, the decisions it has rendered, and the other work 1416
performed by it, which report shall include a copy of any surveys 1417
prepared pursuant to division (A)(7) of this section and shall 1418
include the recommendations of the commission as to legislative or 1419
other remedial action; 1420

(9) Prepare a comprehensive educational program, in 1421
cooperation with the department of education, for the students of 1422
the public schools of this state and for all other residents of 1423
this state that is designed to eliminate prejudice on the basis of 1424
race, color, religion, sex, military status, familial status, 1425
national origin, disability, age, or ancestry in this state, to 1426
further good will among those groups, and to emphasize the origin 1427
of prejudice against those groups, its harmful effects, and its 1428
incompatibility with American principles of equality and fair 1429
play; 1430

(10) Receive progress reports from agencies, 1431
instrumentalities, institutions, boards, commissions, and other 1432
entities of this state or any of its political subdivisions and 1433
their agencies, instrumentalities, institutions, boards, 1434

commissions, and other entities regarding affirmative action 1435
programs for the employment of persons against whom discrimination 1436
is prohibited by this chapter, or regarding any affirmative 1437
housing accommodations programs developed to eliminate or reduce 1438
an imbalance of race, color, religion, sex, military status, 1439
familial status, national origin, disability, or ancestry. All 1440
agencies, instrumentalities, institutions, boards, commissions, 1441
and other entities of this state or its political subdivisions, 1442
and all political subdivisions, that have undertaken affirmative 1443
action programs pursuant to a conciliation agreement with the 1444
commission, an executive order of the governor, any federal 1445
statute or rule, or an executive order of the president of the 1446
United States shall file progress reports with the commission 1447
annually on or before the first day of November. The commission 1448
shall analyze and evaluate the progress reports and report its 1449
findings annually to the general assembly on or before the 1450
thirtieth day of January of the year immediately following the 1451
receipt of the reports. 1452

(B) The commission may do any of the following: 1453

(1) Meet and function at any place within the state; 1454

(2) Initiate and undertake on its own motion investigations 1455
of problems of employment or housing accommodations 1456
discrimination; 1457

(3) Hold hearings, subpoena witnesses, compel their 1458
attendance, administer oaths, take the testimony of any person 1459
under oath, require the production for examination of any books 1460
and papers relating to any matter under investigation or in 1461
question before the commission, and make rules as to the issuance 1462
of subpoenas by individual commissioners. 1463

(a) In conducting a hearing or investigation, the commission 1464
shall have access at all reasonable times to premises, records, 1465

documents, individuals, and other evidence or possible sources of 1466
evidence and may examine, record, and copy the premises, records, 1467
documents, and other evidence or possible sources of evidence and 1468
take and record the testimony or statements of the individuals as 1469
reasonably necessary for the furtherance of the hearing or 1470
investigation. In investigations, the commission shall comply with 1471
the fourth amendment to the United States Constitution relating to 1472
unreasonable searches and seizures. The commission or a member of 1473
the commission may issue subpoenas to compel access to or the 1474
production of premises, records, documents, and other evidence or 1475
possible sources of evidence or the appearance of individuals, and 1476
may issue interrogatories to a respondent, to the same extent and 1477
subject to the same limitations as would apply if the subpoenas or 1478
interrogatories were issued or served in aid of a civil action in 1479
a court of common pleas. 1480

(b) Upon written application by a respondent, the commission 1481
shall issue subpoenas in its name to the same extent and subject 1482
to the same limitations as subpoenas issued by the commission. 1483
Subpoenas issued at the request of a respondent shall show on 1484
their face the name and address of the respondent and shall state 1485
that they were issued at the respondent's request. 1486

(c) Witnesses summoned by subpoena of the commission are 1487
entitled to the same witness and mileage fees as are witnesses in 1488
proceedings in a court of common pleas. 1489

(d) Within five days after service of a subpoena upon any 1490
person, the person may petition the commission to revoke or modify 1491
the subpoena. The commission shall grant the petition if it finds 1492
that the subpoena requires an appearance or attendance at an 1493
unreasonable time or place, that it requires production of 1494
evidence that does not relate to any matter before the commission, 1495
that it does not describe with sufficient particularity the 1496
evidence to be produced, that compliance would be unduly onerous, 1497

or for other good reason. 1498

(e) In case of contumacy or refusal to obey a subpoena, the 1499
commission or person at whose request it was issued may petition 1500
for its enforcement in the court of common pleas in the county in 1501
which the person to whom the subpoena was addressed resides, was 1502
served, or transacts business. 1503

(4) Create local or statewide advisory agencies and 1504
conciliation councils to aid in effectuating the purposes of this 1505
chapter. The commission may itself, or it may empower these 1506
agencies and councils to, do either or both of the following: 1507

(a) Study the problems of discrimination in all or specific 1508
fields of human relationships when based on race, color, religion, 1509
sex, military status, familial status, national origin, 1510
disability, age, or ancestry; 1511

(b) Foster through community effort, or otherwise, good will 1512
among the groups and elements of the population of the state. 1513

The agencies and councils may make recommendations to the 1514
commission for the development of policies and procedures in 1515
general. They shall be composed of representative citizens who 1516
shall serve without pay, except that reimbursement for actual and 1517
necessary traveling expenses shall be made to citizens who serve 1518
on a statewide agency or council. 1519

(5) Issue any publications and the results of investigations 1520
and research that in its judgment will tend to promote good will 1521
and minimize or eliminate discrimination because of race, color, 1522
religion, sex, military status, familial status, national origin, 1523
disability, age, or ancestry. 1524

Sec. 4112.05. (A) The commission, as provided in this 1525
section, shall prevent any person from engaging in unlawful 1526
discriminatory practices, provided that, before instituting the 1527

formal hearing authorized by division (B) of this section, it 1528
shall attempt, by informal methods of conference, conciliation, 1529
and persuasion, to induce compliance with this chapter. 1530

(B)(1) Any person may file a charge with the commission 1531
alleging that another person has engaged or is engaging in an 1532
unlawful discriminatory practice. In the case of a charge alleging 1533
an unlawful discriminatory practice described in division (A), 1534
(B), (C), (D), (E), (F), (G), (I), or (J) of section 4112.02 or in 1535
section 4112.021 or 4112.022 of the Revised Code, the charge shall 1536
be in writing and under oath and shall be filed with the 1537
commission within six months after the alleged unlawful 1538
discriminatory practice was committed. In the case of a charge 1539
alleging an unlawful discriminatory practice described in division 1540
(H) of section 4112.02 of the Revised Code, the charge shall be in 1541
writing and under oath and shall be filed with the commission 1542
within one year after the alleged unlawful discriminatory practice 1543
was committed. 1544

(2) Upon receiving a charge, the commission may initiate a 1545
preliminary investigation to determine whether it is probable that 1546
an unlawful discriminatory practice has been or is being engaged 1547
in. The commission also may conduct, upon its own initiative and 1548
independent of the filing of any charges, a preliminary 1549
investigation relating to any of the unlawful discriminatory 1550
practices described in division (A), (B), (C), (D), (E), (F), (I), 1551
or (J) of section 4112.02 or in section 4112.021 or 4112.022 of 1552
the Revised Code. Prior to a notification of a complainant under 1553
division (B)(4) of this section or prior to the commencement of 1554
informal methods of conference, conciliation, and persuasion under 1555
that division, the members of the commission and the officers and 1556
employees of the commission shall not make public in any manner 1557
and shall retain as confidential all information that was obtained 1558
as a result of or that otherwise pertains to a preliminary 1559

investigation other than one described in division (B)(3) of this section. 1560
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(3)(a) Unless it is impracticable to do so and subject to its authority under division (B)(3)(d) of this section, the commission shall complete a preliminary investigation of a charge filed pursuant to division (B)(1) of this section that alleges an unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code, and shall take one of the following actions, within one hundred days after the filing of the charge: 1562
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(i) Notify the complainant and the respondent that it is not probable that an unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code has been or is being engaged in and that the commission will not issue a complaint in the matter; 1570
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(ii) Initiate a complaint and schedule it for informal methods of conference, conciliation, and persuasion; 1575
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(iii) Initiate a complaint and refer it to the attorney general with a recommendation to seek a temporary or permanent injunction or a temporary restraining order. If this action is taken, the attorney general shall apply, as expeditiously as possible after receipt of the complaint, to the court of common pleas of the county in which the unlawful discriminatory practice allegedly occurred for the appropriate injunction or order, and the court shall hear and determine the application as expeditiously as possible. 1577
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(b) If it is not practicable to comply with the requirements of division (B)(3)(a) of this section within the one-hundred-day period described in that division, the commission shall notify the complainant and the respondent in writing of the reasons for the noncompliance. 1586
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(c) Prior to the issuance of a complaint under division 1591
(B)(3)(a)(ii) or (iii) of this section or prior to a notification 1592
of the complainant and the respondent under division (B)(3)(a)(i) 1593
of this section, the members of the commission and the officers 1594
and employees of the commission shall not make public in any 1595
manner and shall retain as confidential all information that was 1596
obtained as a result of or that otherwise pertains to a 1597
preliminary investigation of a charge filed pursuant to division 1598
(B)(1) of this section that alleges an unlawful discriminatory 1599
practice described in division (H) of section 4112.05 of the 1600
Revised Code. 1601

(d) Notwithstanding the types of action described in 1602
divisions (B)(3)(a)(ii) and (iii) of this section, prior to the 1603
issuance of a complaint or the referral of a complaint to the 1604
attorney general and prior to endeavoring to eliminate an unlawful 1605
discriminatory practice described in division (H) of section 1606
4112.02 of the Revised Code by informal methods of conference, 1607
conciliation, and persuasion, the commission may seek a temporary 1608
or permanent injunction or a temporary restraining order in the 1609
court of common pleas of the county in which the unlawful 1610
discriminatory practice allegedly occurred. 1611

(4) If the commission determines after a preliminary 1612
investigation other than one described in division (B)(3) of this 1613
section that it is not probable that an unlawful discriminatory 1614
practice has been or is being engaged in, it shall notify any 1615
complainant under division (B)(1) of this section that it has so 1616
determined and that it will not issue a complaint in the matter. 1617
If the commission determines after a preliminary investigation 1618
other than the one described in division (B)(3) of this section 1619
that it is probable that an unlawful discriminatory practice has 1620
been or is being engaged in, it shall endeavor to eliminate the 1621
practice by informal methods of conference, conciliation, and 1622

persuasion. 1623

(5) Nothing said or done during informal methods of 1624
conference, conciliation, and persuasion under this section shall 1625
be disclosed by any member of the commission or its staff or be 1626
used as evidence in any subsequent hearing or other proceeding. 1627
If, after a preliminary investigation and the use of informal 1628
methods of conference, conciliation, and persuasion under this 1629
section, the commission is satisfied that any unlawful 1630
discriminatory practice will be eliminated, it may treat the 1631
charge involved as being conciliated and enter that disposition on 1632
the records of the commission. If the commission fails to effect 1633
the elimination of an unlawful discriminatory practice by informal 1634
methods of conference, conciliation, and persuasion under this 1635
section and to obtain voluntary compliance with this chapter, the 1636
commission shall issue and cause to be served upon any person, 1637
including the respondent against whom a complainant has filed a 1638
charge pursuant to division (B)(1) of this section, a complaint 1639
stating the charges involved and containing a notice of an 1640
opportunity for a hearing before the commission, a member of the 1641
commission, or a hearing examiner at a place that is stated in the 1642
notice and that is located within the county in which the alleged 1643
unlawful discriminatory practice has occurred or is occurring or 1644
in which the respondent resides or transacts business. The hearing 1645
shall be held not less than thirty days after the service of the 1646
complaint upon the complainant, the aggrieved persons other than 1647
the complainant on whose behalf the complaint is issued, and the 1648
respondent, unless the complainant, an aggrieved person, or the 1649
respondent elects to proceed under division (A)(2) of section 1650
4112.051 of the Revised Code when that division is applicable. If 1651
a complaint pertains to an alleged unlawful discriminatory 1652
practice described in division (H) of section 4112.02 of the 1653
Revised Code, the complaint shall notify the complainant, an 1654
aggrieved person, and the respondent of the right of the 1655

complainant, an aggrieved person, or the respondent to elect to 1656
proceed with the administrative hearing process under this section 1657
or to proceed under division (A)(2) of section 4112.051 of the 1658
Revised Code. 1659

(6) The attorney general shall represent the commission at 1660
any hearing held pursuant to division (B)(5) of this section and 1661
shall present the evidence in support of the complaint. 1662

(7) Any complaint issued pursuant to division (B)(5) of this 1663
section after the filing of a charge under division (B)(1) of this 1664
section shall be so issued within one year after the complainant 1665
filed the charge with respect to an alleged unlawful 1666
discriminatory practice. 1667

(C) Any complaint issued pursuant to division (B) of this 1668
section may be amended by the commission, a member of the 1669
commission, or the hearing examiner conducting a hearing under 1670
division (B) of this section, at any time prior to or during the 1671
hearing. The respondent has the right to file an answer or an 1672
amended answer to the original and amended complaints and to 1673
appear at the hearing in person, by attorney, or otherwise to 1674
examine and cross-examine witnesses. 1675

(D) The complainant shall be a party to a hearing under 1676
division (B) of this section, and any person who is an 1677
indispensable party to a complete determination or settlement of a 1678
question involved in the hearing shall be joined. Any person who 1679
has or claims an interest in the subject of the hearing and in 1680
obtaining or preventing relief against the unlawful discriminatory 1681
practices complained of may be permitted, in the discretion of the 1682
person or persons conducting the hearing, to appear for the 1683
presentation of oral or written arguments. 1684

(E) In any hearing under division (B) of this section, the 1685
commission, a member of the commission, or the hearing examiner 1686

shall not be bound by the Rules of Evidence but, in ascertaining 1687
the practices followed by the respondent, shall take into account 1688
all reliable, probative, and substantial statistical or other 1689
evidence produced at the hearing that may tend to prove the 1690
existence of a predetermined pattern of employment or membership, 1691
provided that nothing contained in this section shall be construed 1692
to authorize or require any person to observe the proportion that 1693
persons of any race, color, religion, sex, military status, 1694
familial status, national origin, disability, age, or ancestry 1695
bear to the total population or in accordance with any criterion 1696
other than the individual qualifications of the applicant. 1697

(F) The testimony taken at a hearing under division (B) of 1698
this section shall be under oath and shall be reduced to writing 1699
and filed with the commission. Thereafter, in its discretion, the 1700
commission, upon the service of a notice upon the complainant and 1701
the respondent that indicates an opportunity to be present, may 1702
take further testimony or hear argument. 1703

(G)(1) If, upon all reliable, probative, and substantial 1704
evidence presented at a hearing under division (B) of this 1705
section, the commission determines that the respondent has engaged 1706
in, or is engaging in, any unlawful discriminatory practice, 1707
whether against the complainant or others, the commission shall 1708
state its findings of fact and conclusions of law and shall issue 1709
and, subject to the provisions of Chapter 119. of the Revised 1710
Code, cause to be served on the respondent an order requiring the 1711
respondent to cease and desist from the unlawful discriminatory 1712
practice, requiring the respondent to take any further affirmative 1713
or other action that will effectuate the purposes of this chapter, 1714
including, but not limited to, hiring, reinstatement, or upgrading 1715
of employees with or without back pay, or admission or restoration 1716
to union membership, and requiring the respondent to report to the 1717
commission the manner of compliance. If the commission directs 1718

payment of back pay, it shall make allowance for interim earnings. 1719
If it finds a violation of division (H) of section 4112.02 of the 1720
Revised Code, the commission additionally shall require the 1721
respondent to pay actual damages and reasonable attorney's fees, 1722
and may award to the complainant punitive damages as follows: 1723

(a) If division (G)(1)(b) or (c) of this section does not 1724
apply, punitive damages in an amount not to exceed ten thousand 1725
dollars; 1726

(b) If division (G)(1)(c) of this section does not apply and 1727
if the respondent has been determined by a final order of the 1728
commission or by a final judgment of a court to have committed one 1729
violation of division (H) of section 4112.02 of the Revised Code 1730
during the five-year period immediately preceding the date on 1731
which a complaint was issued pursuant to division (B) of this 1732
section, punitive damages in an amount not to exceed twenty-five 1733
thousand dollars; 1734

(c) If the respondent has been determined by a final order of 1735
the commission or by a final judgment of a court to have committed 1736
two or more violations of division (H) of section 4112.02 of the 1737
Revised Code during the seven-year period immediately preceding 1738
the date on which a complaint was issued pursuant to division (B) 1739
of this section, punitive damages in an amount not to exceed fifty 1740
thousand dollars. 1741

(2) Upon the submission of reports of compliance, the 1742
commission may issue a declaratory order stating that the 1743
respondent has ceased to engage in particular unlawful 1744
discriminatory practices. 1745

(H) If the commission finds that no probable cause exists for 1746
crediting charges of unlawful discriminatory practices or if, upon 1747
all the evidence presented at a hearing under division (B) of this 1748
section on a charge, the commission finds that a respondent has 1749

not engaged in any unlawful discriminatory practice against the 1750
complainant or others, it shall state its findings of fact and 1751
shall issue and cause to be served on the complainant an order 1752
dismissing the complaint as to the respondent. A copy of the order 1753
shall be delivered in all cases to the attorney general and any 1754
other public officers whom the commission considers proper. 1755

(I) Until the time period for appeal set forth in division 1756
(H) of section 4112.06 of the Revised Code expires, the 1757
commission, subject to the provisions of Chapter 119. of the 1758
Revised Code, at any time, upon reasonable notice, and in the 1759
manner it considers proper, may modify or set aside, in whole or 1760
in part, any finding or order made by it under this section. 1761

Sec. 4112.08. This chapter shall be construed liberally for 1762
the accomplishment of its purposes, and any law inconsistent with 1763
any provision of this chapter shall not apply. Nothing contained 1764
in this chapter shall be considered to repeal any of the 1765
provisions of any law of this state relating to discrimination 1766
because of race, color, religion, sex, military status, familial 1767
status, disability, national origin, age, or ancestry, except that 1768
any person filing a charge under division (B)(1) of section 1769
4112.05 of the Revised Code, with respect to the unlawful 1770
discriminatory practices complained of, is barred from instituting 1771
a civil action under section 4112.14 or division (N) of section 1772
4112.02 of the Revised Code. 1773

Sec. 4117.19. (A) Every employee organization that is 1774
certified or recognized as a representative of public employees 1775
under ~~Chapter 4117. of the Revised Code~~ this chapter shall file 1776
with the state employment relations board a registration report 1777
that is signed by its president or other appropriate officer. The 1778
report shall be in a form prescribed by the board and accompanied 1779
by two copies of the employee organization's constitution and 1780

bylaws. The board shall accept a filing by a statewide, national, 1781
or international employee organization of its constitution and 1782
bylaws in lieu of a filing of the documents by each subordinate 1783
organization. The exclusive representative or other employee 1784
organization originally filing its constitution and bylaws shall 1785
report, promptly, to the board all changes or amendments to its 1786
constitution and bylaws. 1787

(B) Every employee organization shall file with the board an 1788
annual report. The report shall be in a form prescribed by the 1789
board and shall contain the following information: 1790

(1) The names and addresses of the organization, any parent 1791
organization or organizations with which it is affiliated, and all 1792
organizationwide officers; 1793

(2) The name and address of its local agent for service of 1794
process; 1795

(3) A general description of the public employees the 1796
organization represents or seeks to represent; 1797

(4) The amounts of the initiation fee and monthly dues 1798
members must pay; 1799

(5) A pledge, in a form prescribed by the board, that the 1800
organization will comply with the laws of the state and that it 1801
will accept members without regard to age, race, color, sex, 1802
creed, religion, ancestry, national origin, disability as defined 1803
in section 4112.01 of the Revised Code, military status as defined 1804
in that section, or physical disability as provided by law: 1805

(6) A financial report. 1806

(C) The constitution or bylaws of every employee organization 1807
shall do all of the following: 1808

(1) Require that the organization keep accurate accounts of 1809
all income and expenses, prepare an annual financial report, keep 1810

open for inspection by any member of the organization its 1811
accounts, and make loans to officers and agents only on terms and 1812
conditions available to all members; 1813

(2) Prohibit business or financial interests of its officers 1814
and agents, their spouses, minor children, parents, or otherwise, 1815
in conflict with the fiduciary obligation of such persons to the 1816
organization; 1817

(3) When specifically requested by the board, require every 1818
official who is designated as a fiscal officer of an employee 1819
organization and who is responsible for funds or other property of 1820
the organization or trust in which an organization is interested, 1821
or a subsidiary organization be bonded with the amount, scope, and 1822
form of the bond determined by the board; 1823

(4) Require periodic elections of officers by secret ballot 1824
subject to recognized safeguards concerning the equal right of all 1825
members to nominate, seek office, and vote in the elections, the 1826
right of individual members to participate in the affairs of the 1827
organization, and fair and equitable procedures in disciplinary 1828
actions. 1829

(D) The board shall prescribe rules necessary to govern the 1830
establishment and reporting of trusteeships over employee 1831
organizations. The establishment of trusteeships is permissible 1832
only if the constitution or bylaws of the organization set forth 1833
reasonable procedures. 1834

(E) The board may withhold certification of an employee 1835
organization that willfully refuses to register or file an annual 1836
report or that willfully refuses to comply with other provisions 1837
of this section. The board may revoke a certification of an 1838
employee organization for willfully failing to comply with this 1839
section. The board may enforce the prohibitions contained in this 1840
section by petitioning the court of common pleas of the county in 1841

which the violation occurs for an injunction. Persons complaining 1842
of a violation of this section shall file the complaint with the 1843
board. 1844

(F) Upon the written request to the board of any member of a 1845
certified employee organization and where the board determines the 1846
necessity for an audit, the board may require the employee 1847
organization to provide a certified audit of its financial 1848
records. 1849

(G) Any employee organization subject to the 1850
"Labor-Management Reporting and Disclosure Act of 1959," 73 Stat. 1851
519, 29 U.S.C.A., 401, as amended, may file copies with the board 1852
of all reports it is required to file under that act in lieu of 1853
compliance with all parts of this section other than division (A) 1854
of this section. The board shall accept a filing by a statewide, 1855
national, or international employee organization of its reports in 1856
lieu of a filing of such reports by each subordinate organization. 1857

Sec. 4735.16. (A) Every real estate broker licensed under 1858
this chapter shall have and maintain a definite place of business 1859
in this state and shall erect or maintain a sign on the premises 1860
plainly stating that the licensee is a real estate broker. If the 1861
real estate broker maintains one or more branch offices, the real 1862
estate broker shall erect or maintain a sign at each branch office 1863
plainly stating that the licensee is a real estate broker. 1864

(B)(1) Any licensed real estate broker or salesperson who 1865
advertises to buy, sell, exchange, or lease real estate, or to 1866
engage in any act regulated by this chapter, including, but not 1867
limited to, any licensed real estate broker or salesperson who 1868
advertises to sell, exchange, or lease real estate that the 1869
licensee owns, shall be identified in the advertisement by name 1870
and by indicating that the licensee is a real estate broker or 1871
real estate salesperson. Except a real estate salesperson who 1872

advertises the sale, exchange, or lease of real estate that the 1873
salesperson owns and that is not listed for sale, exchange, or 1874
lease with a real estate broker, any real estate salesperson who 1875
advertises, as provided in this section, also shall indicate in 1876
the advertisement the name of the broker under whom the 1877
salesperson is licensed and the fact that the salesperson's broker 1878
is a real estate broker. The name of the broker shall be displayed 1879
in equal prominence with the name of the salesperson in the 1880
advertisement. 1881

(2) A real estate broker who is representing a seller under 1882
an exclusive right to sell or lease listing agreement shall not 1883
advertise such property to the public as "for sale by owner" or 1884
otherwise mislead the public to believe that the seller is not 1885
represented by a real estate broker. 1886

(3) If any real estate broker or real estate salesperson 1887
advertises in a manner other than as provided in this section or 1888
the rules adopted under this section, that advertisement is ~~prima-~~ 1889
~~facie~~ prima-facie evidence of a violation under division (A)(21) 1890
of section 4735.18 of the Revised Code. 1891

When the superintendent determines that prima-facie evidence 1892
of a violation of division (A)(21) of section 4735.18 of the 1893
Revised Code or any of the rules adopted thereunder exists, the 1894
superintendent may do either of the following: 1895

(a) Initiate disciplinary action under section 4735.051 of 1896
the Revised Code for a violation of division (A)(21) of section 1897
4735.18 of the Revised Code, in accordance with Chapter 119. of 1898
the Revised Code; 1899

(b) Personally, or by certified mail, serve a citation upon 1900
the licensee. 1901

(C)(1) Every citation served under this section shall give 1902
notice to the licensee of the alleged violation or violations 1903

charged and inform the licensee of the opportunity to request a hearing in accordance with Chapter 119. of the Revised Code. The citation also shall contain a statement of a fine of two hundred dollars per violation, not to exceed two thousand five hundred dollars per citation. All fines collected pursuant to this section shall be credited to the real estate recovery fund, created in the state treasury under section 4735.12 of the Revised Code.

(2) If any licensee is cited three times within twelve consecutive months, the superintendent shall initiate disciplinary action pursuant to section 4735.051 of the Revised Code for any subsequent violation that occurs within the same twelve-month period.

(3) If a licensee fails to request a hearing within thirty days of the date of service of the citation, or the licensee and the superintendent fail to reach an alternative agreement, the citation shall become final.

(4) Unless otherwise indicated, the licensee named in a final citation must meet all requirements contained in the final citation within thirty days of the effective date of that citation.

(5) The superintendent shall suspend automatically a licensee's license if the licensee fails to comply with division (C)(4) of this section.

(D) A real estate broker or salesperson obtaining the signature of a party to a listing or other agreement involved in a real estate transaction shall furnish a copy of the listing or other agreement to the party immediately after obtaining the party's signature. Every broker's office shall prominently display in the same immediate area as licenses are displayed a statement that it is illegal to discriminate against any person because of race, color, religion, sex, familial status as defined in section

4112.01 of the Revised Code, national origin, military status as 1935
defined in that section, disability as defined in that section, or 1936
ancestry in the sale or rental of housing or residential lots, in 1937
advertising the sale or rental of housing, in the financing of 1938
housing, or in the provision of real estate brokerage services and 1939
that blockbusting also is illegal. The statement shall bear the 1940
United States department of housing and urban development equal 1941
housing logo, shall contain the information that the broker and 1942
the broker's salespersons are licensed by the division of real 1943
estate and professional licensing and that the division can assist 1944
with any consumer complaints or inquiries, and shall explain the 1945
provisions of section 4735.12 of the Revised Code. The statement 1946
shall provide the division's address and telephone number. The 1947
Ohio real estate commission shall provide by rule for the wording 1948
and size of the statement. The pamphlet required under section 1949
4735.03 of the Revised Code shall contain the same statement that 1950
is required on the statement displayed as provided in this section 1951
and shall be made available by real estate brokers and 1952
salespersons to their clients. The commission shall provide the 1953
wording and size of the pamphlet. 1954

Sec. 4735.55. (A) Each written agency agreement shall contain 1955
all of the following: 1956

(1) An expiration date; 1957

(2) A statement that it is illegal, pursuant to the Ohio fair 1958
housing law, division (H) of section 4112.02 of the Revised Code, 1959
and the federal fair housing law, 42 U.S.C.A. 3601, to refuse to 1960
sell, transfer, assign, rent, lease, sublease, or finance housing 1961
accommodations, refuse to negotiate for the sale or rental of 1962
housing accommodations, or otherwise deny or make unavailable 1963
housing accommodations because of race, color, religion, sex, 1964
familial status as defined in section 4112.01 of the Revised Code, 1965

ancestry, military status as defined in that section, disability 1966
as defined in that section, or national origin or to so 1967
discriminate in advertising the sale or rental of housing, in the 1968
financing of housing, or in the provision of real estate brokerage 1969
services; 1970

(3) A statement defining the practice known as "blockbusting" 1971
and stating that it is illegal; 1972

(4) A copy of the United States department of housing and 1973
urban development equal housing opportunity logotype, as set forth 1974
in 24 C.F.R. 109.30. 1975

(B) Each written agency agreement shall contain a place for 1976
the licensee and the client to sign and date the agreement. 1977

(C) A licensee shall furnish a copy of any written agency 1978
agreement to a client in a timely manner after the licensee and 1979
the client have signed and dated it. 1980

Section 2. That existing sections 124.93, 125.111, 153.59, 1981
153.591, 176.04, 176.06, 717.01, 1751.18, 2927.03, 3905.55, 1982
4112.01, 4112.02, 4112.021, 4112.04, 4112.05, 4112.08, 4117.19, 1983
4735.16, and 4735.55 of the Revised Code are hereby repealed. 1984