

As Introduced

**127th General Assembly
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H. B. No. 285

Representative McGregor, R.

**Cosponsors: Representatives Widener, Wagner, McGregor, J., Fessler,
Combs, Setzer, Flowers, Oelslager, Zehringer, Adams, Webster, Wachtmann,
Huffman, Evans, Collier, Reinhard, Uecker, Daniels, Gibbs, Wagoner,
Batchelder, Brinkman**

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A B I L L

To enact section 119.14 of the Revised Code to waive 1
fines or penalties for paperwork violations that 2
are first-time offenses committed by small 3
businesses. 4

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

Section 1. That section 119.14 of the Revised Code be enacted 5
to read as follows: 6

Sec. 119.14. (A) For any small business that engages in a 7
paperwork violation, the state agency or regulatory authority that 8
regulates the field of operation in which the business operates 9
shall waive any and all administrative fines or civil penalties on 10
that small business for the violation, if the paperwork violation 11
is a first-time offense. 12

(B) When an agency or regulatory authority waives an 13
administrative fine or civil penalty under this section, the state 14
agency or regulatory authority shall require the small business to 15
correct the violation within a reasonable period of time. 16

(C) Notwithstanding this section, a state agency or regulatory authority may impose administrative fines or civil penalties on a small business for a paperwork violation that is a first-time offense for any of the following reasons: 17
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(1) The violation has the potential to cause serious harm to the public interest; 21
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(2) The violation involves a small business knowingly or willfully engaging in conduct that results in a felony conviction; 23
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(3) Failure to impose an administrative fine or civil penalty for the violation would impede or interfere with the detection of criminal activity; 25
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(4) The violation is of a law concerning the assessment or collection of any tax, debt, revenue, or receipt; 28
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(5) The violation presents a direct danger to the public health or safety, or presents the risk of severe environmental harm, as determined by the head of the agency or regulatory authority. 30
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(D) Nothing in this section shall prohibit a state agency or regulatory authority from waiving administrative fines or civil penalties incurred by a small business for a paperwork violation that is not a first-time offense. 34
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(E) This section shall not apply to any violation by a small business of a statutory or regulatory requirement mandating the collection of information by a state agency or regulatory body if that small business previously violated any such requirement mandating the collection of information. 38
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(F) As used in this section: 43

(1) "Small business" has the same meaning as defined by the Code of Federal Regulations, Title 13, Chapter 1, Part 121. 44
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(2) "Paperwork violation" means the violation of any 46

statutory or regulatory requirement in the Revised Code mandating 47
the collection of information by a state agency or regulatory 48
body. 49

(3) "First-time offense" means the first instance of a 50
violation of the particular statutory or regulatory requirement 51
mandating the collection of information by a state agency or 52
regulatory body. 53