

**As Reported by the House State Government and Elections
Committee**

**127th General Assembly
Regular Session
2007-2008**

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, Hite, Stewart, D., Book, Brown, Carmichael,
Domenick, Lundy, Schneider**

—

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

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

<u>(B) When an agency or regulatory authority waives an</u>	13
<u>administrative fine or civil penalty under this section, the state</u>	14

agency or regulatory authority shall require the small business to
correct the violation within a reasonable period of time.

(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:

(1) The violation has the potential to cause serious harm to
the public interest;

(2) The violation involves a small business knowingly or
willfully engaging in conduct that results in a felony conviction;

(3) Failure to impose an administrative fine or civil penalty
for the violation would impede or interfere with the detection of
criminal activity;

(4) The violation is of a law concerning the assessment or
collection of any tax, debt, revenue, or receipt;

(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.

(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.

(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.

(F) As used in this section:

(1) "Small business" has the same meaning as defined by the

<u>Code of Federal Regulations, Title 13, Chapter 1, Part 121.</u>	45
<u>(2) "Paperwork violation" means the violation of any</u>	46
<u>statutory or regulatory requirement in the Revised Code mandating</u>	47
<u>the collection of information by a state agency or regulatory</u>	48
<u>body.</u>	49
<u>(3) "First-time offense" means the first instance of a</u>	50
<u>violation of the particular statutory or regulatory requirement</u>	51
<u>mandating the collection of information by a state agency or</u>	52
<u>regulatory body.</u>	53