

**As Reported by the Senate State and Local Government and
Veterans Affairs Committee**

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

Sub. 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, Aslanides, Bacon, Blessing, Bolon, Boyd, Budish, Celeste, Chandler, Coley, DeBose, Dodd, Dolan, Dyer, Gardner, Garrison, Goodwin, Goyal, Hagan, J., Harwood, Hottinger, Hughes, Jones, Luckie, Mecklenborg, Okey, Patton, Raussen, Schindel, Schlichter, Sears, Stebelton, Stewart, J., White, Williams, S., Yates, Yuko
Senators Cates, Grendell, Seitz, Carey, Wagoner, Schuler, Fedor**

—

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 17
regulatory authority may impose administrative fines or civil 18
penalties on a small business for a paperwork violation that is a 19
first-time offense for any of the following reasons: 20

(1) The violation has the potential to cause serious harm to 21
the public interest as determined by a state agency or regulatory 22
authority director; 23

(2) The violation involves a small business knowingly or 24
willfully engaging in conduct that may result in a felony 25
conviction; 26

(3) Failure to impose an administrative fine or civil penalty 27
for the violation would impede or interfere with the detection of 28
criminal activity; 29

(4) The violation is of a law concerning the assessment or 30
collection of any tax, debt, revenue, or receipt; 31

(5) The violation presents a direct danger to the public 32
health or safety, results in a financial loss to an employee as 33
defined in section 4111.03 of the Revised Code, or presents the 34
risk of severe environmental harm, as determined by the head of 35
the agency or regulatory authority; 36

(6) The violation is a failure to comply with a federal 37
requirement for a program that has been delegated from the federal 38
government to a state agency or regulatory authority and where the 39

federal requirement includes a requirement to impose a fine. 40

(D)(1) Nothing in this section shall prohibit a state agency 41
or regulatory authority from waiving administrative fines or civil 42
penalties incurred by a small business for a paperwork violation 43
that is not a first-time offense. 44

(2) Any administrative fine or civil penalty that is waived 45
under this section, may be reinstated and imposed in addition to 46
any additional fines or penalties associated with a subsequent 47
violation for noncompliance with the same paperwork requirement. 48

(E) This section shall not apply to any violation by a small 49
business of a statutory or regulatory requirement mandating the 50
collection of information by a state agency or regulatory body if 51
that small business previously violated any such requirement 52
mandating the collection of information. 53

(F) Nothing in this section shall be construed to diminish 54
the responsibility for any citizen or business to apply for and 55
obtain a permit, license, or authorizing document that is required 56
to engage in a regulated activity, or otherwise comply with state 57
or federal law. 58

(G) As used in this section: 59

(1) "Small business" has the same meaning as defined by the 60
Code of Federal Regulations, Title 13, Chapter 1, Part 121. 61

(2) "Paperwork violation" means the violation of any 62
statutory or regulatory requirement in the Revised Code mandating 63
the collection of information by a state agency or regulatory 64
body. 65

(3) "First-time offense" means the first instance of a 66
violation of the particular statutory or regulatory requirement 67
mandating the collection of information by a state agency or 68
regulatory body. 69