

**As Reported by the Senate Ways and Means and Economic
Development Committee**

127th General Assembly

Regular Session

2007-2008

Sub. H. B. No. 372

Representatives McGregor, R., Ujvagi

**Cosponsors: Representatives Bubb, Wachtmann, Combs, Aslanides, White,
Domenick, Healy, Reinhard, Bacon, Barrett, Batchelder, Beatty, Blessing,
Bolon, Book, Boyd, Brady, Brown, Budish, Carmichael, Celeste, Chandler,
Coley, Collier, Daniels, DeBose, DeGeeter, DeWine, Distel, Dodd, Dolan,
Driehaus, Dyer, Evans, Fende, Flowers, Foley, Garrison, Gerberry, Gibbs,
Goodwin, Goyal, Hagan, J., Hagan, R., Harwood, Heard, Hite, Hottinger,
Huffman, Hughes, Jones, Latta, Letson, Luckie, Lundy, Mallory,
McGregor, J., Mecklenborg, Oelslager, Okey, Otterman, Patton, Peterson,
Raussen, Redfern, Sayre, Schindel, Schlichter, Schneider, Setzer, Skindell,
Stebelton, Stewart, D., Stewart, J., Strahorn, Sykes, Szollosi, Uecker, Wagner,
Wagoner, Widener, Williams, B., Williams, S., Wolpert, Yates, Yuko,
Zehringer**

Senators Spada, Goodman, Schaffer, Schuler, Miller, D.

—

A B I L L

| | |
|--|---|
| To amend sections 124.23, 124.93, 125.111, 153.59, | 1 |
| 153.591, 176.04, 176.06, 717.01, 1751.18, 2101.16, | 2 |
| 2927.03, 3905.55, 4112.01, 4112.02, 4112.021, | 3 |
| 4112.04, 4112.05, 4112.08, 4117.19, 4503.571, | 4 |
| 4735.16, 4735.55, 5533.09, 5747.01, 5903.10, and | 5 |
| 5903.12 and to enact sections 1349.04, 2101.164, | 6 |
| 4112.023, 4503.433, 4503.731, and 5903.121 of the | 7 |
| Revised Code to exempt estates of armed forces | 8 |
| members who died while serving in a combat zone | 9 |

from probate fees, to exempt military retirement 10
pay from the income tax, to provide that 11
reservists and National Guard members may renew 12
their professional licenses within six months 13
after active duty service, to extend continuing 14
education reporting periods for National Guard 15
members ordered to duty by the Governor, to 16
provide that standard "Purple Heart" license 17
plates be issued without charge, to designate 18
Interstate Routes 70 and 71 as the "Purple Heart 19
Trail," to authorize the display of combat battle 20
stars on certain special combat or military 21
license plates, to prohibit discrimination under 22
the Ohio Civil Rights Commission Law and certain 23
other laws on the basis of military status, to 24
require the Attorney General to appoint a staff 25
member of the Consumer Protection Division to 26
expedite certain cases or issues raised by a 27
person, or the person's immediate family, who is 28
deployed on active duty, to grant certain military 29
persons additional civil service credit, to 30
require relevant military experience to be 31
considered in continuing education determinations, 32
to create an incumbent worker training program, 33
and to create Civil Air Patrol license plates. 34
35

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

Section 1. That sections 124.23, 124.93, 125.111, 153.59, 36
153.591, 176.04, 176.06, 717.01, 1751.18, 2101.16, 2927.03, 37
3905.55, 4112.01, 4112.02, 4112.021, 4112.04, 4112.05, 4112.08, 38
4117.19, 4503.571, 4735.16, 4735.55, 5533.09, 5747.01, 5903.10, 39

and 5903.12 be amended and that sections 1349.04, 2101.164, 40
4112.023, 4503.433, 4503.731, and 5903.121 of the Revised Code be 41
enacted to read as follows: 42

Sec. 124.23. (A) All applicants for positions and places in 43
the classified service shall be subject to examination, except for 44
applicants for positions as professional or certified service and 45
paraprofessional employees of county boards of mental retardation 46
and developmental disabilities, who shall be hired in the manner 47
provided in section 124.241 of the Revised Code. 48

(B) Any examination administered under this section shall be 49
public and be open to all citizens of the United States and those 50
persons who have legally declared their intentions of becoming 51
United States citizens, within certain limitations to be 52
determined by the director of administrative services as to 53
citizenship, age, experience, education, health, habit, and moral 54
character. Any person who has completed service in the uniformed 55
services, who has been honorably discharged from the uniformed 56
services or transferred to the reserve with evidence of 57
satisfactory service, and who is a resident of this state and any 58
member of the national guard or a reserve component of the armed 59
forces of the United States who has completed more than one 60
hundred eighty days of active duty service pursuant to an 61
executive order of the president of the United States or an act of 62
the congress of the United States may file with the director a 63
certificate of service or honorable discharge, and, upon this 64
filing, the person shall receive additional credit of twenty per 65
cent of the person's total grade given in the regular examination 66
in which the person receives a passing grade. 67

As used in this division, "service in the uniformed services" 68
and "uniformed services" have the same meanings as in the 69
"Uniformed Services Employment and Reemployment Rights Act of 70

1994," 108 Stat. 3149, 38 U.S.C.A. 4303. 71

(C) An examination may include an evaluation of such factors 72
as education, training, capacity, knowledge, manual dexterity, and 73
physical or psychological fitness. An examination shall consist of 74
one or more tests in any combination. Tests may be written, oral, 75
physical, demonstration of skill, or an evaluation of training and 76
experiences and shall be designed to fairly test the relative 77
capacity of the persons examined to discharge the particular 78
duties of the position for which appointment is sought. Tests may 79
include structured interviews, assessment centers, work 80
simulations, examinations of knowledge, skills, and abilities, and 81
any other acceptable testing methods. If minimum or maximum 82
requirements are established for any examination, they shall be 83
specified in the examination announcement. 84

(D) The director of administrative services shall have 85
control of all examinations, except as otherwise provided in 86
sections 124.01 to 124.64 of the Revised Code. No questions in any 87
examination shall relate to political or religious opinions or 88
affiliations. No credit for seniority, efficiency, or any other 89
reason shall be added to an applicant's examination grade unless 90
the applicant achieves at least the minimum passing grade on the 91
examination without counting that extra credit. 92

(E) Except as otherwise provided in sections 124.01 to 124.64 93
of the Revised Code, the director of administrative services shall 94
give reasonable notice of the time, place, and general scope of 95
every competitive examination for appointment to a position in the 96
civil service. The director shall send written, printed, or 97
electronic notices of every examination to be conducted in the 98
state classified service to each agency of the type the director 99
of job and family services specifies and, in the case of a county 100
in which no such agency is located, to the clerk of the court of 101
common pleas of that county and to the clerk of each city located 102

within that county. Those notices shall be posted in conspicuous 103
public places in the designated agencies or the courthouse, and 104
city hall of the cities, of the counties in which no designated 105
agency is located for at least two weeks preceding any examination 106
involved, and in a conspicuous place in the office of the director 107
of administrative services for at least two weeks preceding any 108
examination involved. In case of examinations limited by the 109
director to a district, county, city, or department, the director 110
shall provide by rule for adequate publicity of an examination in 111
the district, county, city, or department within which competition 112
is permitted. 113

Sec. 124.93. (A) As used in this section, "physician" means 114
any person who holds a valid certificate to practice medicine and 115
surgery or osteopathic medicine and surgery issued under Chapter 116
4731. of the Revised Code. 117

(B) No health insuring corporation that, on or after July 1, 118
1993, enters into or renews a contract with the department of 119
administrative services under section 124.82 of the Revised Code, 120
because of a physician's race, color, religion, sex, national 121
origin, disability or military status as defined in section 122
4112.01 of the Revised Code, age, or ancestry, shall refuse to 123
contract with that physician for the provision of health care 124
services under section 124.82 of the Revised Code. 125

Any health insuring corporation that violates this division 126
is deemed to have engaged in an unlawful discriminatory practice 127
as defined in section 4112.02 of the Revised Code and is subject 128
to Chapter 4112. of the Revised Code. 129

(C) Each health insuring corporation that, on or after July 130
1, 1993, enters into or renews a contract with the department of 131
administrative services under section 124.82 of the Revised Code 132
and that refuses to contract with a physician for the provision of 133

health care services under that section shall provide that 134
physician with a written notice that clearly explains the reason 135
or reasons for the refusal. The notice shall be sent to the 136
physician by regular mail within thirty days after the refusal. 137

Any health insuring corporation that fails to provide notice 138
in compliance with this division is deemed to have engaged in an 139
unfair and deceptive act or practice in the business of insurance 140
as defined in section 3901.21 of the Revised Code and is subject 141
to sections 3901.19 to 3901.26 of the Revised Code. 142

Sec. 125.111. (A) Every contract for or on behalf of the 143
state or any of its political subdivisions for any purchase shall 144
contain provisions similar to those required by section 153.59 of 145
the Revised Code in the case of construction contracts by which 146
the contractor agrees to both of the following: 147

(1) That, in the hiring of employees for the performance of 148
work under the contract or any subcontract, no contractor or 149
subcontractor, by reason of race, color, religion, sex, age, 150
disability or military status as defined in section 4112.01 of the 151
Revised Code, national origin, or ancestry, shall discriminate 152
against any citizen of this state in the employment of a person 153
qualified and available to perform the work to which the contract 154
relates; 155

(2) That no contractor, subcontractor, or person acting on 156
behalf of any contractor or subcontractor, in any manner, shall 157
discriminate against, intimidate, or retaliate against any 158
employee hired for the performance of work under the contract on 159
account of race, color, religion, sex, age, disability or military 160
status as defined in section 4112.01 of the Revised Code, national 161
origin, or ancestry. 162

(B) All contractors from whom the state or any of its 163
political subdivisions make purchases shall have a written 164

affirmative action program for the employment and effective 165
utilization of economically disadvantaged persons, as referred to 166
in division (E)(1) of section 122.71 of the Revised Code. 167
Annually, each such contractor shall file a description of the 168
affirmative action program and a progress report on its 169
implementation with the equal employment opportunity office of the 170
department of administrative services. 171

Sec. 153.59. Every contract for or on behalf of the state, or 172
any township, county, or municipal corporation of the state, for 173
the construction, alteration, or repair of any public building or 174
public work in the state shall contain provisions by which the 175
contractor agrees to both of the following: 176

(A) That, in the hiring of employees for the performance of 177
work under the contract or any subcontract, no contractor, 178
subcontractor, or any person acting on a contractor's or 179
subcontractor's behalf, by reason of race, creed, sex, disability 180
or military status as defined in section 4112.01 of the Revised 181
Code, or color, shall discriminate against any citizen of the 182
state in the employment of labor or workers who is qualified and 183
available to perform the work to which the employment relates; 184

(B) That no contractor, subcontractor, or any person on a 185
contractor's or subcontractor's behalf, in any manner, shall 186
discriminate against or intimidate any employee hired for the 187
performance of work under the contract on account of race, creed, 188
sex, disability or military status as defined in section 4112.01 189
of the Revised Code, or color. 190

The department of administrative services shall ensure that 191
no capital moneys appropriated by the general assembly for any 192
purpose shall be expended unless the project for which those 193
moneys are appropriated provides for an affirmative action program 194
for the employment and effective utilization of disadvantaged 195

persons whose disadvantage may arise from cultural, racial, or 196
ethnic background, or other similar cause, including, but not 197
limited to, race, religion, sex, disability or military status as 198
defined in section 4112.01 of the Revised Code, national origin, 199
or ancestry. 200

In awarding contracts for capital improvement projects, the 201
department shall ensure that equal consideration be given to 202
contractors, subcontractors, or joint venturers who qualify as a 203
minority business enterprise. As used in this section, "minority 204
business enterprise" means a business enterprise that is owned or 205
controlled by one or more socially or economically disadvantaged 206
persons who are residents of this state. "Socially or economically 207
disadvantaged persons" means persons, regardless of marital 208
status, who are members of groups whose disadvantage may arise 209
from discrimination on the basis of race, religion, sex, 210
disability or military status as defined in section 4112.01 of the 211
Revised Code, national origin, ancestry, or other similar cause. 212

Sec. 153.591. Any provision of a hiring hall contract or 213
agreement which obligates a contractor to hire, if available, only 214
employees referred to the contractor by a labor organization shall 215
be void as against public policy and unenforceable with respect to 216
employment under any public works contract unless at the date of 217
execution of the hiring hall contract or agreement, or within 218
thirty days thereafter, the labor organization has in effect 219
procedures for referring qualified employees for hire without 220
regard to race, color, religion, national origin, military status 221
as defined in section 4112.01 of the Revised Code, or ancestry and 222
unless the labor organization includes in its apprentice and 223
journeyman's membership, or otherwise has available for job 224
referral without discrimination, qualified employees, both whites 225
and non-whites (including African-Americans). 226

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

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

(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 258
description and advise the municipal corporation, county, or 259
township in accordance with division (D) of this section. For 260
purposes of this section, the written description of the purposes 261
to which the moneys raised by taxation are proposed to be applied 262
may be submitted annually to the housing advisory board prior to 263
the adoption of the annual appropriation measure pursuant to 264
section 5705.38 of the Revised Code. 265

(B) No municipal corporation, county, or township shall issue 266
general obligations pursuant to section 133.51 of the Revised Code 267
to provide, or assist in providing, housing pursuant to Section 16 268
of Article VIII, Ohio Constitution, unless the municipal 269
legislative authority, the board of county commissioners, or the 270
board of township trustees has substantially complied with each of 271
the following requirements: 272

(1) Analyzed the anticipated impact of the purposes to which 273
the proceeds of the proposed general obligations are to be applied 274
upon existing housing patterns in the municipal corporation, 275
county, or township; 276

(2) Submitted to the housing advisory board serving it a fair 277
housing impact statement summarizing the analysis undertaken under 278
division (B)(1) of this section and conclusions from that 279
analysis; 280

(3) Submitted to the housing advisory board serving it a plan 281
for affirmative marketing to persons, regardless of marital 282
status, who are members of groups that may be disadvantaged by 283
discrimination on the basis of race, religion, sex, disability or 284
military status as defined in section 4112.01 of the Revised Code, 285
national origin, ancestry, children, or other similar cause or who 286
traditionally would not be expected to apply for housing at the 287
location proposed to be benefited by the proceeds of the proposed 288
general obligations. 289

(C) No approval of a housing advisory board shall be required 290
for issuance of general obligations pursuant to section 133.51 of 291
the Revised Code or any proposed expenditure of moneys raised by 292
taxation to provide, or assist in providing, housing pursuant to 293
Section 16 of Article VIII, Ohio Constitution. 294

(D) The matters on which a housing advisory board shall 295
advise the subdivisions it serves shall include the following: 296

(1) The consistency of a project or program with the plan 297
submitted under division (A)(2) of this section; 298

(2) The extent to which any project or program to which the 299
proceeds of the proposed general obligations or the moneys raised 300
by taxation are proposed to be applied may displace households 301
that consequently may need relocation assistance; 302

(3) The length of time for which projects to which the 303
proceeds of the proposed general obligations or the moneys raised 304
by taxation are proposed to be applied will remain affordable to 305
any targeted income group; 306

(4) The extent to which any lending program is available, in 307
whole or in part, from private lenders upon reasonably equivalent 308
terms and conditions. 309

Sec. 176.06. (A) Each municipal corporation, county, and 310
township shall compile and make available, in accordance with this 311
section, to the public for inspection and copying for a period of 312
five years, the number and total dollar amount of mortgage loans 313
that were originated, for which completed applications were 314
received and applicants were rejected, and that were purchased by 315
that municipal corporation, county, or township during each fiscal 316
year. Information regarding each mortgage loan category described 317
in this section shall be itemized to clearly and conspicuously 318
disclose the following: 319

(1) The number and dollar amount of mortgage loans insured 320
under Title II of the "National Housing Act," 48 Stat. 1246 321
(1934), 12 U.S.C.A. 1707 et seq., or under Title V of the "Housing 322
Act of 1949," 63 Stat. 413, 432, 42 U.S.C.A. 1471 et seq., or 323
guaranteed under the "Veterans' Loan Act," 58 Stat. 284 (1944), 38 324
U.S.C.A. 1801 et seq.; 325

(2) The number and dollar amount of mortgage loans made to 326
mortgagors who did not, at the time of execution of the mortgage, 327
intend to reside in the property securing the mortgage loan; 328

(3) The number and dollar amount of home improvement loans; 329

(4) The number and dollar amount of mortgage loans involving 330
mortgagors or mortgage applicants grouped according to census 331
tract, income level, race, color, religion, sex, ancestry, 332
disability as defined in section 4112.01 of the Revised Code, 333
military status as defined in that section, and national origin. 334

(B) The information described in this section shall be made 335
available to the public in raw data form and updated quarterly. 336
Within four months after the end of each fiscal year, each 337
municipal corporation, county, and township shall submit to the 338
president of the senate and the speaker of the house of 339
representatives a report containing the information described in 340
this section for the immediately preceding fiscal year. 341

(C) As used in this section, "mortgage loan" means a loan 342
secured by a mortgage, deed of trust, or other security interest 343
to finance the acquisition, construction, improvement, or 344
rehabilitation of single-family residential housing. 345

Sec. 717.01. Each municipal corporation may do any of the 346
following: 347

(A) Acquire by purchase or condemnation real estate with or 348
without buildings on it, and easements or interests in real 349

| | |
|---|--------------------------|
| estate; | 350 |
| (B) Extend, enlarge, reconstruct, repair, equip, furnish, or improve a building or improvement that it is authorized to acquire or construct; | 351 352 353 |
| (C) Erect a crematory or provide other means for disposing of garbage or refuse, and erect public comfort stations; | 354 355 |
| (D) Purchase turnpike roads and make them free; | 356 |
| (E) Construct wharves and landings on navigable waters; | 357 |
| (F) Construct infirmaries, workhouses, prisons, police stations, houses of refuge and correction, market houses, public halls, public offices, municipal garages, repair shops, storage houses, and warehouses; | 358 359 360 361 |
| (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; | 362 363 364 |
| (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; | 365 366 367 368 |
| (I) Provide grounds for cemeteries or crematories, enclose and embellish them, and construct vaults or crematories; | 369 370 |
| (J) Construct sewers, sewage disposal works, flushing tunnels, drains, and ditches; | 371 372 |
| (K) Construct free public libraries and reading rooms, and free recreation centers; | 373 374 |
| (L) Establish free public baths and municipal lodging houses; | 375 |
| (M) Construct monuments or memorial buildings to commemorate the services of soldiers, sailors, and marines of the state and nation; | 376 377 378 |

| | |
|--|---|
| (N) Provide land for and improve parks, boulevards, and public playgrounds; | 379 380 |
| (O) Construct hospitals and pesthouses; | 381 |
| (P) Open, construct, widen, extend, improve, resurface, or change the line of any street or public highway; | 382 383 |
| (Q) Construct and improve levees, dams, waterways, waterfronts, and embankments and improve any watercourse passing through the municipal corporation; | 384 385 386 |
| (R) Construct or improve viaducts, bridges, and culverts; | 387 |
| (S)(1) Construct any building necessary for the police or fire department; | 388 389 |
| (2) Purchase fire engines or fire boats; | 390 |
| (3) Construct water towers or fire cisterns; | 391 |
| (4) Place underground the wires or signal apparatus of any police or fire department. | 392 393 |
| (T) Construct any municipal ice plant for the purpose of manufacturing ice for the citizens of a municipal corporation; | 394 395 |
| (U) Construct subways under any street or boulevard or elsewhere; | 396 397 |
| (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 | 398 399 400 401 402 403 404 405 406 407 408 |

to any public utility or to a common carrier engaged in interstate 409
commerce, which property or facilities are required for the proper 410
and convenient operation of the utility or carrier, unless 411
provision is made for the restoration, relocation, or duplication 412
of the property or facilities elsewhere at the sole cost of the 413
municipal corporation. 414

(W) Provide by agreement with any regional airport authority, 415
created under section 308.03 of the Revised Code, for the making 416
of necessary surveys, appraisals, and examinations preliminary to 417
the acquisition or construction of any airport or airport facility 418
and pay the portion of the expense of the surveys, appraisals, and 419
examinations as set forth in the agreement; 420

(X) Provide by agreement with any regional airport authority, 421
created under section 308.03 of the Revised Code, for the 422
acquisition, construction, maintenance, or operation of any 423
airport or airport facility owned or to be owned and operated by 424
the regional airport authority or owned or to be owned and 425
operated by the municipal corporation and pay the portion of the 426
expense of it as set forth in the agreement; 427

(Y) Acquire by gift, purchase, lease, or condemnation, land, 428
forest, and water rights necessary for conservation of forest 429
reserves, water parks, or reservoirs, either within or without the 430
limits of the municipal corporation, and improve and equip the 431
forest and water parks with structures, equipment, and 432
reforestation necessary or appropriate for any purpose for the 433
utilization of any of the forest and water benefits that may 434
properly accrue therefrom to the municipal corporation; 435

(Z) Acquire real property by purchase, gift, or devise and 436
construct and maintain on it public swimming pools, either within 437
or outside the limits of the municipal corporation; 438

(AA) Construct or rehabilitate, equip, maintain, operate, and 439

lease facilities for housing of elderly persons and for persons of 440
low and moderate income, and appurtenant facilities. No municipal 441
corporation shall deny housing accommodations to or withhold 442
housing accommodations from elderly persons or persons of low and 443
moderate income because of race, color, religion, sex, familial 444
status as defined in section 4112.01 of the Revised Code, military 445
status as defined in that section, disability as defined in that 446
section, ancestry, or national origin. Any elderly person or 447
person of low or moderate income who is denied housing 448
accommodations or has them withheld by a municipal corporation 449
because of race, color, religion, sex, familial status as defined 450
in section 4112.01 of the Revised Code, military status as defined 451
in that section, disability as defined in that section, ancestry, 452
or national origin may file a charge with the Ohio civil rights 453
commission as provided in Chapter 4112. of the Revised Code. 454

(BB) Acquire, rehabilitate, and develop rail property or rail 455
service, and enter into agreements with the Ohio rail development 456
commission, boards of county commissioners, boards of township 457
trustees, legislative authorities of other municipal corporations, 458
with other governmental agencies or organizations, and with 459
private agencies or organizations in order to achieve those 460
purposes; 461

(CC) Appropriate and contribute money to a soil and water 462
conservation district for use under Chapter 1515. of the Revised 463
Code; 464

(DD) Authorize the board of county commissioners, pursuant to 465
a contract authorizing the action, to contract on the municipal 466
corporation's behalf for the administration and enforcement within 467
its jurisdiction of the state building code by another county or 468
another municipal corporation located within or outside the 469
county. The contract for administration and enforcement shall 470
provide for obtaining certification pursuant to division (E) of 471

section 3781.10 of the Revised Code for the exercise of 472
administration and enforcement authority within the municipal 473
corporation seeking those services and shall specify which 474
political subdivision is responsible for securing that 475
certification. 476

(EE) Expend money for providing and maintaining services and 477
facilities for senior citizens. 478

"Airport," "landing field," and "air navigation facility," as 479
defined in section 4561.01 of the Revised Code, apply to division 480
(V) of this section. 481

As used in divisions (W) and (X) of this section, "airport" 482
and "airport facility" have the same meanings as in section 308.01 483
of the Revised Code. 484

As used in division (BB) of this section, "rail property" and 485
"rail service" have the same meanings as in section 4981.01 of the 486
Revised Code. 487

Sec. 1349.04. (A) As used in this section: 488

(1) "Active duty" means active duty pursuant to an executive 489
order of the president of the United States, an act of the 490
congress of the United States, or section 5919.29 or 5923.21 of 491
the Revised Code. 492

(2) "Immediate family" means a person's spouse residing in 493
the person's household; brothers and sisters of the whole or half 494
blood; children, including adopted children and stepchildren; 495
parents; and grandparents. 496

(B) The attorney general shall appoint a member of the staff 497
of the consumer protection division of the attorney general's 498
office to expedite cases or issues raised by a person, or the 499
immediate family of the person, who is deployed on active duty, 500
which cases or issues raised relate to sections 125.021, 317.322, 501

1343.031, 1349.02, 1349.03, 1713.60, 1923.062, 3313.64, 3332.20, 502
3345.53, 3915.053, 4933.12, or 4933.121 of the Revised Code or to 503
any other relevant section of the Revised Code regulating consumer 504
protection. 505

Sec. 1751.18. (A)(1) No health insuring corporation shall 506
cancel or fail to renew the coverage of a subscriber or enrollee 507
because of any health status-related factor in relation to the 508
subscriber or enrollee, the subscriber's or enrollee's 509
requirements for health care services, or for any other reason 510
designated under rules adopted by the superintendent of insurance. 511

(2) Unless otherwise required by state or federal law, no 512
health insuring corporation, or health care facility or provider 513
through which the health insuring corporation has made 514
arrangements to provide health care services, shall discriminate 515
against any individual with regard to enrollment, disenrollment, 516
or the quality of health care services rendered, on the basis of 517
the individual's race, color, sex, age, religion, military status 518
as defined in section 4112.01 of the Revised Code, or status as a 519
recipient of medicare or medical assistance under Title XVIII or 520
XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 521
301, as amended, or any health status-related factor in relation 522
to the individual. However, a health insuring corporation shall 523
not be required to accept a recipient of medicare or medical 524
assistance, if an agreement has not been reached on appropriate 525
payment mechanisms between the health insuring corporation and the 526
governmental agency administering these programs. Further, except 527
during a period of open enrollment under section 1751.15 of the 528
Revised Code, a health insuring corporation may reject an 529
applicant for nongroup enrollment on the basis of any health 530
status-related factor in relation to the applicant. 531

(B) A health insuring corporation may cancel or decide not to 532

renew the coverage of an enrollee if the enrollee has performed an act or practice that constitutes fraud or intentional misrepresentation of material fact under the terms of the coverage and if the cancellation or nonrenewal is not based, either directly or indirectly, on any health status-related factor in relation to the enrollee.

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

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

- (1) Health status;
- (2) Medical condition, including both physical and mental illnesses;
- (3) Claims experience;
- (4) Receipt of health care;
- (5) Medical history;
- (6) Genetic information;
- (7) Evidence of insurability, including conditions arising out of acts of domestic violence;
- (8) Disability.

Sec. 2101.16. (A) ~~The~~ Except as provided in section 2101.164

| | | |
|--|---------|-----|
| of the Revised Code, the fees enumerated in this division shall be | | 562 |
| charged and collected, if possible, by the probate judge and shall | | 563 |
| be in full for all services rendered in the respective | | 564 |
| proceedings: | | 565 |
| (1) Account, in addition to advertising charges | \$12.00 | 566 |
| Waivers and proof of notice of hearing on account, per | | 567 |
| page, minimum one dollar | \$ 1.00 | 568 |
| (2) Account of distribution, in addition to | | 569 |
| advertising charges | \$ 7.00 | 570 |
| (3) Adoption of child, petition for | \$50.00 | 571 |
| (4) Alter or cancel contract for sale or purchase of | | 572 |
| real estate, petition to | \$20.00 | 573 |
| (5) Application and order not otherwise provided | | 574 |
| for in this section or by rule adopted pursuant to | | 575 |
| division (E) of this section | \$ 5.00 | 576 |
| (6) Appropriation suit, per day, hearing in | \$20.00 | 577 |
| (7) Birth, application for registration of | \$ 7.00 | 578 |
| (8) Birth record, application to correct | \$ 5.00 | 579 |
| (9) Bond, application for new or additional | \$ 5.00 | 580 |
| (10) Bond, application for release of surety or | | 581 |
| reduction of | \$ 5.00 | 582 |
| (11) Bond, receipt for securities deposited in lieu of | \$ 5.00 | 583 |
| (12) Certified copy of journal entry, record, or proceeding, | | 584 |
| per page, minimum fee one dollar | \$ 1.00 | 585 |
| (13) Citation and issuing citation, application for | \$ 5.00 | 586 |
| (14) Change of name, petition for | \$20.00 | 587 |
| (15) Claim, application of administrator or executor for | | 588 |
| allowance of administrator's or executor's own | \$10.00 | 589 |
| (16) Claim, application to compromise or settle | \$10.00 | 590 |
| (17) Claim, authority to present | \$10.00 | 591 |
| (18) Commissioner, appointment of | \$ 5.00 | 592 |
| (19) Compensation for extraordinary services and attorney's | | 593 |
| fees for fiduciary, application for | \$ 5.00 | 594 |

| | | |
|---|---------|-----|
| (20) Competency, application to procure adjudication of ... | \$20.00 | 595 |
| (21) Complete contract, application to | \$10.00 | 596 |
| (22) Concealment of assets, citation for | \$10.00 | 597 |
| (23) Construction of will, petition for | \$20.00 | 598 |
| (24) Continue decedent's business, application to | \$10.00 | 599 |
| Monthly reports of operation | \$ 5.00 | 600 |
| (25) Declaratory judgment, petition for | \$20.00 | 601 |
| (26) Deposit of will | \$ 5.00 | 602 |
| (27) Designation of heir | \$20.00 | 603 |
| (28) Distribution in kind, application, assent, and | | 604 |
| order for | \$ 5.00 | 605 |
| (29) Distribution under section 2109.36 of the Revised | | 606 |
| Code, application for an order of | \$ 7.00 | 607 |
| (30) Docketing and indexing proceedings, including the | | 608 |
| filing and noting of all necessary documents, maximum | | 609 |
| fee, fifteen dollars | \$15.00 | 610 |
| (31) Exceptions to any proceeding named in this section, | | 611 |
| contest of appointment or | \$10.00 | 612 |
| (32) Election of surviving partner to purchase assets of | | 613 |
| partnership, proceedings relating to | \$10.00 | 614 |
| (33) Election of surviving spouse under will | \$ 5.00 | 615 |
| (34) Fiduciary, including an assignee or trustee of an | | 616 |
| insolvent debtor or any guardian or conservator | | 617 |
| accountable to the probate court, appointment of | \$35.00 | 618 |
| (35) Foreign will, application to record | \$10.00 | 619 |
| Record of foreign will, additional, per page | \$ 1.00 | 620 |
| (36) Forms when supplied by the probate court, not to | | 621 |
| exceed | \$10.00 | 622 |
| (37) Heirship, petition to determine | \$20.00 | 623 |
| (38) Injunction proceedings | \$20.00 | 624 |
| (39) Improve real estate, petition to | \$20.00 | 625 |
| (40) Inventory with appraisement | \$10.00 | 626 |
| (41) Inventory without appraisement | \$ 7.00 | 627 |

As Reported by the Senate Ways and Means and Economic Development Committee

| | | |
|---|---------|-----|
| (42) Investment or expenditure of funds, application for .. | \$10.00 | 628 |
| (43) Invest in real estate, application to | \$10.00 | 629 |
| (44) Lease for oil, gas, coal, or other mineral, petition | | 630 |
| to | \$20.00 | 631 |
| (45) Lease or lease and improve real estate, petition to .. | \$20.00 | 632 |
| (46) Marriage license | \$10.00 | 633 |
| Certified abstract of each marriage | \$ 2.00 | 634 |
| (47) Minor or mentally ill person, etc., disposal of estate | | 635 |
| under ten thousand dollars of | \$10.00 | 636 |
| (48) Mortgage or mortgage and repair or improve real | | 637 |
| estate, petition to | \$20.00 | 638 |
| (49) Newly discovered assets, report of | \$ 7.00 | 639 |
| (50) Nonresident executor or administrator to bar | | 640 |
| creditors' claims, proceedings by | \$20.00 | 641 |
| (51) Power of attorney or revocation of power, | | 642 |
| bonding company | \$10.00 | 643 |
| (52) Presumption of death, petition to establish | \$20.00 | 644 |
| (53) Probating will | \$15.00 | 645 |
| Proof of notice to beneficiaries | \$ 5.00 | 646 |
| (54) Purchase personal property, application of surviving | | 647 |
| spouse to | \$10.00 | 648 |
| (55) Purchase real estate at appraised value, petition of | | 649 |
| surviving spouse to | \$20.00 | 650 |
| (56) Receipts in addition to advertising charges, | | 651 |
| application and order to record | \$ 5.00 | 652 |
| Record of those receipts, additional, per page | \$ 1.00 | 653 |
| (57) Record in excess of fifteen hundred words in any | | 654 |
| proceeding in the probate court, per page | \$ 1.00 | 655 |
| (58) Release of estate by mortgagee or other lienholder ... | \$ 5.00 | 656 |
| (59) Relieving an estate from administration under section | | 657 |
| 2113.03 of the Revised Code or granting an order for a | | 658 |
| summary release from administration under section | | 659 |
| 2113.031 of the Revised Code | \$60.00 | 660 |

| | | |
|---|---------|-----|
| (60) Removal of fiduciary, application for | \$10.00 | 661 |
| (61) Requalification of executor or administrator | \$10.00 | 662 |
| (62) Resignation of fiduciary | \$ 5.00 | 663 |
| (63) Sale bill, public sale of personal property | \$10.00 | 664 |
| (64) Sale of personal property and report, application | | 665 |
| for | \$10.00 | 666 |
| (65) Sale of real estate, petition for | \$25.00 | 667 |
| (66) Terminate guardianship, petition to | \$10.00 | 668 |
| (67) Transfer of real estate, application, entry, and | | 669 |
| certificate for | \$ 7.00 | 670 |
| (68) Unclaimed money, application to invest | \$ 7.00 | 671 |
| (69) Vacate approval of account or order of distribution, | | 672 |
| motion to | \$10.00 | 673 |
| (70) Writ of execution | \$ 5.00 | 674 |
| (71) Writ of possession | \$ 5.00 | 675 |
| (72) Wrongful death, application and settlement of claim | | 676 |
| for | \$20.00 | 677 |
| (73) Year's allowance, petition to review | \$ 7.00 | 678 |
| (74) Guardian's report, filing and review of | \$ 5.00 | 679 |

(B)(1) In relation to an application for the appointment of a guardian or the review of a report of a guardian under section 2111.49 of the Revised Code, the probate court, pursuant to court order or in accordance with a court rule, may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.041 or division (A)(2) of section 2111.49 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that an alleged incompetent or a ward is indigent, the court may waive the costs, fees, and expenses of an investigation.

(2) In relation to the appointment or functioning of a guardian for a minor or the guardianship of a minor, the probate

court may direct that the applicant or the estate pay any or all 694
of the expenses of an investigation conducted pursuant to section 695
2111.042 of the Revised Code. If the investigation is conducted by 696
a public employee or investigator who is paid by the county, the 697
fees for the investigation shall be paid into the county treasury. 698
If the court finds that the guardian or applicant is indigent, the 699
court may waive the costs, fees, and expenses of an investigation. 700

(C) Thirty dollars of the thirty-five-dollar fee collected 701
pursuant to division (A)(34) of this section and twenty dollars of 702
the sixty-dollar fee collected pursuant to division (A)(59) of 703
this section shall be deposited by the county treasurer in the 704
indigent guardianship fund created pursuant to section 2111.51 of 705
the Revised Code. 706

(D) The fees of witnesses, jurors, sheriffs, coroners, and 707
constables for services rendered in the probate court or by order 708
of the probate judge shall be the same as provided for like 709
services in the court of common pleas. 710

(E) The probate court, by rule, may require an advance 711
deposit for costs, not to exceed one hundred twenty-five dollars, 712
at the time application is made for an appointment as executor or 713
administrator or at the time a will is presented for probate. 714

(F) The probate court, by rule, shall establish a reasonable 715
fee, not to exceed fifty dollars, for the filing of a petition for 716
the release of information regarding an adopted person's name by 717
birth and the identity of the adopted person's biological parents 718
and biological siblings pursuant to section 3107.41 of the Revised 719
Code, all proceedings relative to the petition, the entry of an 720
order relative to the petition, and all services required to be 721
performed in connection with the petition. The probate court may 722
use a reasonable portion of a fee charged under authority of this 723
division to reimburse any agency, as defined in section 3107.39 of 724
the Revised Code, for any services it renders in performing a task 725

described in section 3107.41 of the Revised Code relative to or in 726
connection with the petition for which the fee was charged. 727

(G)(1) Thirty dollars of the fifty-dollar fee collected 728
pursuant to division (A)(3) of this section shall be deposited 729
into the "putative father registry fund," which is hereby created 730
in the state treasury. The department of job and family services 731
shall use the money in the fund to fund the department's costs of 732
performing its duties related to the putative father registry 733
established under section 3107.062 of the Revised Code. 734

(2) If the department determines that money in the putative 735
father registry fund is more than is needed for its duties related 736
to the putative father registry, the department may use the 737
surplus moneys in the fund as permitted in division (C) of section 738
2151.3529, division (B) of section 2151.3530, or section 5103.155 739
of the Revised Code. 740

Sec. 2101.164. (A) As used in this section, "combat zone" 741
means an area that the president of the United States by executive 742
order designates for purposes of 26 U.S.C. 112 as an area in which 743
armed forces of the United States or the national guard are 744
engaging or have engaged in combat. 745

(B) A probate judge shall not charge, or collect from, the 746
estate of a decedent who died while in active service as a member 747
of the armed forces of the United States or the national guard any 748
of the following fees if the death occurred while the decedent was 749
serving in a combat zone or as a result of wounds, disease, or 750
injury incurred while serving in a combat zone: 751

(1) Any fee for or associated with the filing of the 752
decedent's will for probate; 753

(2) Any fee for any service rendered by the probate court 754
that is associated with the administration of the decedent's 755

estate; 756

(3) Any fee for relieving the decedent's estate from 757
administration under section 2113.03 of the Revised Code or 758
granting an order for a summary release from administration under 759
section 2113.031 of the Revised Code. 760

(C) In determining whether a decedent died in a place or 761
manner that exempts the estate of the decedent from fees under 762
division (B) of this section, a probate judge may consider a 763
casualty report issued pursuant to Army Regulation 600-8-1 or the 764
regulations of any of the armed services of the United States or 765
the national guard, the list of combat zones set forth in 766
Publication 3, "The Armed Forces' Tax Guide," of the Internal 767
Revenue Service, or any other form of documentation satisfactory 768
to the probate judge. 769

Sec. 2927.03. (A) No person, whether or not acting under 770
color of law, shall by force or threat of force willfully injure, 771
intimidate, or interfere with, or attempt to injure, intimidate, 772
or interfere with, any of the following: 773

(1) Any person because of race, color, religion, sex, 774
familial status as defined in section 4112.01 of the Revised Code, 775
national origin, military status as defined in that section, 776
disability as defined in that section, or ancestry and because 777
that person is or has been selling, purchasing, renting, 778
financing, occupying, contracting, or negotiating for the sale, 779
purchase, rental, financing, or occupation of any housing 780
accommodations, or applying for or participating in any service, 781
organization, or facility relating to the business of selling or 782
renting housing accommodations; 783

(2) Any person because that person is or has been doing, or 784
in order to intimidate that person or any other person or any 785
class of persons from doing, either of the following: 786

(a) Participating, without discrimination on account of race, 787
color, religion, sex, familial status as defined in section 788
4112.01 of the Revised Code, national origin, military status as 789
defined in that section, disability as defined in that section, or 790
ancestry, in any of the activities, services, organizations, or 791
facilities described in division (A)(1) of this section; 792

(b) Affording another person or class of persons opportunity 793
or protection so to participate. 794

(3) Any person because that person is or has been, or in 795
order to discourage that person or any other person from, lawfully 796
aiding or encouraging other persons to participate, without 797
discrimination on account of race, color, religion, sex, familial 798
status as defined in section 4112.01 of the Revised Code, national 799
origin, military status as defined in that section, disability as 800
defined in that section, or ancestry, in any of the activities, 801
services, organizations, or facilities described in division 802
(A)(1) of this section, or participating lawfully in speech or 803
peaceful assembly opposing any denial of the opportunity to so 804
participate. 805

(B) Whoever violates division (A) of this section is guilty 806
of a misdemeanor of the first degree. 807

Sec. 3905.55. (A) Except as provided in division (B) of this 808
section, an agent may charge a consumer a fee if all of the 809
following conditions are met: 810

(1) The fee is disclosed to the consumer in a manner that 811
separately identifies the fee and the premium. 812

(2) The fee is not calculated as a percentage of the premium. 813

(3) The fee is not refunded, forgiven, waived, offset, or 814
reduced by any commission earned or received for any policy or 815
coverage sold. 816

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

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

(6) The consumer consents to the fee.

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

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

(1) Private passenger automobile;

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

(3) Individual life insurance;

(4) Individual sickness or accident insurance;

(5) Disability income policies;

| | |
|---|--|
| (6) Credit insurance products. | 847 |
| (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. | 848 849 850 851 852 |
| (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. | 853 854 855 |
| (E)(1) No person shall fail to comply with this section. | 856 |
| (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. | 857 858 859 860 |
| (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. | 861 862 863 |
| Sec. 4112.01. (A) As used in this chapter: | 864 |
| (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. | 865 866 867 868 869 870 871 872 |
| (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. | 873 874 875 876 |

(3) "Employee" means an individual employed by any employer 877
but does not include any individual employed in the domestic 878
service of any person. 879

(4) "Labor organization" includes any organization that 880
exists, in whole or in part, for the purpose of collective 881
bargaining or of dealing with employers concerning grievances, 882
terms or conditions of employment, or other mutual aid or 883
protection in relation to employment. 884

(5) "Employment agency" includes any person regularly 885
undertaking, with or without compensation, to procure 886
opportunities to work or to procure, recruit, refer, or place 887
employees. 888

(6) "Commission" means the Ohio civil rights commission 889
created by section 4112.03 of the Revised Code. 890

(7) "Discriminate" includes segregate or separate. 891

(8) "Unlawful discriminatory practice" means any act 892
prohibited by section 4112.02, 4112.021, or 4112.022 of the 893
Revised Code. 894

(9) "Place of public accommodation" means any inn, 895
restaurant, eating house, barbershop, public conveyance by air, 896
land, or water, theater, store, other place for the sale of 897
merchandise, or any other place of public accommodation or 898
amusement of which the accommodations, advantages, facilities, or 899
privileges are available to the public. 900

(10) "Housing accommodations" includes any building or 901
structure, or portion of a building or structure, that is used or 902
occupied or is intended, arranged, or designed to be used or 903
occupied as the home residence, dwelling, dwelling unit, or 904
sleeping place of one or more individuals, groups, or families 905
whether or not living independently of each other; and any vacant 906
land offered for sale or lease. "Housing accommodations" also 907

includes any housing accommodations held or offered for sale or 908
rent by a real estate broker, salesperson, or agent, by any other 909
person pursuant to authorization of the owner, by the owner, or by 910
the owner's legal representative. 911

(11) "Restrictive covenant" means any specification limiting 912
the transfer, rental, lease, or other use of any housing 913
accommodations because of race, color, religion, sex, military 914
status, familial status, national origin, disability, or ancestry, 915
or any limitation based upon affiliation with or approval by any 916
person, directly or indirectly, employing race, color, religion, 917
sex, military status, familial status, national origin, 918
disability, or ancestry as a condition of affiliation or approval. 919

(12) "Burial lot" means any lot for the burial of deceased 920
persons within any public burial ground or cemetery, including, 921
but not limited to, cemeteries owned and operated by municipal 922
corporations, townships, or companies or associations incorporated 923
for cemetery purposes. 924

(13) "Disability" means a physical or mental impairment that 925
substantially limits one or more major life activities, including 926
the functions of caring for one's self, performing manual tasks, 927
walking, seeing, hearing, speaking, breathing, learning, and 928
working; a record of a physical or mental impairment; or being 929
regarded as having a physical or mental impairment. 930

(14) Except as otherwise provided in section 4112.021 of the 931
Revised Code, "age" means at least forty years old. 932

(15) "Familial status" means either of the following: 933

(a) One or more individuals who are under eighteen years of 934
age and who are domiciled with a parent or guardian having legal 935
custody of the individual or domiciled, with the written 936
permission of the parent or guardian having legal custody, with a 937
designee of the parent or guardian; 938

(b) Any person who is pregnant or in the process of securing 939
legal custody of any individual who is under eighteen years of 940
age. 941

(16)(a) Except as provided in division (A)(16)(b) of this 942
section, "physical or mental impairment" includes any of the 943
following: 944

(i) Any physiological disorder or condition, cosmetic 945
disfigurement, or anatomical loss affecting one or more of the 946
following body systems: neurological; musculoskeletal; special 947
sense organs; respiratory, including speech organs; 948
cardiovascular; reproductive; digestive; genito-urinary; hemic and 949
lymphatic; skin; and endocrine; 950

(ii) Any mental or psychological disorder, including, but not 951
limited to, mental retardation, organic brain syndrome, emotional 952
or mental illness, and specific learning disabilities; 953

(iii) Diseases and conditions, including, but not limited to, 954
orthopedic, visual, speech, and hearing impairments, cerebral 955
palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, 956
cancer, heart disease, diabetes, human immunodeficiency virus 957
infection, mental retardation, emotional illness, drug addiction, 958
and alcoholism. 959

(b) "Physical or mental impairment" does not include any of 960
the following: 961

(i) Homosexuality and bisexuality; 962

(ii) Transvestism, transsexualism, pedophilia, exhibitionism, 963
voyeurism, gender identity disorders not resulting from physical 964
impairments, or other sexual behavior disorders; 965

(iii) Compulsive gambling, kleptomania, or pyromania; 966

(iv) Psychoactive substance use disorders resulting from the 967
current illegal use of a controlled substance or the current use 968

| | |
|--|--|
| of alcoholic beverages. | 969 |
| (17) "Dwelling unit" means a single unit of residence for a family of one or more persons. | 970 971 |
| (18) "Common use areas" means rooms, spaces, or elements inside or outside a building that are made available for the use of residents of the building or their guests, and includes, but is not limited to, hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas, and passageways among and between buildings. | 972 973 974 975 976 977 |
| (19) "Public use areas" means interior or exterior rooms or spaces of a privately or publicly owned building that are made available to the general public. | 978 979 980 |
| (20) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. | 981 982 |
| (21) "Disabled tenant" means a tenant or prospective tenant who is a person with a disability. | 983 984 |
| <u>(22) "Military status" means a person's status in "service in the uniformed services" as defined in section 5903.01 of the Revised Code.</u> | 985 986 987 |
| (B) For the purposes of divisions (A) to (F) of section 4112.02 of the Revised Code, the terms "because of sex" and "on the basis of sex" include, but are not limited to, because of or on the basis of pregnancy, any illness arising out of and occurring during the course of a pregnancy, childbirth, or related medical conditions. Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, and nothing in division (B) of section 4111.17 of the Revised Code shall be interpreted to permit otherwise. This division shall not be | 988 989 990 991 992 993 994 995 996 997 998 999 |

construed to require an employer to pay for health insurance 1000
benefits for abortion, except where the life of the mother would 1001
be endangered if the fetus were carried to term or except where 1002
medical complications have arisen from the abortion, provided that 1003
nothing in this division precludes an employer from providing 1004
abortion benefits or otherwise affects bargaining agreements in 1005
regard to abortion. 1006

Sec. 4112.02. It shall be an unlawful discriminatory 1007
practice: 1008

(A) For any employer, because of the race, color, religion, 1009
sex, military status, national origin, disability, age, or 1010
ancestry of any person, to discharge without just cause, to refuse 1011
to hire, or otherwise to discriminate against that person with 1012
respect to hire, tenure, terms, conditions, or privileges of 1013
employment, or any matter directly or indirectly related to 1014
employment. 1015

(B) For an employment agency or personnel placement service, 1016
because of race, color, religion, sex, military status, national 1017
origin, disability, age, or ancestry, to do any of the following: 1018

(1) Refuse or fail to accept, register, classify properly, or 1019
refer for employment, or otherwise discriminate against any 1020
person; 1021

(2) Comply with a request from an employer for referral of 1022
applicants for employment if the request directly or indirectly 1023
indicates that the employer fails to comply with the provisions of 1024
sections 4112.01 to 4112.07 of the Revised Code. 1025

(C) For any labor organization to do any of the following: 1026

(1) Limit or classify its membership on the basis of race, 1027
color, religion, sex, military status, national origin, 1028
disability, age, or ancestry; 1029

(2) Discriminate against, limit the employment opportunities 1030
of, or otherwise adversely affect the employment status, wages, 1031
hours, or employment conditions of any person as an employee 1032
because of race, color, religion, sex, military status, national 1033
origin, disability, age, or ancestry. 1034

(D) For any employer, labor organization, or joint 1035
labor-management committee controlling apprentice training 1036
programs to discriminate against any person because of race, 1037
color, religion, sex, military status, national origin, 1038
disability, or ancestry in admission to, or employment in, any 1039
program established to provide apprentice training. 1040

(E) Except where based on a bona fide occupational 1041
qualification certified in advance by the commission, for any 1042
employer, employment agency, personnel placement service, or labor 1043
organization, prior to employment or admission to membership, to 1044
do any of the following: 1045

(1) Elicit or attempt to elicit any information concerning 1046
the race, color, religion, sex, military status, national origin, 1047
disability, age, or ancestry of an applicant for employment or 1048
membership; 1049

(2) Make or keep a record of the race, color, religion, sex, 1050
military status, national origin, disability, age, or ancestry of 1051
any applicant for employment or membership; 1052

(3) Use any form of application for employment, or personnel 1053
or membership blank, seeking to elicit information regarding race, 1054
color, religion, sex, military status, national origin, 1055
disability, age, or ancestry; but an employer holding a contract 1056
containing a nondiscrimination clause with the government of the 1057
United States, or any department or agency of that government, may 1058
require an employee or applicant for employment to furnish 1059
documentary proof of United States citizenship and may retain that 1060

proof in the employer's personnel records and may use photographic 1061
or fingerprint identification for security purposes; 1062

(4) Print or publish or cause to be printed or published any 1063
notice or advertisement relating to employment or membership 1064
indicating any preference, limitation, specification, or 1065
discrimination, based upon race, color, religion, sex, military 1066
status, national origin, disability, age, or ancestry; 1067

(5) Announce or follow a policy of denying or limiting, 1068
through a quota system or otherwise, employment or membership 1069
opportunities of any group because of the race, color, religion, 1070
sex, military status, national origin, disability, age, or 1071
ancestry of that group; 1072

(6) Utilize in the recruitment or hiring of persons any 1073
employment agency, personnel placement service, training school or 1074
center, labor organization, or any other employee-referring source 1075
known to discriminate against persons because of their race, 1076
color, religion, sex, military status, national origin, 1077
disability, age, or ancestry. 1078

(F) For any person seeking employment to publish or cause to 1079
be published any advertisement that specifies or in any manner 1080
indicates that person's race, color, religion, sex, military 1081
status, national origin, disability, age, or ancestry, or 1082
expresses a limitation or preference as to the race, color, 1083
religion, sex, military status, national origin, disability, age, 1084
or ancestry of any prospective employer. 1085

(G) For any proprietor or any employee, keeper, or manager of 1086
a place of public accommodation to deny to any person, except for 1087
reasons applicable alike to all persons regardless of race, color, 1088
religion, sex, military status, national origin, disability, age, 1089
or ancestry, the full enjoyment of the accommodations, advantages, 1090
facilities, or privileges of the place of public accommodation. 1091

| | |
|--|------|
| (H) For any person to do any of the following: | 1092 |
| (1) Refuse to sell, transfer, assign, rent, lease, sublease, | 1093 |
| or finance housing accommodations, refuse to negotiate for the | 1094 |
| sale or rental of housing accommodations, or otherwise deny or | 1095 |
| make unavailable housing accommodations because of race, color, | 1096 |
| religion, sex, <u>military status</u> , familial status, ancestry, | 1097 |
| disability, or national origin; | 1098 |
| (2) Represent to any person that housing accommodations are | 1099 |
| not available for inspection, sale, or rental, when in fact they | 1100 |
| are available, because of race, color, religion, sex, <u>military</u> | 1101 |
| <u>status</u> , familial status, ancestry, disability, or national origin; | 1102 |
| (3) Discriminate against any person in the making or | 1103 |
| purchasing of loans or the provision of other financial assistance | 1104 |
| for the acquisition, construction, rehabilitation, repair, or | 1105 |
| maintenance of housing accommodations, or any person in the making | 1106 |
| or purchasing of loans or the provision of other financial | 1107 |
| assistance that is secured by residential real estate, because of | 1108 |
| race, color, religion, sex, <u>military status</u> , familial status, | 1109 |
| ancestry, disability, or national origin or because of the racial | 1110 |
| composition of the neighborhood in which the housing | 1111 |
| accommodations are located, provided that the person, whether an | 1112 |
| individual, corporation, or association of any type, lends money | 1113 |
| as one of the principal aspects or incident to the person's | 1114 |
| principal business and not only as a part of the purchase price of | 1115 |
| an owner-occupied residence the person is selling nor merely | 1116 |
| casually or occasionally to a relative or friend; | 1117 |
| (4) Discriminate against any person in the terms or | 1118 |
| conditions of selling, transferring, assigning, renting, leasing, | 1119 |
| or subleasing any housing accommodations or in furnishing | 1120 |
| facilities, services, or privileges in connection with the | 1121 |
| ownership, occupancy, or use of any housing accommodations, | 1122 |
| including the sale of fire, extended coverage, or homeowners | 1123 |

insurance, because of race, color, religion, sex, military status, 1124
familial status, ancestry, disability, or national origin or 1125
because of the racial composition of the neighborhood in which the 1126
housing accommodations are located; 1127

(5) Discriminate against any person in the terms or 1128
conditions of any loan of money, whether or not secured by 1129
mortgage or otherwise, for the acquisition, construction, 1130
rehabilitation, repair, or maintenance of housing accommodations 1131
because of race, color, religion, sex, military status, familial 1132
status, ancestry, disability, or national origin or because of the 1133
racial composition of the neighborhood in which the housing 1134
accommodations are located; 1135

(6) Refuse to consider without prejudice the combined income 1136
of both husband and wife for the purpose of extending mortgage 1137
credit to a married couple or either member of a married couple; 1138

(7) Print, publish, or circulate any statement or 1139
advertisement, or make or cause to be made any statement or 1140
advertisement, relating to the sale, transfer, assignment, rental, 1141
lease, sublease, or acquisition of any housing accommodations, or 1142
relating to the loan of money, whether or not secured by mortgage 1143
or otherwise, for the acquisition, construction, rehabilitation, 1144
repair, or maintenance of housing accommodations, that indicates 1145
any preference, limitation, specification, or discrimination based 1146
upon race, color, religion, sex, military status, familial status, 1147
ancestry, disability, or national origin, or an intention to make 1148
any such preference, limitation, specification, or discrimination; 1149

(8) Except as otherwise provided in division (H)(8) or (17) 1150
of this section, make any inquiry, elicit any information, make or 1151
keep any record, or use any form of application containing 1152
questions or entries concerning race, color, religion, sex, 1153
military status, familial status, ancestry, disability, or 1154
national origin in connection with the sale or lease of any 1155

housing accommodations or the loan of any money, whether or not 1156
secured by mortgage or otherwise, for the acquisition, 1157
construction, rehabilitation, repair, or maintenance of housing 1158
accommodations. Any person may make inquiries, and make and keep 1159
records, concerning race, color, religion, sex, military status, 1160
familial status, ancestry, disability, or national origin for the 1161
purpose of monitoring compliance with this chapter. 1162

(9) Include in any transfer, rental, or lease of housing 1163
accommodations any restrictive covenant, or honor or exercise, or 1164
attempt to honor or exercise, any restrictive covenant; 1165

(10) Induce or solicit, or attempt to induce or solicit, a 1166
housing accommodations listing, sale, or transaction by 1167
representing that a change has occurred or may occur with respect 1168
to the racial, religious, sexual, military status, familial 1169
status, or ethnic composition of the block, neighborhood, or other 1170
area in which the housing accommodations are located, or induce or 1171
solicit, or attempt to induce or solicit, a housing accommodations 1172
listing, sale, or transaction by representing that the presence or 1173
anticipated presence of persons of any race, color, religion, sex, 1174
military status, familial status, ancestry, disability, or 1175
national origin, in the block, neighborhood, or other area will or 1176
may have results including, but not limited to, the following: 1177

(a) The lowering of property values; 1178

(b) A change in the racial, religious, sexual, military 1179
status, familial status, or ethnic composition of the block, 1180
neighborhood, or other area; 1181

(c) An increase in criminal or antisocial behavior in the 1182
block, neighborhood, or other area; 1183

(d) A decline in the quality of the schools serving the 1184
block, neighborhood, or other area. 1185

(11) Deny any person access to or membership or participation 1186

in any multiple-listing service, real estate brokers' 1187
organization, or other service, organization, or facility relating 1188
to the business of selling or renting housing accommodations, or 1189
discriminate against any person in the terms or conditions of that 1190
access, membership, or participation, on account of race, color, 1191
religion, sex, military status, familial status, national origin, 1192
disability, or ancestry; 1193

(12) Coerce, intimidate, threaten, or interfere with any 1194
person in the exercise or enjoyment of, or on account of that 1195
person's having exercised or enjoyed or having aided or encouraged 1196
any other person in the exercise or enjoyment of, any right 1197
granted or protected by division (H) of this section; 1198

(13) Discourage or attempt to discourage the purchase by a 1199
prospective purchaser of housing accommodations, by representing 1200
that any block, neighborhood, or other area has undergone or might 1201
undergo a change with respect to its religious, racial, sexual, 1202
military status, familial status, or ethnic composition; 1203

(14) Refuse to sell, transfer, assign, rent, lease, sublease, 1204
or finance, or otherwise deny or withhold, a burial lot from any 1205
person because of the race, color, sex, military status, familial 1206
status, age, ancestry, disability, or national origin of any 1207
prospective owner or user of the lot; 1208

(15) Discriminate in the sale or rental of, or otherwise make 1209
unavailable or deny, housing accommodations to any buyer or renter 1210
because of a disability of any of the following: 1211

(a) The buyer or renter; 1212

(b) A person residing in or intending to reside in the 1213
housing accommodations after they are sold, rented, or made 1214
available; 1215

(c) Any individual associated with the person described in 1216
division (H)(15)(b) of this section. 1217

| | |
|--|------|
| (16) Discriminate in the terms, conditions, or privileges of | 1218 |
| the sale or rental of housing accommodations to any person or in | 1219 |
| the provision of services or facilities to any person in | 1220 |
| connection with the housing accommodations because of a disability | 1221 |
| of any of the following: | 1222 |
| (a) That person; | 1223 |
| (b) A person residing in or intending to reside in the | 1224 |
| housing accommodations after they are sold, rented, or made | 1225 |
| available; | 1226 |
| (c) Any individual associated with the person described in | 1227 |
| division (H)(16)(b) of this section. | 1228 |
| (17) Except as otherwise provided in division (H)(17) of this | 1229 |
| section, make an inquiry to determine whether an applicant for the | 1230 |
| sale or rental of housing accommodations, a person residing in or | 1231 |
| intending to reside in the housing accommodations after they are | 1232 |
| sold, rented, or made available, or any individual associated with | 1233 |
| that person has a disability, or make an inquiry to determine the | 1234 |
| nature or severity of a disability of the applicant or such a | 1235 |
| person or individual. The following inquiries may be made of all | 1236 |
| applicants for the sale or rental of housing accommodations, | 1237 |
| regardless of whether they have disabilities: | 1238 |
| (a) An inquiry into an applicant's ability to meet the | 1239 |
| requirements of ownership or tenancy; | 1240 |
| (b) An inquiry to determine whether an applicant is qualified | 1241 |
| for housing accommodations available only to persons with | 1242 |
| disabilities or persons with a particular type of disability; | 1243 |
| (c) An inquiry to determine whether an applicant is qualified | 1244 |
| for a priority available to persons with disabilities or persons | 1245 |
| with a particular type of disability; | 1246 |
| (d) An inquiry to determine whether an applicant currently | 1247 |

uses a controlled substance in violation of section 2925.11 of the Revised Code or a substantively comparable municipal ordinance;

(e) An inquiry to determine whether an applicant at any time has been convicted of or pleaded guilty to any offense, an element of which is the illegal sale, offer to sell, cultivation, manufacture, other production, shipment, transportation, delivery, or other distribution of a controlled substance.

(18)(a) Refuse to permit, at the expense of a person with a disability, reasonable modifications of existing housing accommodations that are occupied or to be occupied by the person with a disability, if the modifications may be necessary to afford the person with a disability full enjoyment of the housing accommodations. This division does not preclude a landlord of housing accommodations that are rented or to be rented to a disabled tenant from conditioning permission for a proposed modification upon the disabled tenant's doing one or more of the following:

(i) Providing a reasonable description of the proposed modification and reasonable assurances that the proposed modification will be made in a workerlike manner and that any required building permits will be obtained prior to the commencement of the proposed modification;

(ii) Agreeing to restore at the end of the tenancy the interior of the housing accommodations to the condition they were in prior to the proposed modification, but subject to reasonable wear and tear during the period of occupancy, if it is reasonable for the landlord to condition permission for the proposed modification upon the agreement;

(iii) Paying into an interest-bearing escrow account that is in the landlord's name, over a reasonable period of time, a reasonable amount of money not to exceed the projected costs at

the end of the tenancy of the restoration of the interior of the 1279
housing accommodations to the condition they were in prior to the 1280
proposed modification, but subject to reasonable wear and tear 1281
during the period of occupancy, if the landlord finds the account 1282
reasonably necessary to ensure the availability of funds for the 1283
restoration work. The interest earned in connection with an escrow 1284
account described in this division shall accrue to the benefit of 1285
the disabled tenant who makes payments into the account. 1286

(b) A landlord shall not condition permission for a proposed 1287
modification upon a disabled tenant's payment of a security 1288
deposit that exceeds the customarily required security deposit of 1289
all tenants of the particular housing accommodations. 1290

(19) Refuse to make reasonable accommodations in rules, 1291
policies, practices, or services when necessary to afford a person 1292
with a disability equal opportunity to use and enjoy a dwelling 1293
unit, including associated public and common use areas; 1294

(20) Fail to comply with the standards and rules adopted 1295
under division (A) of section 3781.111 of the Revised Code; 1296

(21) Discriminate against any person in the selling, 1297
brokering, or appraising of real property because of race, color, 1298
religion, sex, military status, familial status, ancestry, 1299
disability, or national origin; 1300

(22) Fail to design and construct covered multifamily 1301
dwellings for first occupancy on or after June 30, 1992, in 1302
accordance with the following conditions: 1303

(a) The dwellings shall have at least one building entrance 1304
on an accessible route, unless it is impractical to do so because 1305
of the terrain or unusual characteristics of the site. 1306

(b) With respect to dwellings that have a building entrance 1307
on an accessible route, all of the following apply: 1308

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

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

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

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

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

(J) For any person to aid, abet, incite, compel, or coerce the doing of any act declared by this section to be an unlawful discriminatory practice, to obstruct or prevent any person from complying with this chapter or any order issued under it, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful discriminatory practice.

(K)(1) Nothing in division (H) of this section shall bar any 1340
religious or denominational institution or organization, or any 1341
nonprofit charitable or educational organization that is operated, 1342
supervised, or controlled by or in connection with a religious 1343
organization, from limiting the sale, rental, or occupancy of 1344
housing accommodations that it owns or operates for other than a 1345
commercial purpose to persons of the same religion, or from giving 1346
preference in the sale, rental, or occupancy of such housing 1347
accommodations to persons of the same religion, unless membership 1348
in the religion is restricted on account of race, color, or 1349
national origin. 1350

(2) Nothing in division (H) of this section shall bar any 1351
bona fide private or fraternal organization that, incidental to 1352
its primary purpose, owns or operates lodgings for other than a 1353
commercial purpose, from limiting the rental or occupancy of the 1354
lodgings to its members or from giving preference to its members. 1355

(3) Nothing in division (H) of this section limits the 1356
applicability of any reasonable local, state, or federal 1357
restrictions regarding the maximum number of occupants permitted 1358
to occupy housing accommodations. Nothing in that division 1359
prohibits the owners or managers of housing accommodations from 1360
implementing reasonable occupancy standards based on the number 1361
and size of sleeping areas or bedrooms and the overall size of a 1362
dwelling unit, provided that the standards are not implemented to 1363
circumvent the purposes of this chapter and are formulated, 1364
implemented, and interpreted in a manner consistent with this 1365
chapter and any applicable local, state, or federal restrictions 1366
regarding the maximum number of occupants permitted to occupy 1367
housing accommodations. 1368

(4) Nothing in division (H) of this section requires that 1369
housing accommodations be made available to an individual whose 1370
tenancy would constitute a direct threat to the health or safety 1371

of other individuals or whose tenancy would result in substantial 1372
physical damage to the property of others. 1373

(5) Nothing in division (H) of this section pertaining to 1374
discrimination on the basis of familial status shall be construed 1375
to apply to any of the following: 1376

(a) Housing accommodations provided under any state or 1377
federal program that have been determined under the "Fair Housing 1378
Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as 1379
amended, to be specifically designed and operated to assist 1380
elderly persons; 1381

(b) Housing accommodations intended for and solely occupied 1382
by persons who are sixty-two years of age or older; 1383

(c) Housing accommodations intended and operated for 1384
occupancy by at least one person who is fifty-five years of age or 1385
older per unit, as determined under the "Fair Housing Amendments 1386
Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as amended. 1387

(L) Nothing in divisions (A) to (E) of this section shall be 1388
construed to require a person with a disability to be employed or 1389
trained under circumstances that would significantly increase the 1390
occupational hazards affecting either the person with a 1391
disability, other employees, the general public, or the facilities 1392
in which the work is to be performed, or to require the employment 1393
or training of a person with a disability in a job that requires 1394
the person with a disability routinely to undertake any task, the 1395
performance of which is substantially and inherently impaired by 1396
the person's disability. 1397

(M) Nothing in divisions (H)(1) to (18) of this section shall 1398
be construed to require any person selling or renting property to 1399
modify the property in any way or to exercise a higher degree of 1400
care for a person with a disability, to relieve any person with a 1401
disability of any obligation generally imposed on all persons 1402

regardless of disability in a written lease, rental agreement, or 1403
contract of purchase or sale, or to forbid distinctions based on 1404
the inability to fulfill the terms and conditions, including 1405
financial obligations, of the lease, agreement, or contract. 1406

(N) An aggrieved individual may enforce the individual's 1407
rights relative to discrimination on the basis of age as provided 1408
for in this section by instituting a civil action, within one 1409
hundred eighty days after the alleged unlawful discriminatory 1410
practice occurred, in any court with jurisdiction for any legal or 1411
equitable relief that will effectuate the individual's rights. 1412

A person who files a civil action under this division is 1413
barred, with respect to the practices complained of, from 1414
instituting a civil action under section 4112.14 of the Revised 1415
Code and from filing a charge with the commission under section 1416
4112.05 of the Revised Code. 1417

(O) With regard to age, it shall not be an unlawful 1418
discriminatory practice and it shall not constitute a violation of 1419
division (A) of section 4112.14 of the Revised Code for any 1420
employer, employment agency, joint labor-management committee 1421
controlling apprenticeship training programs, or labor 1422
organization to do any of the following: 1423

(1) Establish bona fide employment qualifications reasonably 1424
related to the particular business or occupation that may include 1425
standards for skill, aptitude, physical capability, intelligence, 1426
education, maturation, and experience; 1427

(2) Observe the terms of a bona fide seniority system or any 1428
bona fide employee benefit plan, including, but not limited to, a 1429
retirement, pension, or insurance plan, that is not a subterfuge 1430
to evade the purposes of this section. However, no such employee 1431
benefit plan shall excuse the failure to hire any individual, and 1432
no such seniority system or employee benefit plan shall require or 1433

permit the involuntary retirement of any individual, because of 1434
the individual's age except as provided for in the "Age 1435
Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 1436
29 U.S.C.A. 623, as amended by the "Age Discrimination in 1437
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 1438
623, as amended. 1439

(3) Retire an employee who has attained sixty-five years of 1440
age who, for the two-year period immediately before retirement, is 1441
employed in a bona fide executive or a high policymaking position, 1442
if the employee is entitled to an immediate nonforfeitable annual 1443
retirement benefit from a pension, profit-sharing, savings, or 1444
deferred compensation plan, or any combination of those plans, of 1445
the employer of the employee, which equals, in the aggregate, at 1446
least forty-four thousand dollars, in accordance with the 1447
conditions of the "Age Discrimination in Employment Act Amendment 1448
of 1978," 92 Stat. 189, 29 U.S.C.A. 631, as amended by the "Age 1449
Discrimination in Employment Act Amendments of 1986," 100 Stat. 1450
3342, 29 U.S.C.A. 631, as amended; 1451

(4) Observe the terms of any bona fide apprenticeship program 1452
if the program is registered with the Ohio apprenticeship council 1453
pursuant to sections 4139.01 to 4139.06 of the Revised Code and is 1454
approved by the federal committee on apprenticeship of the United 1455
States department of labor. 1456

(P) Nothing in this chapter prohibiting age discrimination 1457
and nothing in division (A) of section 4112.14 of the Revised Code 1458
shall be construed to prohibit the following: 1459

(1) The designation of uniform age the attainment of which is 1460
necessary for public employees to receive pension or other 1461
retirement benefits pursuant to Chapter 145., 742., 3307., 3309., 1462
or 5505. of the Revised Code; 1463

(2) The mandatory retirement of uniformed patrol officers of 1464

the state highway patrol as provided in section 5505.16 of the Revised Code; 1465
1466

(3) The maximum age requirements for appointment as a patrol officer in the state highway patrol established by section 5503.01 of the Revised Code; 1467
1468
1469

(4) The maximum age requirements established for original appointment to a police department or fire department in sections 124.41 and 124.42 of the Revised Code; 1470
1471
1472

(5) Any maximum age not in conflict with federal law that may be established by a municipal charter, municipal ordinance, or resolution of a board of township trustees for original appointment as a police officer or firefighter; 1473
1474
1475
1476

(6) Any mandatory retirement provision not in conflict with federal law of a municipal charter, municipal ordinance, or resolution of a board of township trustees pertaining to police officers and firefighters; 1477
1478
1479
1480

(7) Until January 1, 1994, the mandatory retirement of any employee who has attained seventy years of age and who is serving under a contract of unlimited tenure, or similar arrangement providing for unlimited tenure, at an institution of higher education as defined in the "Education Amendments of 1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 1481
1482
1483
1484
1485
1486

(Q)(1)(a) Except as provided in division (Q)(1)(b) of this section, for purposes of divisions (A) to (E) of this section, a disability does not include any physiological disorder or condition, mental or psychological disorder, or disease or condition caused by an illegal use of any controlled substance by an employee, applicant, or other person, if an employer, employment agency, personnel placement service, labor organization, or joint labor-management committee acts on the basis of that illegal use. 1487
1488
1489
1490
1491
1492
1493
1494
1495

(b) Division (Q)(1)(a) of this section does not apply to an 1496
employee, applicant, or other person who satisfies any of the 1497
following: 1498

(i) The employee, applicant, or other person has successfully 1499
completed a supervised drug rehabilitation program and no longer 1500
is engaging in the illegal use of any controlled substance, or the 1501
employee, applicant, or other person otherwise successfully has 1502
been rehabilitated and no longer is engaging in that illegal use. 1503

(ii) The employee, applicant, or other person is 1504
participating in a supervised drug rehabilitation program and no 1505
longer is engaging in the illegal use of any controlled substance. 1506

(iii) The employee, applicant, or other person is erroneously 1507
regarded as engaging in the illegal use of any controlled 1508
substance, but the employee, applicant, or other person is not 1509
engaging in that illegal use. 1510

(2) Divisions (A) to (E) of this section do not prohibit an 1511
employer, employment agency, personnel placement service, labor 1512
organization, or joint labor-management committee from doing any 1513
of the following: 1514

(a) Adopting or administering reasonable policies or 1515
procedures, including, but not limited to, testing for the illegal 1516
use of any controlled substance, that are designed to ensure that 1517
an individual described in division (Q)(1)(b)(i) or (ii) of this 1518
section no longer is engaging in the illegal use of any controlled 1519
substance; 1520

(b) Prohibiting the illegal use of controlled substances and 1521
the use of alcohol at the workplace by all employees; 1522

(c) Requiring that employees not be under the influence of 1523
alcohol or not be engaged in the illegal use of any controlled 1524
substance at the workplace; 1525

(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 the property or services.

(2) "Creditor" means any person who regularly extends,

renews, or continues credit, any person who regularly arranges for 1556
the extension, renewal, or continuation of credit, or any assignee 1557
of an original creditor who participates in the decision to 1558
extend, renew, or continue credit, whether or not any interest or 1559
finance charge is required. 1560

(3) "Credit reporting agency" means any person who, for 1561
monetary fees or dues or on a cooperative nonprofit basis, 1562
regularly assembles or evaluates credit information for the 1563
purpose of furnishing credit reports to creditors. 1564

(4) "Age" means any age of eighteen years or older. 1565

(B) It shall be an unlawful discriminatory practice: 1566

(1) For any creditor to do any of the following: 1567

(a) Discriminate against any applicant for credit in the 1568
granting, withholding, extending, or renewing of credit, or in the 1569
fixing of the rates, terms, or conditions of any form of credit, 1570
on the basis of race, color, religion, age, sex, military status, 1571
marital status, national origin, disability, or ancestry, except 1572
that this division shall not apply with respect to age in any real 1573
estate transaction between a financial institution, a dealer in 1574
intangibles, or an insurance company as defined in section 5725.01 1575
of the Revised Code and its customers; 1576

(b) Use or make any inquiry as to race, color, religion, age, 1577
sex, military status, marital status, national origin, disability, 1578
or ancestry for the purpose of limiting or specifying those 1579
persons to whom credit will be granted, except that an inquiry of 1580
marital status does not constitute discrimination for the purposes 1581
of this section if the inquiry is made for the purpose of 1582
ascertaining the creditor's rights and remedies applicable to the 1583
particular extension of credit, and except that creditors are 1584
excepted from this division with respect to any inquiry, 1585
elicitation of information, record, or form of application 1586

required of a particular creditor by any instrumentality or agency 1587
of the United States, or required of a particular creditor by any 1588
agency or instrumentality to enforce the "Civil Rights Act of 1589
1968," 82 Stat. 84, 85, 42 U.S.C.A. 3608(c); 1590

(c) Refuse to consider the sources of income of an applicant 1591
for credit, or disregard or ignore the income of an applicant, in 1592
whole or in part, on the basis of race, color, religion, age, sex, 1593
military status, marital status, disability, national origin, or 1594
ancestry; 1595

(d) Refuse to grant credit to an individual in any name that 1596
individual customarily uses, if it has been determined in the 1597
normal course of business that the creditor will grant credit to 1598
the individual; 1599

(e) Impose any special requirements or conditions, including, 1600
but not limited to, a requirement for co-obligors or 1601
reapplication, upon any applicant or class of applicants on the 1602
basis of race, color, religion, age, sex, military status, marital 1603
status, national origin, disability, or ancestry in circumstances 1604
where similar requirements or conditions are not imposed on other 1605
applicants similarly situated, unless the special requirements or 1606
conditions that are imposed with respect to age are the result of 1607
a real estate transaction exempted under division (B)(1)(a) of 1608
this section or are the result of programs that grant preferences 1609
to certain age groups administered by instrumentalities or 1610
agencies of the United States, a state, or a political subdivision 1611
of a state; 1612

(f) Fail or refuse to provide an applicant for credit a 1613
written statement of the specific reasons for rejection of the 1614
application if requested in writing by the applicant within sixty 1615
days of the rejection. The creditor shall provide the written 1616
statement of the specific reason for rejection within thirty days 1617
after receipt of a request of that nature. For purposes of this 1618

section, a statement that the applicant was rejected solely on the 1619
basis of information received from a credit reporting agency or 1620
because the applicant failed to meet the standards required by the 1621
creditor's credit scoring system, uniformly applied, shall 1622
constitute a specific reason for rejection. 1623

(g) Fail or refuse to print on or firmly attach to each 1624
application for credit, in a type size no smaller than that used 1625
throughout most of the application form, the following notice: 1626
"The Ohio laws against discrimination require that all creditors 1627
make credit equally available to all credit worthy customers, and 1628
that credit reporting agencies maintain separate credit histories 1629
on each individual upon request. The Ohio civil rights commission 1630
administers compliance with this law." This notice is not required 1631
to be included in applications that have a multi-state 1632
distribution if the notice is mailed to the applicant with the 1633
notice of acceptance or rejection of the application. 1634

(h) Fail or refuse on the basis of race, color, religion, 1635
age, sex, military status, marital status, national origin, 1636
disability, or ancestry to maintain, upon the request of the 1637
individual, a separate account for each individual to whom credit 1638
is extended; 1639

(i) Fail or refuse on the basis of race, color, religion, 1640
age, sex, military status, marital status, national origin, 1641
disability, or ancestry to maintain records on any account 1642
established after November 1, 1976, to furnish information on the 1643
accounts to credit reporting agencies in a manner that clearly 1644
designates the contractual liability for repayment as indicated on 1645
the application for the account, and, if more than one individual 1646
is contractually liable for repayment, to maintain records and 1647
furnish information in the name of each individual. This division 1648
does not apply to individuals who are contractually liable only if 1649
the primary party defaults on the account. 1650

(2) For any credit reporting agency to do any of the 1651
following: 1652

(a) Fail or refuse on the basis of race, color, religion, 1653
age, sex, military status, marital status, national origin, 1654
disability, or ancestry to maintain, upon the request of the 1655
individual, a separate file on each individual about whom 1656
information is assembled or evaluated; 1657

(b) Fail or refuse on the basis of race, color, religion, 1658
age, sex, military status, marital status, national origin, 1659
disability, or ancestry to clearly note, maintain, and report any 1660
information furnished it under division (B)(1)(i) of this section. 1661

(C) This section does not prohibit a creditor from requesting 1662
the signature of both spouses to create a valid lien, pass clear 1663
title, or waive inchoate rights to property. 1664

(D) The rights granted by this section may be enforced by 1665
aggrieved individuals by filing a civil action in a court of 1666
common pleas within one hundred eighty days after the alleged 1667
unlawful discriminatory practice occurred. Upon application by the 1668
plaintiff and in circumstances that the court considers just, the 1669
court in which a civil action under this section is brought may 1670
appoint an attorney for the plaintiff and may authorize the 1671
commencement of a civil action upon proper showing without the 1672
payment of costs. If the court finds that an unlawful 1673
discriminatory practice prohibited by this section occurred or is 1674
about to occur, the court may grant relief that it considers 1675
appropriate, including a permanent or temporary injunction, 1676
temporary restraining order, or other order, and may award to the 1677
plaintiff compensatory and punitive damages of not less than one 1678
hundred dollars, together with attorney's fees and court costs. 1679

(E) Nothing contained in this section shall bar a creditor 1680
from reviewing an application for credit on the basis of 1681

established criteria used in the normal course of business for the 1682
determination of the credit worthiness of the individual applicant 1683
for credit, including the credit history of the applicant. 1684

Sec. 4112.023. The decision of *Fisher v. Peters*, 249 F.3d 433 1685
(6th Cir. 2001), which held that if a person's civilian job is 1686
inherently military, the person must pursue military, rather than 1687
civilian, channels when pursuing employment discrimination claims, 1688
shall be applied when construing the prohibitions contained in 1689
this chapter against discrimination on the basis of a person's 1690
military status. 1691

Sec. 4112.04. (A) The commission shall do all of the 1692
following: 1693

(1) Establish and maintain a principal office in the city of 1694
Columbus and any other offices within the state that it considers 1695
necessary; 1696

(2) Appoint an executive director who shall serve at the 1697
pleasure of the commission and be its principal administrative 1698
officer. The executive director shall be paid a salary fixed 1699
pursuant to Chapter 124. of the Revised Code. 1700

(3) Appoint hearing examiners and other employees and agents 1701
who it considers necessary and prescribe their duties subject to 1702
Chapter 124. of the Revised Code; 1703

(4) Adopt, promulgate, amend, and rescind rules to effectuate 1704
the provisions of this chapter and the policies and practice of 1705
the commission in connection with this chapter; 1706

(5) Formulate policies to effectuate the purposes of this 1707
chapter and make recommendations to agencies and officers of the 1708
state or political subdivisions to effectuate the policies; 1709

(6) Receive, investigate, and pass upon written charges made 1710

under oath of unlawful discriminatory practices; 1711

(7) Make periodic surveys of the existence and effect of 1712
discrimination because of race, color, religion, sex, military 1713
status, familial status, national origin, disability, age, or 1714
ancestry on the enjoyment of civil rights by persons within the 1715
state; 1716

(8) Report, from time to time, but not less than once a year, 1717
to the general assembly and the governor, describing in detail the 1718
investigations, proceedings, and hearings it has conducted and 1719
their outcome, the decisions it has rendered, and the other work 1720
performed by it, which report shall include a copy of any surveys 1721
prepared pursuant to division (A)(7) of this section and shall 1722
include the recommendations of the commission as to legislative or 1723
other remedial action; 1724

(9) Prepare a comprehensive educational program, in 1725
cooperation with the department of education, for the students of 1726
the public schools of this state and for all other residents of 1727
this state that is designed to eliminate prejudice on the basis of 1728
race, color, religion, sex, military status, familial status, 1729
national origin, disability, age, or ancestry in this state, to 1730
further good will among those groups, and to emphasize the origin 1731
of prejudice against those groups, its harmful effects, and its 1732
incompatibility with American principles of equality and fair 1733
play; 1734

(10) Receive progress reports from agencies, 1735
instrumentalities, institutions, boards, commissions, and other 1736
entities of this state or any of its political subdivisions and 1737
their agencies, instrumentalities, institutions, boards, 1738
commissions, and other entities regarding affirmative action 1739
programs for the employment of persons against whom discrimination 1740
is prohibited by this chapter, or regarding any affirmative 1741
housing accommodations programs developed to eliminate or reduce 1742

an imbalance of race, color, religion, sex, military status, 1743
familial status, national origin, disability, or ancestry. All 1744
agencies, instrumentalities, institutions, boards, commissions, 1745
and other entities of this state or its political subdivisions, 1746
and all political subdivisions, that have undertaken affirmative 1747
action programs pursuant to a conciliation agreement with the 1748
commission, an executive order of the governor, any federal 1749
statute or rule, or an executive order of the president of the 1750
United States shall file progress reports with the commission 1751
annually on or before the first day of November. The commission 1752
shall analyze and evaluate the progress reports and report its 1753
findings annually to the general assembly on or before the 1754
thirtieth day of January of the year immediately following the 1755
receipt of the reports. 1756

(B) The commission may do any of the following: 1757

(1) Meet and function at any place within the state; 1758

(2) Initiate and undertake on its own motion investigations 1759
of problems of employment or housing accommodations 1760
discrimination; 1761

(3) Hold hearings, subpoena witnesses, compel their 1762
attendance, administer oaths, take the testimony of any person 1763
under oath, require the production for examination of any books 1764
and papers relating to any matter under investigation or in 1765
question before the commission, and make rules as to the issuance 1766
of subpoenas by individual commissioners. 1767

(a) In conducting a hearing or investigation, the commission 1768
shall have access at all reasonable times to premises, records, 1769
documents, individuals, and other evidence or possible sources of 1770
evidence and may examine, record, and copy the premises, records, 1771
documents, and other evidence or possible sources of evidence and 1772
take and record the testimony or statements of the individuals as 1773

reasonably necessary for the furtherance of the hearing or 1774
investigation. In investigations, the commission shall comply with 1775
the fourth amendment to the United States Constitution relating to 1776
unreasonable searches and seizures. The commission or a member of 1777
the commission may issue subpoenas to compel access to or the 1778
production of premises, records, documents, and other evidence or 1779
possible sources of evidence or the appearance of individuals, and 1780
may issue interrogatories to a respondent, to the same extent and 1781
subject to the same limitations as would apply if the subpoenas or 1782
interrogatories were issued or served in aid of a civil action in 1783
a court of common pleas. 1784

(b) Upon written application by a respondent, the commission 1785
shall issue subpoenas in its name to the same extent and subject 1786
to the same limitations as subpoenas issued by the commission. 1787
Subpoenas issued at the request of a respondent shall show on 1788
their face the name and address of the respondent and shall state 1789
that they were issued at the respondent's request. 1790

(c) Witnesses summoned by subpoena of the commission are 1791
entitled to the same witness and mileage fees as are witnesses in 1792
proceedings in a court of common pleas. 1793

(d) Within five days after service of a subpoena upon any 1794
person, the person may petition the commission to revoke or modify 1795
the subpoena. The commission shall grant the petition if it finds 1796
that the subpoena requires an appearance or attendance at an 1797
unreasonable time or place, that it requires production of 1798
evidence that does not relate to any matter before the commission, 1799
that it does not describe with sufficient particularity the 1800
evidence to be produced, that compliance would be unduly onerous, 1801
or for other good reason. 1802

(e) In case of contumacy or refusal to obey a subpoena, the 1803
commission or person at whose request it was issued may petition 1804
for its enforcement in the court of common pleas in the county in 1805

which the person to whom the subpoena was addressed resides, was 1806
served, or transacts business. 1807

(4) Create local or statewide advisory agencies and 1808
conciliation councils to aid in effectuating the purposes of this 1809
chapter. The commission may itself, or it may empower these 1810
agencies and councils to, do either or both of the following: 1811

(a) Study the problems of discrimination in all or specific 1812
fields of human relationships when based on race, color, religion, 1813
sex, military status, familial status, national origin, 1814
disability, age, or ancestry; 1815

(b) Foster through community effort, or otherwise, good will 1816
among the groups and elements of the population of the state. 1817

The agencies and councils may make recommendations to the 1818
commission for the development of policies and procedures in 1819
general. They shall be composed of representative citizens who 1820
shall serve without pay, except that reimbursement for actual and 1821
necessary traveling expenses shall be made to citizens who serve 1822
on a statewide agency or council. 1823

(5) Issue any publications and the results of investigations 1824
and research that in its judgment will tend to promote good will 1825
and minimize or eliminate discrimination because of race, color, 1826
religion, sex, military status, familial status, national origin, 1827
disability, age, or ancestry. 1828

Sec. 4112.05. (A) The commission, as provided in this 1829
section, shall prevent any person from engaging in unlawful 1830
discriminatory practices, provided that, before instituting the 1831
formal hearing authorized by division (B) of this section, it 1832
shall attempt, by informal methods of conference, conciliation, 1833
and persuasion, to induce compliance with this chapter. 1834

(B)(1) Any person may file a charge with the commission 1835

alleging that another person has engaged or is engaging in an 1836
unlawful discriminatory practice. In the case of a charge alleging 1837
an unlawful discriminatory practice described in division (A), 1838
(B), (C), (D), (E), (F), (G), (I), or (J) of section 4112.02 or in 1839
section 4112.021 or 4112.022 of the Revised Code, the charge shall 1840
be in writing and under oath and shall be filed with the 1841
commission within six months after the alleged unlawful 1842
discriminatory practice was committed. In the case of a charge 1843
alleging an unlawful discriminatory practice described in division 1844
(H) of section 4112.02 of the Revised Code, the charge shall be in 1845
writing and under oath and shall be filed with the commission 1846
within one year after the alleged unlawful discriminatory practice 1847
was committed. 1848

(2) Upon receiving a charge, the commission may initiate a 1849
preliminary investigation to determine whether it is probable that 1850
an unlawful discriminatory practice has been or is being engaged 1851
in. The commission also may conduct, upon its own initiative and 1852
independent of the filing of any charges, a preliminary 1853
investigation relating to any of the unlawful discriminatory 1854
practices described in division (A), (B), (C), (D), (E), (F), (I), 1855
or (J) of section 4112.02 or in section 4112.021 or 4112.022 of 1856
the Revised Code. Prior to a notification of a complainant under 1857
division (B)(4) of this section or prior to the commencement of 1858
informal methods of conference, conciliation, and persuasion under 1859
that division, the members of the commission and the officers and 1860
employees of the commission shall not make public in any manner 1861
and shall retain as confidential all information that was obtained 1862
as a result of or that otherwise pertains to a preliminary 1863
investigation other than one described in division (B)(3) of this 1864
section. 1865

(3)(a) Unless it is impracticable to do so and subject to its 1866
authority under division (B)(3)(d) of this section, the commission 1867

shall complete a preliminary investigation of a charge filed 1868
pursuant to division (B)(1) of this section that alleges an 1869
unlawful discriminatory practice described in division (H) of 1870
section 4112.02 of the Revised Code, and shall take one of the 1871
following actions, within one hundred days after the filing of the 1872
charge: 1873

(i) Notify the complainant and the respondent that it is not 1874
probable that an unlawful discriminatory practice described in 1875
division (H) of section 4112.02 of the Revised Code has been or is 1876
being engaged in and that the commission will not issue a 1877
complaint in the matter; 1878

(ii) Initiate a complaint and schedule it for informal 1879
methods of conference, conciliation, and persuasion; 1880

(iii) Initiate a complaint and refer it to the attorney 1881
general with a recommendation to seek a temporary or permanent 1882
injunction or a temporary restraining order. If this action is 1883
taken, the attorney general shall apply, as expeditiously as 1884
possible after receipt of the complaint, to the court of common 1885
pleas of the county in which the unlawful discriminatory practice 1886
allegedly occurred for the appropriate injunction or order, and 1887
the court shall hear and determine the application as 1888
expeditiously as possible. 1889

(b) If it is not practicable to comply with the requirements 1890
of division (B)(3)(a) of this section within the one-hundred-day 1891
period described in that division, the commission shall notify the 1892
complainant and the respondent in writing of the reasons for the 1893
noncompliance. 1894

(c) Prior to the issuance of a complaint under division 1895
(B)(3)(a)(ii) or (iii) of this section or prior to a notification 1896
of the complainant and the respondent under division (B)(3)(a)(i) 1897
of this section, the members of the commission and the officers 1898

and employees of the commission shall not make public in any 1899
manner and shall retain as confidential all information that was 1900
obtained as a result of or that otherwise pertains to a 1901
preliminary investigation of a charge filed pursuant to division 1902
(B)(1) of this section that alleges an unlawful discriminatory 1903
practice described in division (H) of section 4112.05 of the 1904
Revised Code. 1905

(d) Notwithstanding the types of action described in 1906
divisions (B)(3)(a)(ii) and (iii) of this section, prior to the 1907
issuance of a complaint or the referral of a complaint to the 1908
attorney general and prior to endeavoring to eliminate an unlawful 1909
discriminatory practice described in division (H) of section 1910
4112.02 of the Revised Code by informal methods of conference, 1911
conciliation, and persuasion, the commission may seek a temporary 1912
or permanent injunction or a temporary restraining order in the 1913
court of common pleas of the county in which the unlawful 1914
discriminatory practice allegedly occurred. 1915

(4) If the commission determines after a preliminary 1916
investigation other than one described in division (B)(3) of this 1917
section that it is not probable that an unlawful discriminatory 1918
practice has been or is being engaged in, it shall notify any 1919
complainant under division (B)(1) of this section that it has so 1920
determined and that it will not issue a complaint in the matter. 1921
If the commission determines after a preliminary investigation 1922
other than the one described in division (B)(3) of this section 1923
that it is probable that an unlawful discriminatory practice has 1924
been or is being engaged in, it shall endeavor to eliminate the 1925
practice by informal methods of conference, conciliation, and 1926
persuasion. 1927

(5) Nothing said or done during informal methods of 1928
conference, conciliation, and persuasion under this section shall 1929
be disclosed by any member of the commission or its staff or be 1930

used as evidence in any subsequent hearing or other proceeding. 1931

If, after a preliminary investigation and the use of informal 1932

methods of conference, conciliation, and persuasion under this 1933

section, the commission is satisfied that any unlawful 1934

discriminatory practice will be eliminated, it may treat the 1935

charge involved as being conciliated and enter that disposition on 1936

the records of the commission. If the commission fails to effect 1937

the elimination of an unlawful discriminatory practice by informal 1938

methods of conference, conciliation, and persuasion under this 1939

section and to obtain voluntary compliance with this chapter, the 1940

commission shall issue and cause to be served upon any person, 1941

including the respondent against whom a complainant has filed a 1942

charge pursuant to division (B)(1) of this section, a complaint 1943

stating the charges involved and containing a notice of an 1944

opportunity for a hearing before the commission, a member of the 1945

commission, or a hearing examiner at a place that is stated in the 1946

notice and that is located within the county in which the alleged 1947

unlawful discriminatory practice has occurred or is occurring or 1948

in which the respondent resides or transacts business. The hearing 1949

shall be held not less than thirty days after the service of the 1950

complaint upon the complainant, the aggrieved persons other than 1951

the complainant on whose behalf the complaint is issued, and the 1952

respondent, unless the complainant, an aggrieved person, or the 1953

respondent elects to proceed under division (A)(2) of section 1954

4112.051 of the Revised Code when that division is applicable. If 1955

a complaint pertains to an alleged unlawful discriminatory 1956

practice described in division (H) of section 4112.02 of the 1957

Revised Code, the complaint shall notify the complainant, an 1958

aggrieved person, and the respondent of the right of the 1959

complainant, an aggrieved person, or the respondent to elect to 1960

proceed with the administrative hearing process under this section 1961

or to proceed under division (A)(2) of section 4112.051 of the 1962

Revised Code. 1963

(6) The attorney general shall represent the commission at 1964
any hearing held pursuant to division (B)(5) of this section and 1965
shall present the evidence in support of the complaint. 1966

(7) Any complaint issued pursuant to division (B)(5) of this 1967
section after the filing of a charge under division (B)(1) of this 1968
section shall be so issued within one year after the complainant 1969
filed the charge with respect to an alleged unlawful 1970
discriminatory practice. 1971

(C) Any complaint issued pursuant to division (B) of this 1972
section may be amended by the commission, a member of the 1973
commission, or the hearing examiner conducting a hearing under 1974
division (B) of this section, at any time prior to or during the 1975
hearing. The respondent has the right to file an answer or an 1976
amended answer to the original and amended complaints and to 1977
appear at the hearing in person, by attorney, or otherwise to 1978
examine and cross-examine witnesses. 1979

(D) The complainant shall be a party to a hearing under 1980
division (B) of this section, and any person who is an 1981
indispensable party to a complete determination or settlement of a 1982
question involved in the hearing shall be joined. Any person who 1983
has or claims an interest in the subject of the hearing and in 1984
obtaining or preventing relief against the unlawful discriminatory 1985
practices complained of may be permitted, in the discretion of the 1986
person or persons conducting the hearing, to appear for the 1987
presentation of oral or written arguments. 1988

(E) In any hearing under division (B) of this section, the 1989
commission, a member of the commission, or the hearing examiner 1990
shall not be bound by the Rules of Evidence but, in ascertaining 1991
the practices followed by the respondent, shall take into account 1992
all reliable, probative, and substantial statistical or other 1993
evidence produced at the hearing that may tend to prove the 1994
existence of a predetermined pattern of employment or membership, 1995

provided that nothing contained in this section shall be construed 1996
to authorize or require any person to observe the proportion that 1997
persons of any race, color, religion, sex, military status, 1998
familial status, national origin, disability, age, or ancestry 1999
bear to the total population or in accordance with any criterion 2000
other than the individual qualifications of the applicant. 2001

(F) The testimony taken at a hearing under division (B) of 2002
this section shall be under oath and shall be reduced to writing 2003
and filed with the commission. Thereafter, in its discretion, the 2004
commission, upon the service of a notice upon the complainant and 2005
the respondent that indicates an opportunity to be present, may 2006
take further testimony or hear argument. 2007

(G)(1) If, upon all reliable, probative, and substantial 2008
evidence presented at a hearing under division (B) of this 2009
section, the commission determines that the respondent has engaged 2010
in, or is engaging in, any unlawful discriminatory practice, 2011
whether against the complainant or others, the commission shall 2012
state its findings of fact and conclusions of law and shall issue 2013
and, subject to the provisions of Chapter 119. of the Revised 2014
Code, cause to be served on the respondent an order requiring the 2015
respondent to cease and desist from the unlawful discriminatory 2016
practice, requiring the respondent to take any further affirmative 2017
or other action that will effectuate the purposes of this chapter, 2018
including, but not limited to, hiring, reinstatement, or upgrading 2019
of employees with or without back pay, or admission or restoration 2020
to union membership, and requiring the respondent to report to the 2021
commission the manner of compliance. If the commission directs 2022
payment of back pay, it shall make allowance for interim earnings. 2023
If it finds a violation of division (H) of section 4112.02 of the 2024
Revised Code, the commission additionally shall require the 2025
respondent to pay actual damages and reasonable attorney's fees, 2026
and may award to the complainant punitive damages as follows: 2027

(a) If division (G)(1)(b) or (c) of this section does not 2028
apply, punitive damages in an amount not to exceed ten thousand 2029
dollars; 2030

(b) If division (G)(1)(c) of this section does not apply and 2031
if the respondent has been determined by a final order of the 2032
commission or by a final judgment of a court to have committed one 2033
violation of division (H) of section 4112.02 of the Revised Code 2034
during the five-year period immediately preceding the date on 2035
which a complaint was issued pursuant to division (B) of this 2036
section, punitive damages in an amount not to exceed twenty-five 2037
thousand dollars; 2038

(c) If the respondent has been determined by a final order of 2039
the commission or by a final judgment of a court to have committed 2040
two or more violations of division (H) of section 4112.02 of the 2041
Revised Code during the seven-year period immediately preceding 2042
the date on which a complaint was issued pursuant to division (B) 2043
of this section, punitive damages in an amount not to exceed fifty 2044
thousand dollars. 2045

(2) Upon the submission of reports of compliance, the 2046
commission may issue a declaratory order stating that the 2047
respondent has ceased to engage in particular unlawful 2048
discriminatory practices. 2049

(H) If the commission finds that no probable cause exists for 2050
crediting charges of unlawful discriminatory practices or if, upon 2051
all the evidence presented at a hearing under division (B) of this 2052
section on a charge, the commission finds that a respondent has 2053
not engaged in any unlawful discriminatory practice against the 2054
complainant or others, it shall state its findings of fact and 2055
shall issue and cause to be served on the complainant an order 2056
dismissing the complaint as to the respondent. A copy of the order 2057
shall be delivered in all cases to the attorney general and any 2058
other public officers whom the commission considers proper. 2059

(I) Until the time period for appeal set forth in division 2060
(H) of section 4112.06 of the Revised Code expires, the 2061
commission, subject to the provisions of Chapter 119. of the 2062
Revised Code, at any time, upon reasonable notice, and in the 2063
manner it considers proper, may modify or set aside, in whole or 2064
in part, any finding or order made by it under this section. 2065

Sec. 4112.08. This chapter shall be construed liberally for 2066
the accomplishment of its purposes, and any law inconsistent with 2067
any provision of this chapter shall not apply. Nothing contained 2068
in this chapter shall be considered to repeal any of the 2069
provisions of any law of this state relating to discrimination 2070
because of race, color, religion, sex, military status, familial 2071
status, disability, national origin, age, or ancestry, except that 2072
any person filing a charge under division (B)(1) of section 2073
4112.05 of the Revised Code, with respect to the unlawful 2074
discriminatory practices complained of, is barred from instituting 2075
a civil action under section 4112.14 or division (N) of section 2076
4112.02 of the Revised Code. 2077

Sec. 4117.19. (A) Every employee organization that is 2078
certified or recognized as a representative of public employees 2079
under ~~Chapter 4117. of the Revised Code~~ this chapter shall file 2080
with the state employment relations board a registration report 2081
that is signed by its president or other appropriate officer. The 2082
report shall be in a form prescribed by the board and accompanied 2083
by two copies of the employee organization's constitution and 2084
bylaws. The board shall accept a filing by a statewide, national, 2085
or international employee organization of its constitution and 2086
bylaws in lieu of a filing of the documents by each subordinate 2087
organization. The exclusive representative or other employee 2088
organization originally filing its constitution and bylaws shall 2089
report, promptly, to the board all changes or amendments to its 2090

constitution and bylaws. 2091

(B) Every employee organization shall file with the board an 2092
annual report. The report shall be in a form prescribed by the 2093
board and shall contain the following information: 2094

(1) The names and addresses of the organization, any parent 2095
organization or organizations with which it is affiliated, and all 2096
organizationwide officers; 2097

(2) The name and address of its local agent for service of 2098
process; 2099

(3) A general description of the public employees the 2100
organization represents or seeks to represent; 2101

(4) The amounts of the initiation fee and monthly dues 2102
members must pay; 2103

(5) A pledge, in a form prescribed by the board, that the 2104
organization will comply with the laws of the state and that it 2105
will accept members without regard to age, race, color, sex, 2106
creed, religion, ancestry, national origin, disability as defined 2107
in section 4112.01 of the Revised Code, military status as defined 2108
in that section, or physical disability as provided by law: 2109

(6) A financial report. 2110

(C) The constitution or bylaws of every employee organization 2111
shall do all of the following: 2112

(1) Require that the organization keep accurate accounts of 2113
all income and expenses, prepare an annual financial report, keep 2114
open for inspection by any member of the organization its 2115
accounts, and make loans to officers and agents only on terms and 2116
conditions available to all members; 2117

(2) Prohibit business or financial interests of its officers 2118
and agents, their spouses, minor children, parents, or otherwise, 2119
in conflict with the fiduciary obligation of such persons to the 2120

organization; 2121

(3) When specifically requested by the board, require every 2122
official who is designated as a fiscal officer of an employee 2123
organization and who is responsible for funds or other property of 2124
the organization or trust in which an organization is interested, 2125
or a subsidiary organization be bonded with the amount, scope, and 2126
form of the bond determined by the board; 2127

(4) Require periodic elections of officers by secret ballot 2128
subject to recognized safeguards concerning the equal right of all 2129
members to nominate, seek office, and vote in the elections, the 2130
right of individual members to participate in the affairs of the 2131
organization, and fair and equitable procedures in disciplinary 2132
actions. 2133

(D) The board shall prescribe rules necessary to govern the 2134
establishment and reporting of trusteeships over employee 2135
organizations. The establishment of trusteeships is permissible 2136
only if the constitution or bylaws of the organization set forth 2137
reasonable procedures. 2138

(E) The board may withhold certification of an employee 2139
organization that willfully refuses to register or file an annual 2140
report or that willfully refuses to comply with other provisions 2141
of this section. The board may revoke a certification of an 2142
employee organization for willfully failing to comply with this 2143
section. The board may enforce the prohibitions contained in this 2144
section by petitioning the court of common pleas of the county in 2145
which the violation occurs for an injunction. Persons complaining 2146
of a violation of this section shall file the complaint with the 2147
board. 2148

(F) Upon the written request to the board of any member of a 2149
certified employee organization and where the board determines the 2150
necessity for an audit, the board may require the employee 2151

organization to provide a certified audit of its financial 2152
records. 2153

(G) Any employee organization subject to the 2154
"Labor-Management Reporting and Disclosure Act of 1959," 73 Stat. 2155
519, 29 U.S.C.A., 401, as amended, may file copies with the board 2156
of all reports it is required to file under that act in lieu of 2157
compliance with all parts of this section other than division (A) 2158
of this section. The board shall accept a filing by a statewide, 2159
national, or international employee organization of its reports in 2160
lieu of a filing of such reports by each subordinate organization. 2161

Sec. 4503.433. (A) As used in this section, "battle star" 2162
means a military award approved by the chairman of the joint 2163
chiefs of staff for service members who were engaged in actual 2164
combat against the enemy under certain circumstances. 2165

(B) Not later than six months after the effective date of 2166
this section, the registrar of motor vehicles shall adopt rules to 2167
do all of the following: 2168

(1) Determine the combat and military license plates 2169
authorized under this chapter that are appropriate for the display 2170
of battle stars and select an additional design for each approved 2171
combat or military license plate that includes the display of one 2172
or more battle stars; 2173

(2) Establish the documentary evidence that an applicant must 2174
present as proof of the award upon a request under division (C) of 2175
this section for the display of a battle star on an approved 2176
combat or military license plate. 2177

(C) Any person who is eligible for a combat or military 2178
license plate under this chapter of the type approved by the 2179
registrar by rule, who also has been awarded a battle star, may 2180
request the issuance of the approved combat or military license 2181

plate displaying the combat battle stars received by the person. 2182
The request shall be accompanied by such documentary evidence in 2183
support of the award as the registrar shall require by rule. 2184

(D) Upon application and compliance with the requirements for 2185
issuance of the approved combat or military license plate, 2186
presentation of satisfactory evidence of the battle star award, 2187
and compliance with all other applicable laws relating to the 2188
registration of motor vehicles, the registrar shall issue to the 2189
applicant the appropriate motor vehicle registration and combat or 2190
military license plates displaying the appropriate battle stars. 2191

Sec. 4503.571. Any person who has been awarded the purple 2192
heart may apply to the registrar of motor vehicles for the 2193
registration of any passenger car, noncommercial motor vehicle, 2194
recreational vehicle, or other vehicle of a class approved by the 2195
registrar that the person owns or leases. The application shall be 2196
accompanied by such documentary evidence in support of the award 2197
as the registrar may require. The application may be combined with 2198
a request for a special reserved license plate under section 2199
4503.40 or 4503.42 of the Revised Code. 2200

Upon receipt of an application for registration of a motor 2201
vehicle under this section and ~~the~~ any required taxes ~~and fees~~, 2202
and upon presentation of the required supporting evidence of the 2203
award of the purple heart, the registrar shall issue to the 2204
applicant the appropriate motor vehicle registration and a set of 2205
license plates and a validation sticker, or a validation sticker 2206
alone when required by section 4503.191 of the Revised Code. 2207

In addition to the letters and numbers ordinarily inscribed 2208
on the license plates, the license plates shall be inscribed with 2209
the words "PURPLE HEART." The license plates shall bear county 2210
identification stickers that identify the county of registration 2211
by name or number. 2212

The license plates and validation stickers shall be issued 2213
~~upon without the payment of the regular license any registration~~ 2214
~~fee and service~~ fee required by ~~section~~ sections 4503.04, 4503.10, 2215
and 4503.102 of the Revised Code, and without the payment of any 2216
local motor vehicle license tax levied under Chapter 4504. of the 2217
Revised Code, ~~and compliance.~~ The applicant shall comply with all 2218
other applicable laws relating to the registration of motor 2219
vehicles. If the application is combined with a request for a 2220
special reserved license plate under section 4503.40 or 4503.42 of 2221
the Revised Code, the license plates and validation sticker shall 2222
be issued upon payment of ~~the fees and taxes referred to in this~~ 2223
~~section and~~ seventy-five per cent of the additional fee prescribed 2224
under section 4503.40 or 4503.42 of the Revised Code. 2225

No person who is not a recipient of the purple heart shall 2226
willfully and falsely represent that the person is a recipient of 2227
a purple heart for the purpose of obtaining license plates under 2228
this section. No person shall own a motor vehicle bearing license 2229
plates under this section unless the person is eligible to be 2230
issued those license plates. 2231

Sec. 4503.731. (A) The owner or lessee of any passenger car, 2232
noncommercial motor vehicle, recreational vehicle, or vehicle of a 2233
class approved by the registrar of motor vehicles who is a member 2234
in good standing of the civil air patrol may apply to the 2235
registrar for the registration of the vehicle and issuance of 2236
civil air patrol license plates. The request for the license 2237
plates may be combined with a request for a special reserved 2238
license plate under section 4503.40 or 4503.42 of the Revised 2239
Code. Upon receipt of the completed application, presentation by 2240
the applicant of the required evidence that the applicant is a 2241
member in good standing of the civil air patrol, and compliance 2242
with division (B) of this section, the registrar shall issue to 2243
the applicant the appropriate vehicle registration and a set of 2244

civil air patrol license plates and a validation sticker, or a 2245
validation sticker alone when required by section 4503.191 of the 2246
Revised Code. 2247

In addition to the letters and numbers ordinarily inscribed 2248
thereon, civil air patrol license plates shall be inscribed with 2249
identifying words and a symbol or logo designed by the civil air 2250
patrol and approved by the registrar. Civil air patrol license 2251
plates shall bear county identification stickers that identify the 2252
county of registration by name or number. 2253

(B) Civil air patrol license plates and a validation sticker, 2254
or validation sticker alone, shall be issued upon payment of the 2255
regular license tax as prescribed under section 4503.04 of the 2256
Revised Code, any applicable motor vehicle tax levied under 2257
Chapter 4504. of the Revised Code, any applicable additional fee 2258
prescribed by section 4503.40 or 4503.42 of the Revised Code, and 2259
a bureau of motor vehicles fee of ten dollars, and compliance with 2260
all other applicable laws relating to the registration of motor 2261
vehicles. 2262

(C) The registrar shall deposit the bureau of motor vehicles 2263
fee, which shall be for the purpose of compensating the bureau for 2264
additional services required in the issuing of civil air patrol 2265
license plates, into the state treasury to the credit of the state 2266
bureau of motor vehicles fund created in section 4501.25 of the 2267
Revised Code. 2268

Sec. 4735.16. (A) Every real estate broker licensed under 2269
this chapter shall have and maintain a definite place of business 2270
in this state and shall erect or maintain a sign on the premises 2271
plainly stating that the licensee is a real estate broker. If the 2272
real estate broker maintains one or more branch offices, the real 2273
estate broker shall erect or maintain a sign at each branch office 2274
plainly stating that the licensee is a real estate broker. 2275

(B)(1) Any licensed real estate broker or salesperson who 2276
advertises to buy, sell, exchange, or lease real estate, or to 2277
engage in any act regulated by this chapter, including, but not 2278
limited to, any licensed real estate broker or salesperson who 2279
advertises to sell, exchange, or lease real estate that the 2280
licensee owns, shall be identified in the advertisement by name 2281
and by indicating that the licensee is a real estate broker or 2282
real estate salesperson. Except a real estate salesperson who 2283
advertises the sale, exchange, or lease of real estate that the 2284
salesperson owns and that is not listed for sale, exchange, or 2285
lease with a real estate broker, any real estate salesperson who 2286
advertises, as provided in this section, also shall indicate in 2287
the advertisement the name of the broker under whom the 2288
salesperson is licensed and the fact that the salesperson's broker 2289
is a real estate broker. The name of the broker shall be displayed 2290
in equal prominence with the name of the salesperson in the 2291
advertisement. 2292

(2) A real estate broker who is representing a seller under 2293
an exclusive right to sell or lease listing agreement shall not 2294
advertise such property to the public as "for sale by owner" or 2295
otherwise mislead the public to believe that the seller is not 2296
represented by a real estate broker. 2297

(3) If any real estate broker or real estate salesperson 2298
advertises in a manner other than as provided in this section or 2299
the rules adopted under this section, that advertisement is ~~prima-~~ 2300
~~facie~~ prima-facie evidence of a violation under division (A)(21) 2301
of section 4735.18 of the Revised Code. 2302

When the superintendent determines that prima-facie evidence 2303
of a violation of division (A)(21) of section 4735.18 of the 2304
Revised Code or any of the rules adopted thereunder exists, the 2305
superintendent may do either of the following: 2306

(a) Initiate disciplinary action under section 4735.051 of 2307

the Revised Code for a violation of division (A)(21) of section 2308
4735.18 of the Revised Code, in accordance with Chapter 119. of 2309
the Revised Code; 2310

(b) Personally, or by certified mail, serve a citation upon 2311
the licensee. 2312

(C)(1) Every citation served under this section shall give 2313
notice to the licensee of the alleged violation or violations 2314
charged and inform the licensee of the opportunity to request a 2315
hearing in accordance with Chapter 119. of the Revised Code. The 2316
citation also shall contain a statement of a fine of two hundred 2317
dollars per violation, not to exceed two thousand five hundred 2318
dollars per citation. All fines collected pursuant to this section 2319
shall be credited to the real estate recovery fund, created in the 2320
state treasury under section 4735.12 of the Revised Code. 2321

(2) If any licensee is cited three times within twelve 2322
consecutive months, the superintendent shall initiate disciplinary 2323
action pursuant to section 4735.051 of the Revised Code for any 2324
subsequent violation that occurs within the same twelve-month 2325
period. 2326

(3) If a licensee fails to request a hearing within thirty 2327
days of the date of service of the citation, or the licensee and 2328
the superintendent fail to reach an alternative agreement, the 2329
citation shall become final. 2330

(4) Unless otherwise indicated, the licensee named in a final 2331
citation must meet all requirements contained in the final 2332
citation within thirty days of the effective date of that 2333
citation. 2334

(5) The superintendent shall suspend automatically a 2335
licensee's license if the licensee fails to comply with division 2336
(C)(4) of this section. 2337

(D) A real estate broker or salesperson obtaining the 2338

signature of a party to a listing or other agreement involved in a 2339
real estate transaction shall furnish a copy of the listing or 2340
other agreement to the party immediately after obtaining the 2341
party's signature. Every broker's office shall prominently display 2342
in the same immediate area as licenses are displayed a statement 2343
that it is illegal to discriminate against any person because of 2344
race, color, religion, sex, familial status as defined in section 2345
4112.01 of the Revised Code, national origin, military status as 2346
defined in that section, disability as defined in that section, or 2347
ancestry in the sale or rental of housing or residential lots, in 2348
advertising the sale or rental of housing, in the financing of 2349
housing, or in the provision of real estate brokerage services and 2350
that blockbusting also is illegal. The statement shall bear the 2351
United States department of housing and urban development equal 2352
housing logo, shall contain the information that the broker and 2353
the broker's salespersons are licensed by the division of real 2354
estate and professional licensing and that the division can assist 2355
with any consumer complaints or inquiries, and shall explain the 2356
provisions of section 4735.12 of the Revised Code. The statement 2357
shall provide the division's address and telephone number. The 2358
Ohio real estate commission shall provide by rule for the wording 2359
and size of the statement. The pamphlet required under section 2360
4735.03 of the Revised Code shall contain the same statement that 2361
is required on the statement displayed as provided in this section 2362
and shall be made available by real estate brokers and 2363
salespersons to their clients. The commission shall provide the 2364
wording and size of the pamphlet. 2365

Sec. 4735.55. (A) Each written agency agreement shall contain 2366
all of the following: 2367

(1) An expiration date; 2368

(2) A statement that it is illegal, pursuant to the Ohio fair 2369

housing law, division (H) of section 4112.02 of the Revised Code, 2370
and the federal fair housing law, 42 U.S.C.A. 3601, to refuse to 2371
sell, transfer, assign, rent, lease, sublease, or finance housing 2372
accommodations, refuse to negotiate for the sale or rental of 2373
housing accommodations, or otherwise deny or make unavailable 2374
housing accommodations because of race, color, religion, sex, 2375
familial status as defined in section 4112.01 of the Revised Code, 2376
ancestry, military status as defined in that section, disability 2377
as defined in that section, or national origin or to so 2378
discriminate in advertising the sale or rental of housing, in the 2379
financing of housing, or in the provision of real estate brokerage 2380
services; 2381

(3) A statement defining the practice known as "blockbusting" 2382
and stating that it is illegal; 2383

(4) A copy of the United States department of housing and 2384
urban development equal housing opportunity logotype, as set forth 2385
in 24 C.F.R. 109.30. 2386

(B) Each written agency agreement shall contain a place for 2387
the licensee and the client to sign and date the agreement. 2388

(C) A licensee shall furnish a copy of any written agency 2389
agreement to a client in a timely manner after the licensee and 2390
the client have signed and dated it. 2391

Sec. 5533.09. (A)(1) That portion of the road known as 2392
interstate route seventy-six, running in an easterly and westerly 2393
direction, commencing at its intersection with interstate 2394
seventy-one in Medina county and extending through the counties of 2395
Summit and Portage to its intersection with interstate eighty in 2396
Mahoning county, shall be known as "The Military Order of the 2397
Purple Heart Memorial Highway." 2398

(2) In addition to the respective designations in sections 2399

5533.30, 5533.32, and 5533.33 of the Revised Code, the road known 2400
as interstate route seventy, extending across Ohio from the West 2401
Virginia border in Belmont county to the Indiana border in Preble 2402
county, and the road known as interstate route seventy-one, 2403
extending across Ohio from the Kentucky border in Hamilton county 2404
to its northernmost terminus in Cuyahoga county, both shall be 2405
known as the "Purple Heart Trail." 2406

(B) The director of transportation may erect suitable markers 2407
along ~~the~~ each highway indicating its name. 2408

Sec. 5747.01. Except as otherwise expressly provided or 2409
clearly appearing from the context, any term used in this chapter 2410
that is not otherwise defined in this section has the same meaning 2411
as when used in a comparable context in the laws of the United 2412
States relating to federal income taxes or if not used in a 2413
comparable context in those laws, has the same meaning as in 2414
section 5733.40 of the Revised Code. Any reference in this chapter 2415
to the Internal Revenue Code includes other laws of the United 2416
States relating to federal income taxes. 2417

As used in this chapter: 2418

(A) "Adjusted gross income" or "Ohio adjusted gross income" 2419
means federal adjusted gross income, as defined and used in the 2420
Internal Revenue Code, adjusted as provided in this section: 2421

(1) Add interest or dividends on obligations or securities of 2422
any state or of any political subdivision or authority of any 2423
state, other than this state and its subdivisions and authorities. 2424

(2) Add interest or dividends on obligations of any 2425
authority, commission, instrumentality, territory, or possession 2426
of the United States to the extent that the interest or dividends 2427
are exempt from federal income taxes but not from state income 2428
taxes. 2429

(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income.

(5) Deduct benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code.

(6) In the case of a taxpayer who is a beneficiary of a trust that makes an accumulation distribution as defined in section 665 of the Internal Revenue Code, add, for the beneficiary's taxable years beginning before 2002, the portion, if any, of such distribution that does not exceed the undistributed net income of the trust for the three taxable years preceding the taxable year in which the distribution is made to the extent that the portion was not included in the trust's taxable income for any of the trust's taxable years beginning in 2002 or thereafter. "Undistributed net income of a trust" means the taxable income of the trust increased by (a)(i) the additions to adjusted gross income required under division (A) of this section and (ii) the personal exemptions allowed to the trust pursuant to section 642(b) of the Internal Revenue Code, and decreased by (b)(i) the deductions to adjusted gross income required under division (A) of this section, (ii) the amount of federal income taxes attributable to such income, and (iii) the amount of taxable income that has been included in the adjusted gross income of a beneficiary by reason of a prior accumulation distribution. Any undistributed net income included in the adjusted gross income of a beneficiary

shall reduce the undistributed net income of the trust commencing 2462
with the earliest years of the accumulation period. 2463

(7) Deduct the amount of wages and salaries, if any, not 2464
otherwise allowable as a deduction but that would have been 2465
allowable as a deduction in computing federal adjusted gross 2466
income for the taxable year, had the targeted jobs credit allowed 2467
and determined under sections 38, 51, and 52 of the Internal 2468
Revenue Code not been in effect. 2469

(8) Deduct any interest or interest equivalent on public 2470
obligations and purchase obligations to the extent that the 2471
interest or interest equivalent is included in federal adjusted 2472
gross income. 2473

(9) Add any loss or deduct any gain resulting from the sale, 2474
exchange, or other disposition of public obligations to the extent 2475
that the loss has been deducted or the gain has been included in 2476
computing federal adjusted gross income. 2477

(10) Deduct or add amounts, as provided under section 5747.70 2478
of the Revised Code, related to contributions to variable college 2479
savings program accounts made or tuition units purchased pursuant 2480
to Chapter 3334. of the Revised Code. 2481

(11)(a) Deduct, to the extent not otherwise allowable as a 2482
deduction or exclusion in computing federal or Ohio adjusted gross 2483
income for the taxable year, the amount the taxpayer paid during 2484
the taxable year for medical care insurance and qualified 2485
long-term care insurance for the taxpayer, the taxpayer's spouse, 2486
and dependents. No deduction for medical care insurance under 2487
division (A)(11) of this section shall be allowed either to any 2488
taxpayer who is eligible to participate in any subsidized health 2489
plan maintained by any employer of the taxpayer or of the 2490
taxpayer's spouse, or to any taxpayer who is entitled to, or on 2491
application would be entitled to, benefits under part A of Title 2492

XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 2493
301, as amended. For the purposes of division (A)(11)(a) of this 2494
section, "subsidized health plan" means a health plan for which 2495
the employer pays any portion of the plan's cost. The deduction 2496
allowed under division (A)(11)(a) of this section shall be the net 2497
of any related premium refunds, related premium reimbursements, or 2498
related insurance premium dividends received during the taxable 2499
year. 2500

(b) Deduct, to the extent not otherwise deducted or excluded 2501
in computing federal or Ohio adjusted gross income during the 2502
taxable year, the amount the taxpayer paid during the taxable 2503
year, not compensated for by any insurance or otherwise, for 2504
medical care of the taxpayer, the taxpayer's spouse, and 2505
dependents, to the extent the expenses exceed seven and one-half 2506
per cent of the taxpayer's federal adjusted gross income. 2507

(c) For purposes of division (A)(11) of this section, 2508
"medical care" has the meaning given in section 213 of the 2509
Internal Revenue Code, subject to the special rules, limitations, 2510
and exclusions set forth therein, and "qualified long-term care" 2511
has the same meaning given in section 7702B(c) of the Internal 2512
Revenue Code. 2513

(12)(a) Deduct any amount included in federal adjusted gross 2514
income solely because the amount represents a reimbursement or 2515
refund of expenses that in any year the taxpayer had deducted as 2516
an itemized deduction pursuant to section 63 of the Internal 2517
Revenue Code and applicable United States department of the 2518
treasury regulations. The deduction otherwise allowed under 2519
division (A)(12)(a) of this section shall be reduced to the extent 2520
the reimbursement is attributable to an amount the taxpayer 2521
deducted under this section in any taxable year. 2522

(b) Add any amount not otherwise included in Ohio adjusted 2523
gross income for any taxable year to the extent that the amount is 2524

attributable to the recovery during the taxable year of any amount 2525
deducted or excluded in computing federal or Ohio adjusted gross 2526
income in any taxable year. 2527

(13) Deduct any portion of the deduction described in section 2528
1341(a)(2) of the Internal Revenue Code, for repaying previously 2529
reported income received under a claim of right, that meets both 2530
of the following requirements: 2531

(a) It is allowable for repayment of an item that was 2532
included in the taxpayer's adjusted gross income for a prior 2533
taxable year and did not qualify for a credit under division (A) 2534
or (B) of section 5747.05 of the Revised Code for that year; 2535

(b) It does not otherwise reduce the taxpayer's adjusted 2536
gross income for the current or any other taxable year. 2537

(14) Deduct an amount equal to the deposits made to, and net 2538
investment earnings of, a medical savings account during the 2539
taxable year, in accordance with section 3924.66 of the Revised 2540
Code. The deduction allowed by division (A)(14) of this section 2541
does not apply to medical savings account deposits and earnings 2542
otherwise deducted or excluded for the current or any other 2543
taxable year from the taxpayer's federal adjusted gross income. 2544

(15)(a) Add an amount equal to the funds withdrawn from a 2545
medical savings account during the taxable year, and the net 2546
investment earnings on those funds, when the funds withdrawn were 2547
used for any purpose other than to reimburse an account holder 2548
for, or to pay, eligible medical expenses, in accordance with 2549
section 3924.66 of the Revised Code; 2550

(b) Add the amounts distributed from a medical savings 2551
account under division (A)(2) of section 3924.68 of the Revised 2552
Code during the taxable year. 2553

(16) Add any amount claimed as a credit under section 2554
5747.059 of the Revised Code to the extent that such amount 2555

satisfies either of the following: 2556

(a) The amount was deducted or excluded from the computation 2557
of the taxpayer's federal adjusted gross income as required to be 2558
reported for the taxpayer's taxable year under the Internal 2559
Revenue Code; 2560

(b) The amount resulted in a reduction of the taxpayer's 2561
federal adjusted gross income as required to be reported for any 2562
of the taxpayer's taxable years under the Internal Revenue Code. 2563

(17) Deduct the amount contributed by the taxpayer to an 2564
individual development account program established by a county 2565
department of job and family services pursuant to sections 329.11 2566
to 329.14 of the Revised Code for the purpose of matching funds 2567
deposited by program participants. On request of the tax 2568
commissioner, the taxpayer shall provide any information that, in 2569
the tax commissioner's opinion, is necessary to establish the 2570
amount deducted under division (A)(17) of this section. 2571

(18) Beginning in taxable year 2001 but not for any taxable 2572
year beginning after December 31, 2005, if the taxpayer is married 2573
and files a joint return and the combined federal adjusted gross 2574
income of the taxpayer and the taxpayer's spouse for the taxable 2575
year does not exceed one hundred thousand dollars, or if the 2576
taxpayer is single and has a federal adjusted gross income for the 2577
taxable year not exceeding fifty thousand dollars, deduct amounts 2578
paid during the taxable year for qualified tuition and fees paid 2579
to an eligible institution for the taxpayer, the taxpayer's 2580
spouse, or any dependent of the taxpayer, who is a resident of 2581
this state and is enrolled in or attending a program that 2582
culminates in a degree or diploma at an eligible institution. The 2583
deduction may be claimed only to the extent that qualified tuition 2584
and fees are not otherwise deducted or excluded for any taxable 2585
year from federal or Ohio adjusted gross income. The deduction may 2586
not be claimed for educational expenses for which the taxpayer 2587

| | |
|--|------|
| claims a credit under section 5747.27 of the Revised Code. | 2588 |
| (19) Add any reimbursement received during the taxable year | 2589 |
| of any amount the taxpayer deducted under division (A)(18) of this | 2590 |
| section in any previous taxable year to the extent the amount is | 2591 |
| not otherwise included in Ohio adjusted gross income. | 2592 |
| (20)(a)(i) Add five-sixths of the amount of depreciation | 2593 |
| expense allowed by subsection (k) of section 168 of the Internal | 2594 |
| Revenue Code, including the taxpayer's proportionate or | 2595 |
| distributive share of the amount of depreciation expense allowed | 2596 |
| by that subsection to a pass-through entity in which the taxpayer | 2597 |
| has a direct or indirect ownership interest. | 2598 |
| (ii) Add five-sixths of the amount of qualifying section 179 | 2599 |
| depreciation expense, including a person's proportionate or | 2600 |
| distributive share of the amount of qualifying section 179 | 2601 |
| depreciation expense allowed to any pass-through entity in which | 2602 |
| the person has a direct or indirect ownership. For the purposes of | 2603 |
| this division, "qualifying section 179 depreciation expense" means | 2604 |
| the difference between (I) the amount of depreciation expense | 2605 |
| directly or indirectly allowed to the taxpayer under section 179 | 2606 |
| of the Internal Revenue Code, and (II) the amount of depreciation | 2607 |
| expense directly or indirectly allowed to the taxpayer under | 2608 |
| section 179 of the Internal Revenue Code as that section existed | 2609 |
| on December 31, 2002. | 2610 |
| The tax commissioner, under procedures established by the | 2611 |
| commissioner, may waive the add-backs related to a pass-through | 2612 |
| entity if the taxpayer owns, directly or indirectly, less than | 2613 |
| five per cent of the pass-through entity. | 2614 |
| (b) Nothing in division (A)(20) of this section shall be | 2615 |
| construed to adjust or modify the adjusted basis of any asset. | 2616 |
| (c) To the extent the add-back required under division | 2617 |
| (A)(20)(a) of this section is attributable to property generating | 2618 |

nonbusiness income or loss allocated under section 5747.20 of the Revised Code, the add-back shall be situated to the same location as the nonbusiness income or loss generated by the property for the purpose of determining the credit under division (A) of section 5747.05 of the Revised Code. Otherwise, the add-back shall be apportioned, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code.

(d) For the purposes of division (A) of this section, net operating loss carryback and carryforward shall not include five-sixths of the allowance of any net operating loss deduction carryback or carryforward to the taxable year to the extent such loss resulted from depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount.

(21)(a) If the taxpayer was required to add an amount under division (A)(20)(a) of this section for a taxable year, deduct one-fifth of the amount so added for each of the five succeeding taxable years.

(b) If the amount deducted under division (A)(21)(a) of this section is attributable to an add-back allocated under division (A)(20)(c) of this section, the amount deducted shall be situated to the same location. Otherwise, the add-back shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code.

(c) No deduction is available under division (A)(21)(a) of this section with regard to any depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount to the extent that such depreciation resulted in or increased a federal net operating loss

carryback or carryforward to a taxable year to which division 2651
(A)(20)(d) of this section does not apply. 2652

(22) Deduct, to the extent not otherwise deducted or excluded 2653
in computing federal or Ohio adjusted gross income for the taxable 2654
year, the amount the taxpayer received during the taxable year as 2655
reimbursement for life insurance premiums under section 5919.31 of 2656
the Revised Code. 2657

(23) Deduct, to the extent not otherwise deducted or excluded 2658
in computing federal or Ohio adjusted gross income for the taxable 2659
year, the amount the taxpayer received during the taxable year as 2660
a death benefit paid by the adjutant general under section 5919.33 2661
of the Revised Code. 2662

(24) Deduct, to the extent included in federal adjusted gross 2663
income and not otherwise allowable as a deduction or exclusion in 2664
computing federal or Ohio adjusted gross income for the taxable 2665
year, military pay and allowances received by the taxpayer during 2666
the taxable year for active duty service in the United States 2667
army, air force, navy, marine corps, or coast guard or reserve 2668
components thereof or the national guard. The deduction may not be 2669
claimed for military pay and allowances received by the taxpayer 2670
while the taxpayer is stationed in this state. 2671

(25) Deduct, to the extent not otherwise allowable as a 2672
deduction or exclusion in computing federal or Ohio adjusted gross 2673
income for the taxable year and not otherwise compensated for by 2674
any other source, the amount of qualified organ donation expenses 2675
incurred by the taxpayer during the taxable year, not to exceed 2676
ten thousand dollars. A taxpayer may deduct qualified organ 2677
donation expenses only once for all taxable years beginning with 2678
taxable years beginning in 2007. 2679

For the purposes of division (A)(25) of this section: 2680

(a) "Human organ" means all or any portion of a human liver, 2681

pancreas, kidney, intestine, or lung, and any portion of human 2682
bone marrow. 2683

(b) "Qualified organ donation expenses" means travel 2684
expenses, lodging expenses, and wages and salary forgone by a 2685
taxpayer in connection with the taxpayer's donation, while living, 2686
of one or more of the taxpayer's human organs to another human 2687
being. 2688

(26) Deduct, to the extent not otherwise deducted or excluded 2689
in computing federal or Ohio adjusted gross income for the taxable 2690
year, amounts received by the taxpayer as retired military 2691
personnel pay for service in the United States army, navy, air 2692
force, coast guard, or marine corps or reserve components thereof, 2693
or the national guard. If the taxpayer receives income on account 2694
of retirement paid under the federal civil service retirement 2695
system or federal employees retirement system, or under any 2696
successor retirement program enacted by the congress of the United 2697
States that is established and maintained for retired employees of 2698
the United States government, and such retirement income is based, 2699
in whole or in part, on credit for the taxpayer's military 2700
service, the deduction allowed under this division shall include 2701
only that portion of such retirement income that is attributable 2702
to the taxpayer's military service, to the extent that portion of 2703
such retirement income is otherwise included in federal adjusted 2704
gross income and is not otherwise deducted under this section. Any 2705
amount deducted under division (A)(26) of this section is not 2706
included in the taxpayer's adjusted gross income for the purposes 2707
of section 5747.055 of the Revised Code. No amount may be deducted 2708
under division (A)(26) of this section on the basis of which a 2709
credit was claimed under section 5747.055 of the Revised Code. 2710

(B) "Business income" means income, including gain or loss, 2712
arising from transactions, activities, and sources in the regular 2713

course of a trade or business and includes income, gain, or loss 2714
from real property, tangible property, and intangible property if 2715
the acquisition, rental, management, and disposition of the 2716
property constitute integral parts of the regular course of a 2717
trade or business operation. "Business income" includes income, 2718
including gain or loss, from a partial or complete liquidation of 2719
a business, including, but not limited to, gain or loss from the 2720
sale or other disposition of goodwill. 2721

(C) "Nonbusiness income" means all income other than business 2722
income and may include, but is not limited to, compensation, rents 2723
and royalties from real or tangible personal property, capital 2724
gains, interest, dividends and distributions, patent or copyright 2725
royalties, or lottery winnings, prizes, and awards. 2726

(D) "Compensation" means any form of remuneration paid to an 2727
employee for personal services. 2728

(E) "Fiduciary" means a guardian, trustee, executor, 2729
administrator, receiver, conservator, or any other person acting 2730
in any fiduciary capacity for any individual, trust, or estate. 2731

(F) "Fiscal year" means an accounting period of twelve months 2732
ending on the last day of any month other than December. 2733

(G) "Individual" means any natural person. 2734

(H) "Internal Revenue Code" means the "Internal Revenue Code 2735
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 2736

(I) "Resident" means any of the following, provided that 2737
division (I)(3) of this section applies only to taxable years of a 2738
trust beginning in 2002 or thereafter: 2739

(1) An individual who is domiciled in this state, subject to 2740
section 5747.24 of the Revised Code; 2741

(2) The estate of a decedent who at the time of death was 2742
domiciled in this state. The domicile tests of section 5747.24 of 2743

the Revised Code are not controlling for purposes of division 2744
(I)(2) of this section. 2745

(3) A trust that, in whole or part, resides in this state. If 2746
only part of a trust resides in this state, the trust is a 2747
resident only with respect to that part. 2748

For the purposes of division (I)(3) of this section: 2749

(a) A trust resides in this state for the trust's current 2750
taxable year to the extent, as described in division (I)(3)(d) of 2751
this section, that the trust consists directly or indirectly, in 2752
whole or in part, of assets, net of any related liabilities, that 2753
were transferred, or caused to be transferred, directly or 2754
indirectly, to the trust by any of the following: 2755

(i) A person, a court, or a governmental entity or 2756
instrumentality on account of the death of a decedent, but only if 2757
the trust is described in division (I)(3)(e)(i) or (ii) of this 2758
section; 2759

(ii) A person who was domiciled in this state for the 2760
purposes of this chapter when the person directly or indirectly 2761
transferred assets to an irrevocable trust, but only if at least 2762
one of the trust's qualifying beneficiaries is domiciled in this 2763
state for the purposes of this chapter during all or some portion 2764
of the trust's current taxable year; 2765

(iii) A person who was domiciled in this state for the 2766
purposes of this chapter when the trust document or instrument or 2767
part of the trust document or instrument became irrevocable, but 2768
only if at least one of the trust's qualifying beneficiaries is a 2769
resident domiciled in this state for the purposes of this chapter 2770
during all or some portion of the trust's current taxable year. If 2771
a trust document or instrument became irrevocable upon the death 2772
of a person who at the time of death was domiciled in this state 2773
for purposes of this chapter, that person is a person described in 2774

division (I)(3)(a)(iii) of this section. 2775

(b) A trust is irrevocable to the extent that the transferor 2776
is not considered to be the owner of the net assets of the trust 2777
under sections 671 to 678 of the Internal Revenue Code. 2778

(c) With respect to a trust other than a charitable lead 2779
trust, "qualifying beneficiary" has the same meaning as "potential 2780
current beneficiary" as defined in section 1361(e)(2) of the 2781
Internal Revenue Code, and with respect to a charitable lead trust 2782
"qualifying beneficiary" is any current, future, or contingent 2783
beneficiary, but with respect to any trust "qualifying 2784
beneficiary" excludes a person or a governmental entity or 2785
instrumentality to any of which a contribution would qualify for 2786
the charitable deduction under section 170 of the Internal Revenue 2787
Code. 2788

(d) For the purposes of division (I)(3)(a) of this section, 2789
the extent to which a trust consists directly or indirectly, in 2790
whole or in part, of assets, net of any related liabilities, that 2791
were transferred directly or indirectly, in whole or part, to the 2792
trust by any of the sources enumerated in that division shall be 2793
ascertained by multiplying the fair market value of the trust's 2794
assets, net of related liabilities, by the qualifying ratio, which 2795
shall be computed as follows: 2796

(i) The first time the trust receives assets, the numerator 2797
of the qualifying ratio is the fair market value of those assets 2798
at that time, net of any related liabilities, from sources 2799
enumerated in division (I)(3)(a) of this section. The denominator 2800
of the qualifying ratio is the fair market value of all the 2801
trust's assets at that time, net of any related liabilities. 2802

(ii) Each subsequent time the trust receives assets, a 2803
revised qualifying ratio shall be computed. The numerator of the 2804
revised qualifying ratio is the sum of (1) the fair market value 2805

of the trust's assets immediately prior to the subsequent 2806
transfer, net of any related liabilities, multiplied by the 2807
qualifying ratio last computed without regard to the subsequent 2808
transfer, and (2) the fair market value of the subsequently 2809
transferred assets at the time transferred, net of any related 2810
liabilities, from sources enumerated in division (I)(3)(a) of this 2811
section. The denominator of the revised qualifying ratio is the 2812
fair market value of all the trust's assets immediately after the 2813
subsequent transfer, net of any related liabilities. 2814

(iii) Whether a transfer to the trust is by or from any of 2815
the sources enumerated in division (I)(3)(a) of this section shall 2816
be ascertained without regard to the domicile of the trust's 2817
beneficiaries. 2818

(e) For the purposes of division (I)(3)(a)(i) of this 2819
section: 2820

(i) A trust is described in division (I)(3)(e)(i) of this 2821
section if the trust is a testamentary trust and the testator of 2822
that testamentary trust was domiciled in this state at the time of 2823
the testator's death for purposes of the taxes levied under 2824
Chapter 5731. of the Revised Code. 2825

(ii) A trust is described in division (I)(3)(e)(ii) of this 2826
section if the transfer is a qualifying transfer described in any 2827
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 2828
irrevocable inter vivos trust, and at least one of the trust's 2829
qualifying beneficiaries is domiciled in this state for purposes 2830
of this chapter during all or some portion of the trust's current 2831
taxable year. 2832

(f) For the purposes of division (I)(3)(e)(ii) of this 2833
section, a "qualifying transfer" is a transfer of assets, net of 2834
any related liabilities, directly or indirectly to a trust, if the 2835
transfer is described in any of the following: 2836

(i) The transfer is made to a trust, created by the decedent 2837
before the decedent's death and while the decedent was domiciled 2838
in this state for the purposes of this chapter, and, prior to the 2839
death of the decedent, the trust became irrevocable while the 2840
decedent was domiciled in this state for the purposes of this 2841
chapter. 2842

(ii) The transfer is made to a trust to which the decedent, 2843
prior to the decedent's death, had directly or indirectly 2844
transferred assets, net of any related liabilities, while the 2845
decedent was domiciled in this state for the purposes of this 2846
chapter, and prior to the death of the decedent the trust became 2847
irrevocable while the decedent was domiciled in this state for the 2848
purposes of this chapter. 2849

(iii) The transfer is made on account of a contractual 2850
relationship existing directly or indirectly between the 2851
transferor and either the decedent or the estate of the decedent 2852
at any time prior to the date of the decedent's death, and the 2853
decedent was domiciled in this state at the time of death for 2854
purposes of the taxes levied under Chapter 5731. of the Revised 2855
Code. 2856

(iv) The transfer is made to a trust on account of a 2857
contractual relationship existing directly or indirectly between 2858
the transferor and another person who at the time of the 2859
decedent's death was domiciled in this state for purposes of this 2860
chapter. 2861

(v) The transfer is made to a trust on account of the will of 2862
a testator. 2863

(vi) The transfer is made to a trust created by or caused to 2864
be created by a court, and the trust was directly or indirectly 2865
created in connection with or as a result of the death of an 2866
individual who, for purposes of the taxes levied under Chapter 2867

5731. of the Revised Code, was domiciled in this state at the time 2868
of the individual's death. 2869

(g) The tax commissioner may adopt rules to ascertain the 2870
part of a trust residing in this state. 2871

(J) "Nonresident" means an individual or estate that is not a 2872
resident. An individual who is a resident for only part of a 2873
taxable year is a nonresident for the remainder of that taxable 2874
year. 2875

(K) "Pass-through entity" has the same meaning as in section 2876
5733.04 of the Revised Code. 2877

(L) "Return" means the notifications and reports required to 2878
be filed pursuant to this chapter for the purpose of reporting the 2879
tax due and includes declarations of estimated tax when so 2880
required. 2881

(M) "Taxable year" means the calendar year or the taxpayer's 2882
fiscal year ending during the calendar year, or fractional part 2883
thereof, upon which the adjusted gross income is calculated 2884
pursuant to this chapter. 2885

(N) "Taxpayer" means any person subject to the tax imposed by 2886
section 5747.02 of the Revised Code or any pass-through entity 2887
that makes the election under division (D) of section 5747.08 of 2888
the Revised Code. 2889

(O) "Dependents" means dependents as defined in the Internal 2890
Revenue Code and as claimed in the taxpayer's federal income tax 2891
return for the taxable year or which the taxpayer would have been 2892
permitted to claim had the taxpayer filed a federal income tax 2893
return. 2894

(P) "Principal county of employment" means, in the case of a 2895
nonresident, the county within the state in which a taxpayer 2896
performs services for an employer or, if those services are 2897

performed in more than one county, the county in which the major 2898
portion of the services are performed. 2899

(Q) As used in sections 5747.50 to 5747.55 of the Revised 2900
Code: 2901

(1) "Subdivision" means any county, municipal corporation, 2902
park district, or township. 2903

(2) "Essential local government purposes" includes all 2904
functions that any subdivision is required by general law to 2905
exercise, including like functions that are exercised under a 2906
charter adopted pursuant to the Ohio Constitution. 2907

(R) "Overpayment" means any amount already paid that exceeds 2908
the figure determined to be the correct amount of the tax. 2909

(S) "Taxable income" or "Ohio taxable income" applies only to 2910
estates and trusts, and means federal taxable income, as defined 2911
and used in the Internal Revenue Code, adjusted as follows: 2912

(1) Add interest or dividends, net of ordinary, necessary, 2913
and reasonable expenses not deducted in computing federal taxable 2914
income, on obligations or securities of any state or of any 2915
political subdivision or authority of any state, other than this 2916
state and its subdivisions and authorities, but only to the extent 2917
that such net amount is not otherwise includible in Ohio taxable 2918
income and is described in either division (S)(1)(a) or (b) of 2919
this section: 2920

(a) The net amount is not attributable to the S portion of an 2921
electing small business trust and has not been distributed to 2922
beneficiaries for the taxable year; 2923

(b) The net amount is attributable to the S portion of an 2924
electing small business trust for the taxable year. 2925

(2) Add interest or dividends, net of ordinary, necessary, 2926
and reasonable expenses not deducted in computing federal taxable 2927

income, on obligations of any authority, commission, 2928
instrumentality, territory, or possession of the United States to 2929
the extent that the interest or dividends are exempt from federal 2930
income taxes but not from state income taxes, but only to the 2931
extent that such net amount is not otherwise includible in Ohio 2932
taxable income and is described in either division (S)(1)(a) or 2933
(b) of this section; 2934

(3) Add the amount of personal exemption allowed to the 2935
estate pursuant to section 642(b) of the Internal Revenue Code; 2936

(4) Deduct interest or dividends, net of related expenses 2937
deducted in computing federal taxable income, on obligations of 2938
the United States and its territories and possessions or of any 2939
authority, commission, or instrumentality of the United States to 2940
the extent that the interest or dividends are exempt from state 2941
taxes under the laws of the United States, but only to the extent 2942
that such amount is included in federal taxable income and is 2943
described in either division (S)(1)(a) or (b) of this section; 2944

(5) Deduct the amount of wages and salaries, if any, not 2945
otherwise allowable as a deduction but that would have been 2946
allowable as a deduction in computing federal taxable income for 2947
the taxable year, had the targeted jobs credit allowed under 2948
sections 38, 51, and 52 of the Internal Revenue Code not been in 2949
effect, but only to the extent such amount relates either to 2950
income included in federal taxable income for the taxable year or 2951
to income of the S portion of an electing small business trust for 2952
the taxable year; 2953

(6) Deduct any interest or interest equivalent, net of 2954
related expenses deducted in computing federal taxable income, on 2955
public obligations and purchase obligations, but only to the 2956
extent that such net amount relates either to income included in 2957
federal taxable income for the taxable year or to income of the S 2958
portion of an electing small business trust for the taxable year; 2959

(7) Add any loss or deduct any gain resulting from sale, 2960
exchange, or other disposition of public obligations to the extent 2961
that such loss has been deducted or such gain has been included in 2962
computing either federal taxable income or income of the S portion 2963
of an electing small business trust for the taxable year; 2964

(8) Except in the case of the final return of an estate, add 2965
any amount deducted by the taxpayer on both its Ohio estate tax 2966
return pursuant to section 5731.14 of the Revised Code, and on its 2967
federal income tax return in determining federal taxable income; 2968

(9)(a) Deduct any amount included in federal taxable income 2969
solely because the amount represents a reimbursement or refund of 2970
expenses that in a previous year the decedent had deducted as an 2971
itemized deduction pursuant to section 63 of the Internal Revenue 2972
Code and applicable treasury regulations. The deduction otherwise 2973
allowed under division (S)(9)(a) of this section shall be reduced 2974
to the extent the reimbursement is attributable to an amount the 2975
taxpayer or decedent deducted under this section in any taxable 2976
year. 2977

(b) Add any amount not otherwise included in Ohio taxable 2978
income for any taxable year to the extent that the amount is 2979
attributable to the recovery during the taxable year of any amount 2980
deducted or excluded in computing federal or Ohio taxable income 2981
in any taxable year, but only to the extent such amount has not 2982
been distributed to beneficiaries for the taxable year. 2983

(10) Deduct any portion of the deduction described in section 2984
1341(a)(2) of the Internal Revenue Code, for repaying previously 2985
reported income received under a claim of right, that meets both 2986
of the following requirements: 2987

(a) It is allowable for repayment of an item that was 2988
included in the taxpayer's taxable income or the decedent's 2989
adjusted gross income for a prior taxable year and did not qualify 2990

for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year.

(b) It does not otherwise reduce the taxpayer's taxable income or the decedent's adjusted gross income for the current or any other taxable year.

(11) Add any amount claimed as a credit under section 5747.059 of the Revised Code to the extent that the amount satisfies either of the following:

(a) The amount was deducted or excluded from the computation of the taxpayer's federal taxable income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code;

(b) The amount resulted in a reduction in the taxpayer's federal taxable income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code.

(12) Deduct any amount, net of related expenses deducted in computing federal taxable income, that a trust is required to report as farm income on its federal income tax return, but only if the assets of the trust include at least ten acres of land satisfying the definition of "land devoted exclusively to agricultural use" under section 5713.30 of the Revised Code, regardless of whether the land is valued for tax purposes as such land under sections 5713.30 to 5713.38 of the Revised Code. If the trust is a pass-through entity investor, section 5747.231 of the Revised Code applies in ascertaining if the trust is eligible to claim the deduction provided by division (S)(12) of this section in connection with the pass-through entity's farm income.

Except for farm income attributable to the S portion of an electing small business trust, the deduction provided by division (S)(12) of this section is allowed only to the extent that the trust has not distributed such farm income. Division (S)(12) of

this section applies only to taxable years of a trust beginning in 2002 or thereafter. 3022
3023

(13) Add the net amount of income described in section 641(c) of the Internal Revenue Code to the extent that amount is not included in federal taxable income. 3024
3025
3026

(14) Add or deduct the amount the taxpayer would be required to add or deduct under division (A)(20) or (21) of this section if the taxpayer's Ohio taxable income were computed in the same manner as an individual's Ohio adjusted gross income is computed under this section. In the case of a trust, division (S)(14) of this section applies only to any of the trust's taxable years beginning in 2002 or thereafter. 3027
3028
3029
3030
3031
3032
3033

(T) "School district income" and "school district income tax" have the same meanings as in section 5748.01 of the Revised Code. 3034
3035

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) of this section, "public obligations," "purchase obligations," and "interest or interest equivalent" have the same meanings as in section 5709.76 of the Revised Code. 3036
3037
3038
3039

(V) "Limited liability company" means any limited liability company formed under Chapter 1705. of the Revised Code or under the laws of any other state. 3040
3041
3042

(W) "Pass-through entity investor" means any person who, during any portion of a taxable year of a pass-through entity, is a partner, member, shareholder, or equity investor in that pass-through entity. 3043
3044
3045
3046

(X) "Banking day" has the same meaning as in section 1304.01 of the Revised Code. 3047
3048

(Y) "Month" means a calendar month. 3049

(Z) "Quarter" means the first three months, the second three months, the third three months, or the last three months of the 3050
3051

taxpayer's taxable year. 3052

(AA)(1) "Eligible institution" means a state university or 3053
state institution of higher education as defined in section 3054
3345.011 of the Revised Code, or a private, nonprofit college, 3055
university, or other post-secondary institution located in this 3056
state that possesses a certificate of authorization issued by the 3057
Ohio board of regents pursuant to Chapter 1713. of the Revised 3058
Code or a certificate of registration issued by the state board of 3059
career colleges and schools under Chapter 3332. of the Revised 3060
Code. 3061

(2) "Qualified tuition and fees" means tuition and fees 3062
imposed by an eligible institution as a condition of enrollment or 3063
attendance, not exceeding two thousand five hundred dollars in 3064
each of the individual's first two years of post-secondary 3065
education. If the individual is a part-time student, "qualified 3066
tuition and fees" includes tuition and fees paid for the academic 3067
equivalent of the first two years of post-secondary education 3068
during a maximum of five taxable years, not exceeding a total of 3069
five thousand dollars. "Qualified tuition and fees" does not 3070
include: 3071

(a) Expenses for any course or activity involving sports, 3072
games, or hobbies unless the course or activity is part of the 3073
individual's degree or diploma program; 3074

(b) The cost of books, room and board, student activity fees, 3075
athletic fees, insurance expenses, or other expenses unrelated to 3076
the individual's academic course of instruction; 3077

(c) Tuition, fees, or other expenses paid or reimbursed 3078
through an employer, scholarship, grant in aid, or other 3079
educational benefit program. 3080

(BB)(1) "Modified business income" means the business income 3081
included in a trust's Ohio taxable income after such taxable 3082

income is first reduced by the qualifying trust amount, if any. 3083

(2) "Qualifying trust amount" of a trust means capital gains 3084
and losses from the sale, exchange, or other disposition of equity 3085
or ownership interests in, or debt obligations of, a qualifying 3086
investee to the extent included in the trust's Ohio taxable 3087
income, but only if the following requirements are satisfied: 3088

(a) The book value of the qualifying investee's physical 3089
assets in this state and everywhere, as of the last day of the 3090
qualifying investee's fiscal or calendar year ending immediately 3091
prior to the date on which the trust recognizes the gain or loss, 3092
is available to the trust. 3093

(b) The requirements of section 5747.011 of the Revised Code 3094
are satisfied for the trust's taxable year in which the trust 3095
recognizes the gain or loss. 3096

Any gain or loss that is not a qualifying trust amount is 3097
modified business income, qualifying investment income, or 3098
modified nonbusiness income, as the case may be. 3099

(3) "Modified nonbusiness income" means a trust's Ohio 3100
taxable income other than modified business income, other than the 3101
qualifying trust amount, and other than qualifying investment 3102
income, as defined in section 5747.012 of the Revised Code, to the 3103
extent such qualifying investment income is not otherwise part of 3104
modified business income. 3105

(4) "Modified Ohio taxable income" applies only to trusts, 3106
and means the sum of the amounts described in divisions (BB)(4)(a) 3107
to (c) of this section: 3108

(a) The fraction, calculated under section 5747.013, and 3109
applying section 5747.231 of the Revised Code, multiplied by the 3110
sum of the following amounts: 3111

(i) The trust's modified business income; 3112

(ii) The trust's qualifying investment income, as defined in 3113
section 5747.012 of the Revised Code, but only to the extent the 3114
qualifying investment income does not otherwise constitute 3115
modified business income and does not otherwise constitute a 3116
qualifying trust amount. 3117

(b) The qualifying trust amount multiplied by a fraction, the 3118
numerator of which is the sum of the book value of the qualifying 3119
investee's physical assets in this state on the last day of the 3120
qualifying investee's fiscal or calendar year ending immediately 3121
prior to the day on which the trust recognizes the qualifying 3122
trust amount, and the denominator of which is the sum of the book 3123
value of the qualifying investee's total physical assets 3124
everywhere on the last day of the qualifying investee's fiscal or 3125
calendar year ending immediately prior to the day on which the 3126
trust recognizes the qualifying trust amount. If, for a taxable 3127
year, the trust recognizes a qualifying trust amount with respect 3128
to more than one qualifying investee, the amount described in 3129
division (BB)(4)(b) of this section shall equal the sum of the 3130
products so computed for each such qualifying investee. 3131

(c)(i) With respect to a trust or portion of a trust that is 3132
a resident as ascertained in accordance with division (I)(3)(d) of 3133
this section, its modified nonbusiness income. 3134

(ii) With respect to a trust or portion of a trust that is 3135
not a resident as ascertained in accordance with division 3136
(I)(3)(d) of this section, the amount of its modified nonbusiness 3137
income satisfying the descriptions in divisions (B)(2) to (5) of 3138
section 5747.20 of the Revised Code, except as otherwise provided 3139
in division (BB)(4)(c)(ii) of this section. With respect to a 3140
trust or portion of a trust that is not a resident as ascertained 3141
in accordance with division (I)(3)(d) of this section, the trust's 3142
portion of modified nonbusiness income recognized from the sale, 3143
exchange, or other disposition of a debt interest in or equity 3144

interest in a section 5747.212 entity, as defined in section 3145
5747.212 of the Revised Code, without regard to division (A) of 3146
that section, shall not be allocated to this state in accordance 3147
with section 5747.20 of the Revised Code but shall be apportioned 3148
to this state in accordance with division (B) of section 5747.212 3149
of the Revised Code without regard to division (A) of that 3150
section. 3151

If the allocation and apportionment of a trust's income under 3152
divisions (BB)(4)(a) and (c) of this section do not fairly 3153
represent the modified Ohio taxable income of the trust in this 3154
state, the alternative methods described in division (C) of 3155
section 5747.21 of the Revised Code may be applied in the manner 3156
and to the same extent provided in that section. 3157

(5)(a) Except as set forth in division (BB)(5)(b) of this 3158
section, "qualifying investee" means a person in which a trust has 3159
an equity or ownership interest, or a person or unit of government 3160
the debt obligations of either of which are owned by a trust. For 3161
the purposes of division (BB)(2)(a) of this section and for the 3162
purpose of computing the fraction described in division (BB)(4)(b) 3163
of this section, all of the following apply: 3164

(i) If the qualifying investee is a member of a qualifying 3165
controlled group on the last day of the qualifying investee's 3166
fiscal or calendar year ending immediately prior to the date on 3167
which the trust recognizes the gain or loss, then "qualifying 3168
investee" includes all persons in the qualifying controlled group 3169
on such last day. 3170

(ii) If the qualifying investee, or if the qualifying 3171
investee and any members of the qualifying controlled group of 3172
which the qualifying investee is a member on the last day of the 3173
qualifying investee's fiscal or calendar year ending immediately 3174
prior to the date on which the trust recognizes the gain or loss, 3175
separately or cumulatively own, directly or indirectly, on the 3176

last day of the qualifying investee's fiscal or calendar year 3177
ending immediately prior to the date on which the trust recognizes 3178
the qualifying trust amount, more than fifty per cent of the 3179
equity of a pass-through entity, then the qualifying investee and 3180
the other members are deemed to own the proportionate share of the 3181
pass-through entity's physical assets which the pass-through 3182
entity directly or indirectly owns on the last day of the 3183
pass-through entity's calendar or fiscal year ending within or 3184
with the last day of the qualifying investee's fiscal or calendar 3185
year ending immediately prior to the date on which the trust 3186
recognizes the qualifying trust amount. 3187

(iii) For the purposes of division (BB)(5)(a)(iii) of this 3188
section, "upper level pass-through entity" means a pass-through 3189
entity directly or indirectly owning any equity of another 3190
pass-through entity, and "lower level pass-through entity" means 3191
that other pass-through entity. 3192

An upper level pass-through entity, whether or not it is also 3193
a qualifying investee, is deemed to own, on the last day of the 3194
upper level pass-through entity's calendar or fiscal year, the 3195
proportionate share of the lower level pass-through entity's 3196
physical assets that the lower level pass-through entity directly 3197
or indirectly owns on the last day of the lower level pass-through 3198
entity's calendar or fiscal year ending within or with the last 3199
day of the upper level pass-through entity's fiscal or calendar 3200
year. If the upper level pass-through entity directly and 3201
indirectly owns less than fifty per cent of the equity of the 3202
lower level pass-through entity on each day of the upper level 3203
pass-through entity's calendar or fiscal year in which or with 3204
which ends the calendar or fiscal year of the lower level 3205
pass-through entity and if, based upon clear and convincing 3206
evidence, complete information about the location and cost of the 3207
physical assets of the lower pass-through entity is not available 3208

to the upper level pass-through entity, then solely for purposes 3209
of ascertaining if a gain or loss constitutes a qualifying trust 3210
amount, the upper level pass-through entity shall be deemed as 3211
owning no equity of the lower level pass-through entity for each 3212
day during the upper level pass-through entity's calendar or 3213
fiscal year in which or with which ends the lower level 3214
pass-through entity's calendar or fiscal year. Nothing in division 3215
(BB)(5)(a)(iii) of this section shall be construed to provide for 3216
any deduction or exclusion in computing any trust's Ohio taxable 3217
income. 3218

(b) With respect to a trust that is not a resident for the 3219
taxable year and with respect to a part of a trust that is not a 3220
resident for the taxable year, "qualifying investee" for that 3221
taxable year does not include a C corporation if both of the 3222
following apply: 3223

(i) During the taxable year the trust or part of the trust 3224
recognizes a gain or loss from the sale, exchange, or other 3225
disposition of equity or ownership interests in, or debt 3226
obligations of, the C corporation. 3227

(ii) Such gain or loss constitutes nonbusiness income. 3228

(6) "Available" means information is such that a person is 3229
able to learn of the information by the due date plus extensions, 3230
if any, for filing the return for the taxable year in which the 3231
trust recognizes the gain or loss. 3232

(CC) "Qualifying controlled group" has the same meaning as in 3233
section 5733.04 of the Revised Code. 3234

(DD) "Related member" has the same meaning as in section 3235
5733.042 of the Revised Code. 3236

(EE)(1) For the purposes of division (EE) of this section: 3237

(a) "Qualifying person" means any person other than a 3238

qualifying corporation. 3239

(b) "Qualifying corporation" means any person classified for 3240
federal income tax purposes as an association taxable as a 3241
corporation, except either of the following: 3242

(i) A corporation that has made an election under subchapter 3243
S, chapter one, subtitle A, of the Internal Revenue Code for its 3244
taxable year ending within, or on the last day of, the investor's 3245
taxable year; 3246

(ii) A subsidiary that is wholly owned by any corporation 3247
that has made an election under subchapter S, chapter one, 3248
subtitle A of the Internal Revenue Code for its taxable year 3249
ending within, or on the last day of, the investor's taxable year. 3250

(2) For the purposes of this chapter, unless expressly stated 3251
otherwise, no qualifying person indirectly owns any asset directly 3252
or indirectly owned by any qualifying corporation. 3253

(FF) For purposes of this chapter and Chapter 5751. of the 3254
Revised Code: 3255

(1) "Trust" does not include a qualified pre-income tax 3256
trust. 3257

(2) A "qualified pre-income tax trust" is any pre-income tax 3258
trust that makes a qualifying pre-income tax trust election as 3259
described in division (FF)(3) of this section. 3260

(3) A "qualifying pre-income tax trust election" is an 3261
election by a pre-income tax trust to subject to the tax imposed 3262
by section 5751.02 of the Revised Code the pre-income tax trust 3263
and all pass-through entities of which the trust owns or controls, 3264
directly, indirectly, or constructively through related interests, 3265
five per cent or more of the ownership or equity interests. The 3266
trustee shall notify the tax commissioner in writing of the 3267
election on or before April 15, 2006. The election, if timely 3268

made, shall be effective on and after January 1, 2006, and shall 3269
apply for all tax periods and tax years until revoked by the 3270
trustee of the trust. 3271

(4) A "pre-income tax trust" is a trust that satisfies all of 3272
the following requirements: 3273

(a) The document or instrument creating the trust was 3274
executed by the grantor before January 1, 1972; 3275

(b) The trust became irrevocable upon the creation of the 3276
trust; and 3277

(c) The grantor was domiciled in this state at the time the 3278
trust was created. 3279

Sec. 5903.10. Any holder of an expired license or certificate 3280
from this state or any political subdivision or agency of the 3281
state to practice a trade or profession, whose license or 3282
certificate was not renewed because of ~~his~~ the holder's service in 3283
the armed forces of the United States, or in the national guard or 3284
in a reserve component, shall, upon presentation of satisfactory 3285
evidence of honorable discharge or separation under honorable 3286
conditions therefrom within six months of such discharge or 3287
separation, be granted a renewal of said license or certificate by 3288
the issuing board or authority at the usual cost without penalty 3289
and without re-examination if not otherwise disqualified because 3290
of mental or physical disability. 3291

Sec. 5903.12. (A) As used in this section: 3292

(1) "Continuing education" means continuing education 3293
required of a licensee by law and includes, but is not limited to, 3294
the continuing education required of licensees under sections 3295
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 3296
4725.16, 4725.51, 4730.14, 4730.49, 4731.281, 4734.25, 4735.141, 3297
4736.11, 4741.16, 4741.19, 4751.07, 4755.63, 4757.33, 4759.06, 3298

4761.06, and 4763.07 of the Revised Code. 3299

(2) "License" means a license, certificate, permit, or other 3300
authorization issued or conferred by a licensing agency under 3301
which a licensee may engage in a profession, occupation, or 3302
occupational activity. 3303

(3) "Licensee" means a person to whom all of the following 3304
apply: 3305

(a) The person has been issued a license by a licensing 3306
agency. 3307

(b) The person is a member of the Ohio national guard, the 3308
Ohio military reserve, the Ohio naval militia, or a reserve 3309
component of the armed forces of the United States. 3310

(c) The person has been called to active duty, whether inside 3311
or outside the United States, because of an executive order issued 3312
by the president of the United States or an act of congress, or 3313
upon the order of the governor, for a period in excess of 3314
thirty-one days. 3315

(4) "Licensing agency" means any state department, division, 3316
board, commission, agency, or other state governmental unit 3317
authorized by the Revised Code to issue a license. 3318

(5) "Reporting period" means the period of time during which 3319
a licensee must complete the number of hours of continuing 3320
education required of the licensee by law. 3321

(B) Each licensing agency, upon receiving an application from 3322
one of its licensees that is accompanied by proper documentation 3323
certifying that the licensee has been called to active duty as 3324
described in division (A)(3)(c) of this section during the current 3325
or a prior reporting period and certifying the length of that 3326
active duty, shall extend the current reporting period by an 3327
amount of time equal to the total number of months that the 3328

licensee spent on active duty during the current reporting period. 3329
For purposes of this division, any portion of a month served on 3330
active duty shall be considered one full month. 3331

Sec. 5903.121. A "licensing agency," as defined in section 3332
5903.12 of the Revised Code, shall consider relevant education, 3333
training, or service completed by a licensee as a member of the 3334
armed forces of the United States or reserve components thereof, 3335
the Ohio national guard, the Ohio military reserve, or the Ohio 3336
naval militia in determining whether a licensee has fulfilled 3337
required continuing education. 3338

Section 2. That existing sections 124.23, 124.93, 125.111, 3339
153.59, 153.591, 176.04, 176.06, 717.01, 1751.18, 2101.16, 3340
2927.03, 3905.55, 4112.01, 4112.02, 4112.021, 4112.04, 4112.05, 3341
4112.08, 4117.19, 4503.571, 4735.16, 4735.55, 5533.09, 5747.01, 3342
5903.10, and 5903.12 of the Revised Code are hereby repealed. 3343
3344

Section 3. The Department of Development shall create an 3345
Incumbent Worker Training Program. The Workforce and Talent 3346
Division of the department shall administer the program. The 3347
division may make grants under the program to Ohio businesses and 3348
to trainers that provide training to a consortium of businesses. 3349
Grants under the program shall be for assisting Ohio businesses in 3350
increasing employees' occupational skills and in remaining 3351
competitive and for increasing investment in incumbent worker 3352
training, retaining employees, advancing wages over time, and 3353
acquiring generally recognized credentials to document skill 3354
gains. 3355

No grant under the program shall exceed one thousand dollars 3356
per employee, and grants under the program shall not exceed two 3357
hundred thousand dollars per business or trainer. A grant under 3358

the program shall be on a reimbursement basis. Grants made for 3359
fiscal year 2008 shall not be less than six million dollars and 3360
grants made for fiscal year 2009 shall not be less than nine 3361
million dollars. Each fiscal year, the division shall make at 3362
least twenty-five per cent of the grants to businesses engaged 3363
primarily in activities other than manufacturing and that have 3364
fewer than five hundred employees. Funds received pursuant to the 3365
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, 3366
as amended, shall be used to fund the Incumbent Worker Training 3367
Program. 3368

The department, under Chapter 119. of the Revised Code, shall 3369
adopt rules establishing procedures according to which the 3370
Incumbent Worker Training Program shall be operated. 3371

On or before December 31, 2008, and biannually thereafter, 3372
the Director of Development and Director of Job and Family 3373
Services shall submit a joint report to the President of the 3374
Senate and the Speaker of the House of Representatives describing 3375
the training activities and outcomes provided through the 3376
Incumbent Worker Training Program during the prior fiscal year. 3377

This section expires two years after its effective date. 3378

Section 4. The amendment by this act of section 2101.16 of 3379
the Revised Code and the enactment of this act by section 2101.164 3380
of the Revised Code apply to the estates of decedents who die on 3381
or after the effective date of this act. 3382

Section 5. The amendment by this act of section 5747.01 of 3383
the Revised Code applies to taxable years beginning on or after 3384
January 1, 2008. 3385