

As Introduced

**127th General Assembly
Regular Session
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H. B. No. 380

Representative Coley

**Cosponsors: Representatives Evans, McGregor, J., Latta, Stebelton,
Batchelder, Setzer**

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A BILL

To amend section 4113.99 and to enact section 4113.80 1
of the Revised Code to require a commercial or 2
public entity to maintain records regarding each 3
worker who performs services for that entity and 4
to establish penalties for failure to maintain 5
those records. 6

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

Section 1. That section 4113.99 be amended and section 7
4113.80 of the Revised Code be enacted to read as follows: 8

Sec. 4113.80. (A) As used in this section: 9

(1) "Commercial or public entity" means the state; a county, 10
township, municipal corporation, school district, or other 11
political subdivision of the state; any public agency, authority, 12
board, commission, instrumentality, or special district of or in 13
the state or a county, township, municipal corporation, school 14
district, or other political subdivision of the state; or any sole 15
proprietorship, partnership, association, limited liability 16
company, corporation, or other entity authorized or permitted by 17
law to do business within this state. 18

(2) "Peace officer" has the same meaning as in section 19
2935.01 of the Revised Code. 20

(3) "Worker" means any person who performs a service for 21
wages, fees, or other remuneration for a commercial or public 22
entity. "Worker" does not include a person performing domestic 23
services in or for a private home on a casual basis. 24

(B) Except as provided in division (E) of this section, no 25
commercial or public entity shall fail to maintain the records 26
described in division (C) of this section. 27

(C)(1) A commercial or public entity that engages a worker to 28
perform services for that commercial or public entity shall create 29
records for each worker the commercial or public entity engages 30
that contain all of the following information: 31

(a) The name and home address of the worker; 32

(b) The worker's social security number; 33

(c) The total amount of compensation paid per pay period by 34
the commercial or public entity to that worker. 35

(2) A commercial or public entity shall update the 36
information included in the records required under division (C)(1) 37
of this section at least once a year and shall maintain those 38
records for at least four years after the date of creation or of 39
most recent updating, whichever is later. 40

(3) After a worker completes the services for which a 41
commercial or public entity engaged the worker, the commercial or 42
public entity shall maintain the most recent records that are 43
required by divisions (C)(1) and (2) of this section regarding 44
that worker for a period of four years after the last day the 45
worker performs services for that commercial or public entity. 46

(D) Except as provided in division (E) of this section, a 47
commercial or public entity shall promptly make the records 48

described in division (C) of this section available to a peace officer upon receipt of a written request from that peace officer. A commercial or public entity's failure to promptly furnish the requested records shall be prima-facie evidence of the commercial or public entity's failure to create and maintain those records. The peace officer may make copies of the records provided. After the peace officer reviews or makes copies of the records, the peace officer shall return the records to the commercial or public entity. The records, during the time period that the records are in the possession of a peace officer, and the copies of those records, are not considered public records under section 149.43 of the Revised Code.

(E) A commercial or public entity that supplies workers to another commercial or public entity shall provide the second commercial or public entity with the original commercial or public entity's federal taxpayer identification number. The second commercial or public entity is not required to maintain the records described in division (C) of this section for the workers supplied by the original commercial or public entity. If a peace officer submits a request pursuant to division (D) of this section to the second commercial or public entity regarding workers supplied by the original commercial or public entity, the second commercial or public entity shall give the peace officer the tax identification number of the original commercial or public entity that supplied the workers, and the peace officer may submit a written request to the original commercial or public entity for the records maintained pursuant to division (C) of this section regarding those workers.

Sec. 4113.99. (A) Whoever violates section 4113.15 of the Revised Code is guilty of a misdemeanor of the first degree.

(B) Whoever violates section 4113.16, 4113.18, or 4113.19 of

the Revised Code is guilty of a minor misdemeanor. 80

(C) Whoever violates section 4113.17 of the Revised Code is 81
guilty of a minor misdemeanor for a first offense; for each 82
subsequent offense such person is guilty of a misdemeanor in the 83
fourth degree. 84

(D) Whoever violates division (B) of section 4113.80 of the 85
Revised Code, for the first offense, is guilty of a misdemeanor of 86
the third degree; for the second offense, is guilty of a 87
misdemeanor of the second degree; for the third offense, is guilty 88
of a misdemeanor of the first degree; for the fourth offense, is 89
guilty of a felony of the fifth degree; and for any subsequent 90
offense that occurs after the fourth offense, is guilty of a 91
felony of the fourth degree. 92

Section 2. That existing section 4113.99 of the Revised Code 93
is hereby repealed. 94