

# **As Reported by the Senate Judiciary--Civil Justice Committee**

**127th General Assembly**

**Regular Session**

**2007-2008**

**Sub. H. B. No. 46**

**Representatives Stewart, J., DeGeeter**

**Cosponsors: Representatives Stewart, D., Daniels, Patton, Budish,  
Williams, S., Koziura, Sayre, Hite, Gibbs, Aslanides, Batchelder, Bolon, Book,  
Boyd, Brown, Bubp, Celeste, Chandler, Combs, DeBose, Distel, Domenick,  
Dyer, Evans, Flowers, Foley, Garrison, Goyal, Hagan, R., Harwood, Healy,  
Heard, Hughes, Latta, Letson, Luckie, Mallory, Miller, Oelslager, Okey,  
Otterman, Peterson, Strahorn, Sykes, Szollosi, Uecker, White, Williams, B.,  
Yates**

**Senators Fedor, Mason, Goodman**

**—**

## **A B I L L**

To amend sections 125.18, 317.082, 319.28, 319.54,	1
2305.09, and 2901.13 and to enact sections	2
109.941, 111.241, 149.434, 149.45, 1349.52, and	3
1349.53 of the Revised Code to allow a consumer to	4
place a security freeze on the consumer's credit	5
report, to require a public office to redact from	6
a document that is otherwise a public record	7
certain information, to require a public office to	8
redact Social Security numbers or federal tax	9
identification numbers from any document that is	10
made available online to the public through the	11
internet, to require the Office of Criminal	12
Justice Services to make state funding grants	13
available to local law enforcement agencies for	14
enforcement of identity fraud laws, to require the	15
attorney general to support local law enforcement	16

agencies with the enforcement of identity fraud 17  
laws, to enact a special statute of limitations 18  
for criminal prosecutions and civil actions 19  
against identity fraud, to allow a safety worker 20  
to request the county auditor to remove the safety 21  
worker's name from the general tax list of real 22  
and public utility property and the general 23  
duplicate of real and public utility property and 24  
insert the safety worker's initials, and to 25  
prohibit a county auditor from charging a real 26  
property conveyance fee to a safety worker who 27  
changes the current owner name on the general tax 28  
list of real and public utility property and the 29  
general duplicate of real and public utility 30  
property to the safety worker's initials. 31

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

**Section 1.** That sections 125.18, 317.082, 319.28, 319.54, 32  
2305.09, and 2901.13 be amended and sections 109.941, 111.241, 33  
149.434, 149.45, 1349.52, and 1349.53 of the Revised Code be 34  
enacted to read as follows: 35

**Sec. 109.941.** The attorney general shall cooperate with and 36  
provide technical assistance to any local law enforcement agency 37  
in the state, upon that agency's request, with respect to 38  
enforcement of identity fraud crimes. 39

**Sec. 111.241.** (A) The secretary of state shall not accept a 40  
document for filing or recording if the document includes any 41  
individual's social security number or federal tax identification 42  
number. If a document presented for filing or recording includes 43  
any individual's social security number or federal tax 44

identification number and the secretary of state refuses to accept 45  
that document for filing or recording, the secretary of state or 46  
the person who attempted to file or record the document with the 47  
secretary of state may immediately redact the individual's social 48  
security number or federal tax identification number from the 49  
document. 50

(B) Division (A) of this section does not apply to either of 51  
the following: 52

(1) Any document that originates with any court or taxing 53  
authority; 54

(2) Any publicly recorded document that is required by 55  
federal or state law to include an individual's social security 56  
number or federal tax identification number. 57

(C) This section does not apply to documents that were 58  
executed by an individual prior to the effective date of this 59  
section. 60

**Sec. 125.18.** (A) There is hereby established the office of 61  
information technology housed within the department of 62  
administrative services. The office shall be under the supervision 63  
of a chief information officer to be appointed by the governor and 64  
subject to removal at the pleasure of the governor. The chief 65  
information officer shall serve as the director of the office. 66

(B) The director of the office of information technology 67  
shall advise the governor regarding the superintendence and 68  
implementation of statewide information technology policy. 69

(C) The director of the office of information technology 70  
shall lead, oversee, and direct state agency activities related to 71  
information technology development and use. In that regard, the 72  
director shall do all of the following: 73

(1) Coordinate and superintend statewide efforts to promote 74

common use and development of technology by state agencies. The 75  
office of information technology shall establish policies and 76  
standards that govern and direct state agency participation in 77  
statewide programs and initiatives. 78

(2) Establish policies and standards for the acquisition and 79  
use of information technology by state agencies, including, but 80  
not limited to, hardware, software, technology services, and 81  
security, with which state agencies shall comply; 82

(3) Establish criteria and review processes to identify state 83  
agency information technology projects that require alignment or 84  
oversight. As appropriate, the office of information technology 85  
shall provide the governor and the director of budget and 86  
management with notice and advice regarding the appropriate 87  
allocation of resources for those projects. The director of the 88  
office of information technology may require state agencies to 89  
provide, and may prescribe the form and manner by which they must 90  
provide, information to fulfill the director's alignment and 91  
oversight role; 92

(4) Establish policies and procedures for the security of 93  
personal information that is maintained and destroyed by state 94  
agencies; 95

(5) Employ a chief information security officer who is 96  
responsible for the implementation of the policies and procedures 97  
described in division (C)(4) of this section and for coordinating 98  
the implementation of those policies and procedures in all of the 99  
state agencies; 100

(6) Employ a chief privacy officer who is responsible for 101  
advising the office of information technology and state agencies 102  
when establishing policies and procedures for the security of 103  
personal information and developing education and training 104  
programs regarding the state's security procedures. 105

(D)(1) The chief information security officer shall assist each state agency with the development of an information technology security strategic plan and review that plan, and each state agency shall submit that plan to the office of information technology. The chief information security officer may require that each state agency update its information technology security strategic plan annually as determined by the chief information officer. 106  
107  
108  
109  
110  
111  
112  
113

(2) Prior to the implementation of any information technology data system, a state agency shall prepare or have prepared a privacy impact statement for that system. 114  
115  
116

(E) The office of information technology shall have the same authority given to the department of ~~administrative~~ administrative services under sections 125.01, 125.02, 125.023, 125.04, 125.05, 125.06, 125.07, 125.071, 125.072, 125.081, 125.09, 125.10, 125.11, and 125.25 of the Revised Code for the purchase of information technology supplies and services for state agencies. 117  
118  
119  
120  
121  
122

~~(E)~~(F) The office of information technology may make contracts for, operate, and superintend technology supplies and services for state agencies in accordance with this chapter. 123  
124  
125

~~(F)~~(G) The office of information technology may establish cooperative agreements with federal and local government agencies and state agencies that are not under the authority of the governor for the provision of technology services and the development of technology projects. 126  
127  
128  
129  
130

~~(G)~~(H) As used in this section, ~~"state;~~ 131

(1) "Personal information" has the same meaning as in section 149.45 of the Revised Code. 132  
133

(2) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government, other than any state-supported 134  
135  
136

institution of higher education, the office of the auditor of 137  
state, treasurer of state, secretary of state, or attorney 138  
general, the public employees retirement system, the Ohio police 139  
and fire pension fund, the state teachers retirement system, the 140  
school employees retirement system, the state highway patrol 141  
retirement system, the general assembly or any legislative agency, 142  
or the courts or any judicial agency. 143

Sec. 149.434. (A) Each public office or person responsible 144  
for public records shall maintain a database or a list that 145  
includes the name and date of birth of all public officials and 146  
employees elected to or employed by that public office. The 147  
database or list is a public record and shall be made available 148  
upon a request made pursuant to section 149.43 of the Revised 149  
Code. 150

(B) As used in this section: 151

(1) "Employee" has the same meaning as in section 9.40 of the 152  
Revised Code. 153

(2) "Public official" has the same meaning as in section 154  
117.01 of the Revised Code. 155

(3) "Public record" has the same meaning as in section 149.43 156  
of the Revised Code. 157

Sec. 149.45. (A) As used in this section: 158

(1) "Personal information" means any of the following: 159

(a) An individual's social security number; 160

(b) An individual's federal tax identification number; 161

(c) An individual's driver's license number or state 162  
identification number; 163

(d) An individual's checking account number, savings account 164

number, or credit card number. 165

(2) "Public record" and "peace officer, parole officer, 166  
prosecuting attorney, assistant prosecuting attorney, correctional 167  
employee, youth services employee, firefighter, or EMT residential 168  
and familial information" have the same meanings as in section 169  
149.43 of the Revised Code. 170

(3) "Truncate" means to redact all but the last four digits 171  
of an individual's social security number. 172

(B)(1) No public office or person responsible for a public 173  
office's public records shall make available to the general public 174  
on the internet any document that contains an individual's social 175  
security number without otherwise redacting, encrypting, or 176  
truncating the social security number. 177

(2) A public office or person responsible for a public 178  
office's public records that prior to the effective date of this 179  
section made available to the general public on the internet any 180  
document that contains an individual's social security number 181  
shall redact, encrypt, or truncate the social security number from 182  
that document. 183

(3) Divisions (B)(1) and (2) of this section do not apply to 184  
documents that are only accessible through the internet with a 185  
password. 186

(C)(1) An individual may request that a public office or a 187  
person responsible for a public office's public records redact 188  
personal information of that individual from any record made 189  
available to the general public on the internet. An individual who 190  
makes a request for redaction pursuant to this division shall make 191  
the request in writing on a form developed by the attorney general 192  
and shall specify the personal information to be redacted and 193  
provide any information that identifies the location of that 194  
personal information within a document that contains that personal 195

information. 196

(2) Upon receiving a request for a redaction pursuant to 197  
division (C)(1) of this section, a public office or a person 198  
responsible for a public office's public records shall act within 199  
five business days in accordance with the request to redact the 200  
personal information of the individual from any record made 201  
available to the general public on the internet, if practicable. 202  
If a redaction is not practicable, the public office or person 203  
responsible for the public office's public records shall verbally 204  
or in writing within five business days after receiving the 205  
written request explain to the individual why the redaction is 206  
impracticable. 207

(3) The attorney general shall develop a form to be used by 208  
an individual to request a redaction pursuant to division (C)(1) 209  
of this section. The form shall include a place to provide any 210  
information that identifies the location of the personal 211  
information to be redacted. 212

(D)(1) A peace officer, parole officer, prosecuting attorney, 213  
assistant prosecuting attorney, correctional employee, youth 214  
services employee, firefighter, or EMT may request that a public 215  
office other than a county auditor or a person responsible for the 216  
public records of a public office other than a county auditor 217  
redact the address of the person making the request from any 218  
record made available to the general public on the internet that 219  
includes peace officer, parole officer, prosecuting attorney, 220  
assistant prosecuting attorney, correctional employee, youth 221  
services employee, firefighter, or EMT residential and familial 222  
information of the person making the request. A person who makes a 223  
request for a redaction pursuant to this division shall make the 224  
request in writing and on a form developed by the attorney 225  
general. 226

(2) Upon receiving a written request for a redaction pursuant 227



to division (D)(1) of this section, a public office other than a 228  
county auditor or a person responsible for the public records of a 229  
public office other than a county auditor shall act within five 230  
business days in accordance with the request to redact the address 231  
of the peace officer, parole officer, prosecuting attorney, 232  
assistant prosecuting attorney, correctional employee, youth 233  
services employee, firefighter, or EMT making the request from any 234  
record made available to the general public on the internet that 235  
includes peace officer, parole officer, prosecuting attorney, 236  
assistant prosecuting attorney, correctional employee, youth 237  
services employee, firefighter, or EMT residential and familial 238  
information of the person making the request, if practicable. If a 239  
redaction is not practicable, the public office or person 240  
responsible for the public office's public records shall verbally 241  
or in writing within five business days after receiving the 242  
written request explain to the peace officer, parole officer, 243  
prosecuting attorney, assistant prosecuting attorney, correctional 244  
employee, youth services employee, firefighter, or EMT why the 245  
redaction is impracticable. 246

247

(3) Except as provided in this section and section 319.28 of 248  
the Revised Code, a public office other than an employer of a 249  
peace officer, parole officer, prosecuting attorney, assistant 250  
prosecuting attorney, correctional employee, youth services 251  
employee, firefighter, or EMT or a person responsible for the 252  
public records of the employer is not required to redact the 253  
residential and familial information of the peace officer, parole 254  
officer, prosecuting attorney, assistant prosecuting attorney, 255  
correctional employee, youth services employee, firefighter, or 256  
EMT from other records maintained by the public office. 257

(4) The attorney general shall develop a form to be used by a 258  
peace officer, parole officer, prosecuting attorney, assistant 259

prosecuting attorney, correctional employee, youth services 260  
employee, firefighter, or EMT to request a redaction pursuant to 261  
division (D)(1) of this section. The form shall include a place to 262  
provide any information that identifies the location of the 263  
address of a peace officer, parole officer, prosecuting attorney, 264  
assistant prosecuting attorney, correctional employee, youth 265  
services employee, firefighter, or EMT to be redacted. 266

(E)(1) If a public office or a person responsible for a 267  
public office's public records becomes aware that an electronic 268  
record of that public office that is made available to the general 269  
public on the internet contains an individual's social security 270  
number that was mistakenly not redacted, encrypted, or truncated 271  
as required by division (B)(1) or (2) of this section, the public 272  
office or person responsible for the public office's public 273  
records shall redact, encrypt, or truncate the individual's social 274  
security number within a reasonable period of time. 275

276

(2) A public office or a person responsible for a public 277  
office's public records is not liable in damages in a civil action 278  
for any harm an individual allegedly sustains as a result of the 279  
inclusion of that individual's personal information on any record 280  
made available to the general public on the internet or any harm a 281  
peace officer, parole officer prosecuting attorney, assistant 282  
prosecuting attorney, correctional employee, youth services 283  
employee, firefighter, or EMT sustains as a result of the 284  
inclusion of the address of the peace officer, parole officer, 285  
prosecuting attorney, assistant prosecuting attorney, correctional 286  
employee, youth services employee, firefighter, or EMT on any 287  
record made available to the general public on the internet in 288  
violation of this section unless the public office or person 289  
responsible for the public office's public records acted with 290  
malicious purpose, in bad faith, or in a wanton or reckless manner 291

or division (A)(6)(a) or (c) of section 2744.03 of the Revised 292  
Code applies. 293

**Sec. 317.082.** (A) As used in this section, "preparer" means 294  
any mortgage company, bank, title agency, or other person 295  
responsible for filing documents with the office of a county 296  
recorder for recording under section 317.08 of the Revised Code. 297

(B) Except as provided in division (C) or (D) of this 298  
section, the preparer of any document to be recorded by a county 299  
recorder under section 317.08 of the Revised Code shall not 300  
include any individual's ~~social security number~~ personal 301  
information in any document that is filed for recording in the 302  
office of the county recorder under that section. The county 303  
recorder shall not accept such a document for recording if it 304  
includes any individual's ~~social security number~~ personal 305  
information. If a document presented for recording includes any 306  
individual's ~~social security number~~ personal information and the 307  
county recorder refuses to accept that document for recording, the 308  
county recorder or the person who attempted to file the document 309  
with the county recorder may immediately redact the individual's 310  
~~social security number~~ personal information from the document. 311

The preparer is not liable in damages in a civil action for 312  
any harm an individual allegedly sustains as a result of the 313  
inclusion of the individual's ~~social security number~~ personal 314  
information on a document in violation of this division if the 315  
preparer establishes as an affirmative defense that the preparer 316  
made a good faith effort to comply with this division. The county 317  
recorder and the county recorder's employees are immune from 318  
liability in damages in a civil action brought against the county 319  
recorder or an employee of the county recorder to recover damages 320  
for any harm an individual allegedly sustains as a result of the 321  
county recorder or an employee of the county recorder accepting a 322

document that includes the individual's ~~social security number~~ 323  
personal information in violation of this division, unless the 324  
county recorder or an employee of the county recorder accepted 325  
that document with malicious purpose, in bad faith, or in a wanton 326  
or reckless manner, or division (A)(6)(a) or (c) of section 327  
2744.03 of the Revised Code applies. 328

(C) An individual who executes a document that must be filed 329  
by a preparer for recording in the office of the county recorder 330  
under section 317.08 of the Revised Code may execute an affidavit 331  
consenting to the inclusion of the individual's ~~social security~~ 332  
~~number~~ personal information in the document. If an individual 333  
executes an affidavit consenting to the inclusion of the 334  
individual's ~~social security number~~ personal information in the 335  
document under this division, division (B) of this section does 336  
not apply to the preparer of the document or to the county 337  
recorder and the county recorder's employees. 338

(D) Division (B) of this section does not apply to any of the 339  
following: 340

(1) Any document that originates with any court or taxing 341  
authority; 342

(2) Any document that upon its filing for recording in the 343  
office of the county recorder under section 317.08 of the Revised 344  
Code constitutes a nonconsensual lien against an individual; 345

(3) Any publicly recorded document that is required by 346  
federal or state law to include an individual's social security 347  
number or personal information. 348

(E)(1) This section does not apply to documents that were 349  
executed by an individual prior to ~~the effective date of this~~ 350  
~~section~~ September 28, 2006. 351

(2) This section, as amended by this amendment, does not 352  
apply to documents that were executed by an individual on or after 353

September 28, 2006, and prior to the effective date of this 354  
amendment. 355

(F) As used in this section, "personal information" has the 356  
same meaning as in section 149.45 of the Revised Code. 357

**Sec. 319.28.** ~~On~~ (A) Except as otherwise provided in division 358  
(B) of this section, on or before the first Monday of August, 359  
annually, the county auditor shall compile and make up a general 360  
tax list of real and public utility property in the county, either 361  
in tabular form and alphabetical order, or, with the consent of 362  
the county treasurer, by listing all parcels in a permanent parcel 363  
number sequence to which a separate alphabetical index is keyed, 364  
containing the names of the several persons, companies, firms, 365  
partnerships, associations, and corporations in whose names real 366  
property has been listed in each township, municipal corporation, 367  
special district, or separate school district, or part of either 368  
in ~~his~~ the auditor's county, placing separately, in appropriate 369  
columns opposite each name, the description of each tract, lot, or 370  
parcel of real estate, the value of each tract, lot, or parcel, 371  
the value of the improvements thereon, and of the names of the 372  
several public utilities whose property, subject to taxation on 373  
the general tax list and duplicate, has been apportioned by the 374  
department of taxation to the county, and the amount so 375  
apportioned to each township, municipal corporation, special 376  
district, or separate school district or part of either in ~~his~~ the 377  
auditor's county, as shown by the certificates of apportionment of 378  
public utility property. If the name of the owner of any tract, 379  
lot, or parcel of real estate is unknown to the auditor, "unknown" 380  
shall be entered in the column of names opposite said tract, lot, 381  
or parcel. Such lists shall be prepared in duplicate. On or before 382  
the first Monday of September in each year, the auditor shall 383  
correct such lists in accordance with the additions and deductions 384  
ordered by the tax commissioner and by the county board of 385

revision, and shall certify and on the first day of October 386  
deliver one copy thereof to the county treasurer. The copies 387  
prepared by the auditor shall constitute the auditor's general tax 388  
list and treasurer's general duplicate of real and public utility 389  
property for the current year. 390

Once a permanent parcel numbering system has been established 391  
in any county as provided by the preceding paragraph, such system 392  
shall remain in effect until otherwise agreed upon by the county 393  
auditor and county treasurer. 394

(B)(1) A peace officer, parole officer, prosecuting attorney, 395  
assistant prosecuting attorney, correctional employee, youth 396  
services employee, firefighter, or EMT may submit a written 397  
request by affidavit to the county auditor requesting the county 398  
auditor to remove the name of the peace officer, parole officer, 399  
prosecuting attorney, assistant prosecuting attorney, correctional 400  
employee, youth services employee, firefighter, or EMT from the 401  
general tax list of real and public utility property and the 402  
general duplicate of real and public utility property and insert 403  
the initials of the peace officer, parole officer, prosecuting 404  
attorney, assistant prosecuting attorney, correctional employee, 405  
youth services employee, firefighter, or EMT on the general tax 406  
list of real and public utility property and the general duplicate 407  
of real and public utility property as the name of the peace 408  
official, parole officer, prosecuting attorney, assistant 409  
prosecuting attorney, correctional employee, youth services 410  
employee, firefighter, or EMT that appears on the deed. 411

412

(2) Upon receiving a written request by affidavit described 413  
in division (B)(1) of this section, the county auditor shall act 414  
within five business days in accordance with the request to remove 415  
the name of the peace officer, parole officer, prosecuting 416  
attorney, assistant prosecuting attorney, correctional employee, 417

youth services employee, firefighter, or EMT from the general tax 418  
list of real and public utility property and the general duplicate 419  
of real and public utility property and insert initials of the 420  
peace officer, parole officer, prosecuting attorney, assistant 421  
prosecuting attorney, correctional employee, youth services 422  
employee, firefighter, or EMT on the general tax list of real and 423  
public utility property and the general duplicate of real and 424  
public utility property, if practicable. If the removal and 425  
insertion is not practicable, the county auditor shall verbally or 426  
in writing within five business days after receiving the written 427  
request explain to the peace officer, parole officer, prosecuting 428  
attorney, assistant prosecuting attorney, correctional employee, 429  
youth services employee, firefighter, or EMT why the removal and 430  
insertion is impracticable. 431

**Sec. 319.54.** (A) On all moneys collected by the county 432  
treasurer on any tax duplicate of the county, other than estate 433  
tax duplicates, and on all moneys received as advance payments of 434  
personal property and classified property taxes, the county 435  
auditor, on settlement with the treasurer and tax commissioner, on 436  
or before the date prescribed by law for such settlement or any 437  
lawful extension of such date, shall be allowed as compensation 438  
for the county auditor's services the following percentages: 439

(1) On the first one hundred thousand dollars, two and 440  
one-half per cent; 441

(2) On the next two million dollars, eight thousand three 442  
hundred eighteen ten-thousandths of one per cent; 443

(3) On the next two million dollars, six thousand six hundred 444  
fifty-five ten-thousandths of one per cent; 445

(4) On all further sums, one thousand six hundred sixty-three 446  
ten-thousandths of one per cent. 447

If any settlement is not made on or before the date 448  
prescribed by law for such settlement or any lawful extension of 449  
such date, the aggregate compensation allowed to the auditor shall 450  
be reduced one per cent for each day such settlement is delayed 451  
after the prescribed date. No penalty shall apply if the auditor 452  
and treasurer grant all requests for advances up to ninety per 453  
cent of the settlement pursuant to section 321.34 of the Revised 454  
Code. The compensation allowed in accordance with this section on 455  
settlements made before the dates prescribed by law, or the 456  
reduced compensation allowed in accordance with this section on 457  
settlements made after the date prescribed by law or any lawful 458  
extension of such date, shall be apportioned ratably by the 459  
auditor and deducted from the shares or portions of the revenue 460  
payable to the state as well as to the county, townships, 461  
municipal corporations, and school districts. 462

(B) For the purpose of reimbursing county auditors for the 463  
expenses associated with the increased number of applications for 464  
reductions in real property taxes under sections 323.152 and 465  
4503.065 of the Revised Code that results from the amendment of 466  
those sections by Am. Sub. H.B. 119 of the 127th general assembly, 467  
on the first day of August of each year there shall be paid from 468  
the state's general revenue fund to the county treasury to the 469  
credit of the real estate assessment fund created by section 470  
325.31 of the Revised Code an amount equal to one per cent of the 471  
total annual amount of property tax relief reimbursement paid to 472  
that county under sections 323.156 and 4503.068 of the Revised 473  
Code for the preceding tax year. 474

(C) From all moneys collected by the county treasurer on any 475  
tax duplicate of the county, other than estate tax duplicates, and 476  
on all moneys received as advance payments of personal property 477  
and classified property taxes, there shall be paid into the county 478  
treasury to the credit of the real estate assessment fund created 479



by section 325.31 of the Revised Code, an amount to be determined 480  
by the county auditor, which shall not exceed the percentages 481  
prescribed in divisions (C)(1) and (2) of this section. 482

(1) For payments made after June 30, 2007, and before 2011, 483  
the following percentages: 484

(a) On the first five hundred thousand dollars, four per 485  
cent; 486

(b) On the next five million dollars, two per cent; 487

(c) On the next five million dollars, one per cent; 488

(d) On all further sums not exceeding one hundred fifty 489  
million dollars, three-quarters of one per cent; 490

(e) On amounts exceeding one hundred fifty million dollars, 491  
five hundred eighty-five thousandths of one per cent. 492

(2) For payments made in or after 2011, the following 493  
percentages: 494

(a) On the first five hundred thousand dollars, four per 495  
cent; 496

(b) On the next ten million dollars, two per cent; 497

(c) On amounts exceeding ten million five hundred thousand 498  
dollars, three-fourths of one per cent. 499

Such compensation shall be apportioned ratably by the auditor 500  
and deducted from the shares or portions of the revenue payable to 501  
the state as well as to the county, townships, municipal 502  
corporations, and school districts. 503

(D) Each county auditor shall receive four per cent of the 504  
amount of tax collected and paid into the county treasury, on 505  
property omitted and placed by the county auditor on the tax 506  
duplicate. 507

(E) On all estate tax moneys collected by the county 508

treasurer, the county auditor, on settlement semiannually with the 509  
tax commissioner, shall be allowed, as compensation for the 510  
auditor's services under Chapter 5731. of the Revised Code, the 511  
following percentages: 512

(1) Four per cent on the first one hundred thousand dollars; 513

(2) One-half of one per cent on all additional sums. 514

Such percentages shall be computed upon the amount collected 515  
and reported at each semiannual settlement, and shall be for the 516  
use of the general fund of the county. 517

(F) On all cigarette license moneys collected by the county 518  
treasurer, the county auditor, on settlement semiannually with the 519  
treasurer, shall be allowed as compensation for the auditor's 520  
services in the issuing of such licenses one-half of one per cent 521  
of such moneys, to be apportioned ratably and deducted from the 522  
shares of the revenue payable to the county and subdivisions, for 523  
the use of the general fund of the county. 524

(G) The county auditor shall charge and receive fees as 525  
follows: 526

(1) For deeds of land sold for taxes to be paid by the 527  
purchaser, five dollars; 528

(2) For the transfer or entry of land, lot, or part of lot, 529  
or the transfer or entry on or after January 1, 2000, of a used 530  
manufactured home or mobile home as defined in section 5739.0210 531  
of the Revised Code, fifty cents for each transfer or entry, to be 532  
paid by the person requiring it; 533

(3) For receiving statements of value and administering 534  
section 319.202 of the Revised Code, one dollar, or ten cents for 535  
each one hundred dollars or fraction of one hundred dollars, 536  
whichever is greater, of the value of the real property 537  
transferred or, for sales occurring on or after January 1, 2000, 538

the value of the used manufactured home or used mobile home, as 539  
defined in section 5739.0210 of the Revised Code, transferred, 540  
except no fee shall be charged when the transfer is made: 541

(a) To or from the United States, this state, or any 542  
instrumentality, agency, or political subdivision of the United 543  
States or this state; 544

(b) Solely in order to provide or release security for a debt 545  
or obligation; 546

(c) To confirm or correct a deed previously executed and 547  
recorded or when a current owner on the general tax list of real 548  
and public utility property and the general duplicate of real and 549  
public utility property is a peace officer, parole officer, 550  
prosecuting attorney, assistant prosecuting attorney, correctional 551  
employee, youth services employee, firefighter, or EMT and is 552  
changing the current owner name listed on the general tax list of 553  
real and public utility property and the general duplicate of real 554  
and public utility property to the initials of the current owner 555  
as prescribed in division (B)(1) of section 319.28 of the Revised 556  
Code; 557

(d) To evidence a gift, in trust or otherwise and whether 558  
revocable or irrevocable, between husband and wife, or parent and 559  
child or the spouse of either; 560

(e) On sale for delinquent taxes or assessments; 561

(f) Pursuant to court order, to the extent that such transfer 562  
is not the result of a sale effected or completed pursuant to such 563  
order; 564

(g) Pursuant to a reorganization of corporations or 565  
unincorporated associations or pursuant to the dissolution of a 566  
corporation, to the extent that the corporation conveys the 567  
property to a stockholder as a distribution in kind of the 568  
corporation's assets in exchange for the stockholder's shares in 569

the dissolved corporation; 570

(h) By a subsidiary corporation to its parent corporation for 571  
no consideration, nominal consideration, or in sole consideration 572  
of the cancellation or surrender of the subsidiary's stock; 573

(i) By lease, whether or not it extends to mineral or mineral 574  
rights, unless the lease is for a term of years renewable forever; 575

(j) When the value of the real property or the manufactured 576  
or mobile home or the value of the interest that is conveyed does 577  
not exceed one hundred dollars; 578

(k) Of an occupied residential property, including a 579  
manufactured or mobile home, being transferred to the builder of a 580  
new residence or to the dealer of a new manufactured or mobile 581  
home when the former residence is traded as part of the 582  
consideration for the new residence or new manufactured or mobile 583  
home; 584

(l) To a grantee other than a dealer in real property or in 585  
manufactured or mobile homes, solely for the purpose of, and as a 586  
step in, the prompt sale of the real property or manufactured or 587  
mobile home to others; 588

(m) To or from a person when no money or other valuable and 589  
tangible consideration readily convertible into money is paid or 590  
to be paid for the real estate or manufactured or mobile home and 591  
the transaction is not a gift; 592

(n) Pursuant to division (B) of section 317.22 of the Revised 593  
Code, or section 2113.61 of the Revised Code, between spouses or 594  
to a surviving spouse pursuant to section 5302.17 of the Revised 595  
Code as it existed prior to April 4, 1985, between persons 596  
pursuant to section 5302.17 or 5302.18 of the Revised Code on or 597  
after April 4, 1985, to a person who is a surviving, survivorship 598  
tenant pursuant to section 5302.17 of the Revised Code on or after 599  
April 4, 1985, or pursuant to section 5309.45 of the Revised Code; 600

(o) To a trustee acting on behalf of minor children of the 601  
deceased; 602

(p) Of an easement or right-of-way when the value of the 603  
interest conveyed does not exceed one thousand dollars; 604

(q) Of property sold to a surviving spouse pursuant to 605  
section 2106.16 of the Revised Code; 606

(r) To or from an organization exempt from federal income 607  
taxation under section 501(c)(3) of the "Internal Revenue Code of 608  
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such 609  
transfer is without consideration and is in furtherance of the 610  
charitable or public purposes of such organization; 611

(s) Among the heirs at law or devisees, including a surviving 612  
spouse, of a common decedent, when no consideration in money is 613  
paid or to be paid for the real property or manufactured or mobile 614  
home; 615

(t) To a trustee of a trust, when the grantor of the trust 616  
has reserved an unlimited power to revoke the trust; 617

(u) To the grantor of a trust by a trustee of the trust, when 618  
the transfer is made to the grantor pursuant to the exercise of 619  
the grantor's power to revoke the trust or to withdraw trust 620  
assets; 621

(v) To the beneficiaries of a trust if the fee was paid on 622  
the transfer from the grantor of the trust to the trustee or if 623  
the transfer is made pursuant to trust provisions which became 624  
irrevocable at the death of the grantor; 625

(w) To a corporation for incorporation into a sports facility 626  
constructed pursuant to section 307.696 of the Revised Code; 627

(x) Between persons pursuant to section 5302.18 of the 628  
Revised Code. 629

The auditor shall compute and collect the fee. The auditor 630

shall maintain a numbered receipt system, as prescribed by the tax 631  
commissioner, and use such receipt system to provide a receipt to 632  
each person paying a fee. The auditor shall deposit the receipts 633  
of the fees on conveyances in the county treasury daily to the 634  
credit of the general fund of the county. 635

The real property transfer fee provided for in division 636  
(G)(3) of this section shall be applicable to any conveyance of 637  
real property presented to the auditor on or after January 1, 638  
1968, regardless of its time of execution or delivery. 639

The transfer fee for a used manufactured home or used mobile 640  
home shall be computed by and paid to the county auditor of the 641  
county in which the home is located immediately prior to the 642  
transfer. 643

**Sec. 1349.52.** (A) As used in this section: 644

(1) "Consumer credit reporting agency" means any person that, 645  
for monetary fees, dues, or on a cooperative nonprofit basis, 646  
regularly engages in whole or in part in the practice of 647  
maintaining consumers' credit information for the purpose of 648  
furnishing credit reports to third parties. 649

(2) "Credit report" means any written, oral, or other 650  
communication of any credit information by a consumer credit 651  
reporting agency that operates or maintains a database of consumer 652  
credit information bearing on a consumer's credit worthiness, 653  
credit standing, or credit capacity. 654

(3) "Security freeze" means a restriction placed in a 655  
consumer's credit report at the request of the consumer that 656  
prohibits a consumer credit reporting agency from releasing all or 657  
any part of the consumer's credit report or any information 658  
derived from the consumer's credit report relating to the 659  
extension of credit without the express authorization of the 660

consumer. 661

(4) "Other comparable service" means a service for which a 662  
receipt of delivery is provided. 663

(B) A consumer may elect to place a security freeze on the 664  
consumer's credit report by making a request to a consumer credit 665  
reporting agency in writing by certified mail or other comparable 666  
service or by any secured electronic method authorized by the 667  
consumer credit reporting agency. 668

(C) A consumer credit reporting agency shall place a security 669  
freeze on a credit report not later than three business days after 670  
receiving a request pursuant to division (B) of this section. The 671  
consumer credit reporting agency shall send a written confirmation 672  
of the security freeze to the consumer within five business days 673  
of placing the security freeze and, at the same time, shall 674  
provide the consumer with a unique personal identification number 675  
or password. The number or password shall not be the consumer's 676  
social security number. 677

(D) A consumer may allow the consumer's credit report to be 678  
accessed for a specific party or period of time while a security 679  
freeze is in place by contacting the consumer credit reporting 680  
agency by certified mail or other comparable service, secure 681  
electronic method selected by the consumer credit reporting 682  
agency, or telephone and requesting that the security freeze be 683  
temporarily lifted, and providing all of the following: 684

(1) Information generally considered sufficient to identify 685  
the consumer; 686

(2) The unique personal identification number or password 687  
provided by the consumer credit reporting agency pursuant to 688  
division (C) of this section; 689

(3) The proper information regarding the third party who is 690  
to receive the consumer credit report or the time period for which 691

the consumer credit report shall be available to users of the 692  
credit report. 693

(E)(1) A consumer credit reporting agency that receives a 694  
request in writing by certified mail or other comparable service 695  
from a consumer to temporarily lift a security freeze on a credit 696  
report pursuant to division (D) of this section shall comply with 697  
the request not later than three business days after receiving the 698  
request. 699

(2) Except as otherwise provided in this section, a consumer 700  
credit reporting agency that receives a request by secure 701  
electronic method selected by the consumer credit reporting 702  
agency, telephone, or another means authorized by the consumer 703  
credit reporting agency from a consumer to temporarily lift a 704  
security freeze on a credit report pursuant to division (D) of 705  
this section shall comply with the request not later than fifteen 706  
minutes after receiving the request unless any of the following 707  
applies: 708

(a) The consumer fails to meet the requirements of division 709  
(D) of this section. 710

(b) The consumer credit reporting agency's ability to 711  
temporarily lift the security freeze within fifteen minutes is 712  
prevented by an act of God, including fire, earthquakes, 713  
hurricanes, storms, or similar natural disaster or phenomena; 714  
unauthorized or illegal acts by a third party, including 715  
terrorism, sabotage, riot, vandalism, labor strikes or disputes 716  
disrupting operations, or similar occurrence; operational 717  
interruption, including electrical failure, unanticipated delay in 718  
equipment or replacement part delivery, computer hardware or 719  
software failures inhibiting response time, or similar disruption; 720  
governmental action, including emergency orders or regulations, 721  
judicial or law enforcement action, or similar directives; 722  
regularly scheduled maintenance, during other than normal business 723



hours of, or updates to, the consumer credit reporting agency's 724  
systems; or commercially reasonable maintenance of, or repair to, 725  
the consumer credit reporting agency's systems that is unexpected 726  
or unscheduled. 727

(3) A consumer credit reporting agency shall remove or 728  
temporarily lift a security freeze placed on a credit report only 729  
in the following cases: 730

(a) Upon consumer request pursuant to division (D) of this 731  
section; 732

(b) If the credit report was frozen due to a material 733  
misrepresentation of fact by the consumer. If a consumer credit 734  
reporting agency intends to remove a security freeze upon a credit 735  
report pursuant to division (E)(3)(b) of this section, the 736  
consumer credit reporting agency shall notify the consumer in 737  
writing at least five business days prior to removing the security 738  
freeze on the credit report. 739

(F) A consumer credit reporting agency, when required by the 740  
"Fair Credit Reporting Act," 84 Stat. 1128 (1970), 15 U.S.C. 741  
1681g(c), to provide a summary of rights, or when receiving a 742  
request from a consumer for information about a security freeze, 743  
shall provide the following written notice: 744

"Ohio Consumers Have the Right to Obtain a Security Freeze: 745

You may obtain a security freeze on your credit report to 746  
protect your privacy and ensure that credit is not granted in your 747  
name without your knowledge. You have a right to place a "security 748  
freeze" on your credit report pursuant to Ohio law. The security 749  
freeze will prohibit a consumer credit reporting agency from 750  
releasing any information in your credit report without your 751  
express authorization or approval. The security freeze is designed 752  
to prevent credit, loans, and services from being approved in your 753  
name without your consent. When you place a security freeze on 754

your credit report, within five business days you will be provided 755  
a personal identification number or password to use if you choose 756  
to remove the security freeze on your credit report or to 757  
temporarily authorize the release of your credit report for a 758  
specific party or parties or for a specific period of time after 759  
the security freeze is in place. To provide that authorization, 760  
you must contact the consumer credit reporting agency and provide 761  
all of the following: 762

(a) Information generally considered sufficient to identify 763  
the consumer; 764

(b) The unique personal identification number or password 765  
provided by the consumer credit reporting agency; 766

(c) The proper information regarding the third party who is 767  
to receive the consumer credit report or the time period for which 768  
the credit report shall be available to users of the credit 769  
report. 770

A consumer credit reporting agency that receives a request 771  
from a consumer to temporarily lift a security freeze on a credit 772  
report shall comply with the request not later than fifteen 773  
minutes after receiving the request. 774

A security freeze does not apply to circumstances in which 775  
you have an existing account relationship and a copy of your 776  
report is requested by your existing creditor or its agents or 777  
affiliates for certain types of account review, collection, fraud 778  
control, or similar activities. 779

If you are actively seeking credit, you should understand 780  
that the procedures involved in lifting a security freeze may slow 781  
your own applications for credit. You should plan ahead and lift a 782  
freeze, either completely if you are shopping around, or 783  
specifically for a certain creditor, a few days before actually 784  
applying for new credit." 785

(G) Except as otherwise provided in division (E) of this 786  
section, a consumer credit reporting agency shall keep a security 787  
freeze in place until the consumer requests that the security 788  
freeze be removed. A consumer credit reporting agency shall remove 789  
a security freeze within three business days of receiving a 790  
request by telephone or by any other means authorized by the 791  
consumer credit reporting agency for removal from the consumer 792  
when the consumer provides the following: 793

(1) Information generally considered sufficient to identify 794  
the consumer; 795

(2) The unique personal identification number or password 796  
provided by the consumer credit reporting agency pursuant to 797  
division (C) of this section. 798

(H) A consumer credit reporting agency may release a credit 799  
report on which a security freeze has been placed to the 800  
following: 801

(1) A person, or subsidiary, affiliate, or agent of that 802  
person, or an assignee of a financial obligation owing by the 803  
consumer to that person, or a prospective assignee of a financial 804  
obligation owing by the consumer to that person in conjunction 805  
with the proposed purchase of the financial obligation, with which 806  
the consumer has or had prior to assignment an account or 807  
contract, including a demand deposit account, or to whom the 808  
consumer issued a negotiable instrument, for the purposes of 809  
reviewing the account or collecting the financial obligation owing 810  
for the account, contract, or negotiable instrument. For purposes 811  
of this paragraph, "reviewing the account" includes activities 812  
related to account maintenance, monitoring, credit line increases, 813  
and account upgrades and enhancements. 814

(2) A subsidiary, affiliate, agent, assignee, or prospective 815  
assignee of a person to whom access has been granted under 816

division (D) of this section, for purposes of facilitating the 817  
extension of credit or other permissible use; 818

(3) Any state or local law enforcement agency, trial court, 819  
or private collection agency acting pursuant to a court order, 820  
warrant, or subpoena; 821

(4) Any federal, state, or local governmental entity, agency, 822  
or instrumentality that is acting within the entity's, agency's, 823  
or instrumentality's authority; 824

(5) A state or local child support enforcement agency; 825

(6) A person seeking to use the information contained in the 826  
consumer's credit report for the purpose of prescreening pursuant 827  
to the "Fair Credit Reporting Act," 84 Stat. 1128 (1970), 15 828  
U.S.C. 1681 et seq.; 829

(7) Any person or entity administering a credit file 830  
monitoring subscription service to which the consumer has 831  
subscribed; 832

(8) Any person or entity providing a consumer with a copy of 833  
the consumer's credit report upon the consumer's request; 834

(9) Any person or entity for use in setting or adjusting a 835  
rate, adjusting a claim, or underwriting for insurance purposes; 836

(10) Any person or entity acting to investigate fraud or 837  
acting to investigate or collect delinquent taxes or unpaid court 838  
orders provided those responsibilities are consistent with section 839  
1681b of the "Fair Credit Reporting Act," 15 U.S.C. 1681 et seq. 840

(I)(1) A consumer credit reporting agency may charge a 841  
consumer a reasonable fee not to exceed five dollars for placing a 842  
security freeze on that consumer's credit report. If the consumer 843  
is a victim of a violation of section 2913.49 of the Revised Code, 844  
the consumer credit reporting agency shall not charge a fee to 845  
place a security freeze on that consumer's credit report, but that 846

consumer shall send a copy of the police report related to the 847  
violation of section 2913.49 of the Revised Code to the consumer 848  
credit reporting agency. 849

(2) A consumer credit reporting agency may charge a consumer 850  
a reasonable fee not to exceed five dollars for removing or 851  
temporarily lifting a security freeze on that consumer's credit 852  
report if the consumer elects to remove or temporarily lift the 853  
security freeze on the consumer's credit report for a specific 854  
creditor and may charge a consumer a reasonable fee not to exceed 855  
five dollars if the consumer elects to temporarily lift the 856  
security freeze for a specified period of time. 857

(3) A consumer credit reporting agency may charge a 858  
reasonable fee not to exceed five dollars to a consumer who fails 859  
to retain the original personal identification number provided by 860  
the consumer credit reporting agency and must be reissued the same 861  
or a new personal identification number. 862

(J) If a security freeze is in place, a consumer credit 863  
reporting agency shall not change any of the following official 864  
information in a credit report without sending a written 865  
confirmation of the change to the consumer within thirty days of 866  
the change being posted to the consumer's file: name; date of 867  
birth; social security number; or address. Written confirmation is 868  
not required for technical modifications of a consumer's official 869  
information, including name and street abbreviations, complete 870  
spellings, or transposition of numbers or letters. In the case of 871  
an address change, the written confirmation shall be sent to both 872  
the new address and to the former address. 873

(K) The provisions of this section do not apply to a consumer 874  
credit reporting agency that acts only as a reseller of credit 875  
information by assembling and merging information contained in the 876  
database of another consumer credit reporting agency or multiple 877  
consumer credit reporting agencies and does not maintain a 878

permanent database of credit information from which new credit 879  
reports are produced, except that the reseller of credit 880  
information shall honor any security freeze placed on a credit 881  
report by another consumer credit reporting agency. 882

(L) The following entities are not required to place a 883  
security freeze in a credit report: 884

(1) A check services company or fraud prevention services 885  
company that issues reports on incidents of fraud or 886  
authorizations for the purpose of approving or processing 887  
negotiable instruments, electronic funds transfers, or similar 888  
methods of payments; 889

(2) A demand deposit account information service company that 890  
issues reports, regarding account closures due to fraud, 891  
substantial overdrafts, automated teller machine abuse, or similar 892  
negative information regarding a consumer, to inquiring banks or 893  
other financial institutions for use only in reviewing a consumer 894  
request for a demand deposit account at the inquiring bank or 895  
financial institution. 896

(M)(1) The attorney general may conduct an investigation if 897  
the attorney general, based on complaints or the attorney 898  
general's own inquiries, has reason to believe that a consumer 899  
credit reporting agency has failed or is failing to comply with 900  
this section. 901

(2) In any investigation conducted pursuant to this section, 902  
the attorney general may administer oaths, subpoena witnesses, 903  
adduce evidence, and subpoena the production of any book, 904  
document, record, or other relevant matter. 905

(3) If the attorney general under division (M)(2) of this 906  
section subpoenas the production of any relevant matter that is 907  
located outside this state, the attorney general may designate a 908  
representative, including an official of the state in which that 909

relevant matter is located, to inspect the relevant matter on the 910  
attorney general's behalf. The attorney general may carry out 911  
similar requests received from officials of other states. 912

(4) Any person who is subpoenaed to produce relevant matter 913  
pursuant to division (M)(2) of this section shall make that 914  
relevant matter available at a convenient location within this 915  
state or the state of the representative designated under division 916  
(M)(3) of this section. 917

(5) Any person who is subpoenaed as a witness or to produce 918  
relevant matter pursuant to division (M)(2) of this section may 919  
file in the court of common pleas of Franklin county, the county 920  
in this state in which the person resides, or the county in this 921  
state in which the person's principal place of business is located 922  
a petition to extend for good cause shown the date on which the 923  
subpoena is to be returned or to modify or quash for good cause 924  
shown that subpoena. The person may file the petition at any time 925  
prior to the date specified for the return of the subpoena or 926  
within twenty days after the service of the subpoena, whichever is 927  
earlier. 928

(6) Any person who is subpoenaed as a witness or to produce 929  
relevant matter pursuant to division (M)(2) of this section shall 930  
comply with the terms of the subpoena unless the court orders 931  
otherwise prior to the date specified for the return of the 932  
subpoena or, if applicable, that date as extended. If a person 933  
fails without lawful excuse to obey a subpoena, the attorney 934  
general may apply to the court of common pleas for an order that 935  
does one or more of the following: 936

(a) Compels the requested discovery; 937

(b) Adjudges the person in contempt of court; 938

(c) Grants injunctive relief to restrain the person from 939  
failing to comply with section 1347.12 or 1349.19 of the Revised 940

Code, whichever is applicable; 941

(d) Grants injunctive relief to preserve or restore the 942  
status quo; 943

(e) Grants other relief that may be required until the person 944  
obeys the subpoena. 945

(N)(1) The attorney general has the authority to bring a 946  
civil action in a court of common pleas for appropriate relief 947  
under this section, including a temporary restraining order, 948  
preliminary or permanent injunction, and civil penalties, if it 949  
appears that a consumer credit reporting agency has failed or is 950  
failing to comply with this section. Upon its finding that a 951  
consumer credit reporting agency has intentionally or recklessly 952  
failed to comply with this section, the court shall impose a civil 953  
penalty upon the consumer credit reporting agency of up to two 954  
thousand five hundred dollars for each instance that the consumer 955  
credit reporting agency fails to comply. 956

(2) Any civil penalty that is assessed under division (N)(1) 957  
of this section shall be deposited into the consumer protection 958  
enforcement fund created by section 1345.51 of the Revised Code. 959

(3) In determining the appropriate civil penalty to assess 960  
under division (N)(1) of this section, the court shall consider 961  
all relevant factors, including the degree of the defendant's 962  
culpability, any history of prior violations of this section by 963  
the defendant, the defendant's ability to pay, the effect of the 964  
court's decision on the defendant's ability to continue to conduct 965  
the defendant's business, and whether or not the defendant acted 966  
in bad faith in failing to comply with this section. 967

(O) Any consumer credit reporting agency that is found by the 968  
court to have failed to comply with this section is liable to the 969  
attorney general for the attorney general's costs in conducting an 970  
investigation and bringing an action under this section. 971



(P) The rights and remedies that are provided under this 972  
section are in addition to any other rights or remedies that are 973  
provided by law. 974

Sec. 1349.53. (A) If a consumer credit reporting agency 975  
willfully fails to comply with division (C) or (J) of section 976  
1349.52 of the Revised Code, the consumer may file a civil action 977  
against the consumer credit reporting agency. In the civil action, 978  
the consumer may recover all of the following: 979

(1) Actual damages sustained by the consumer as a result of 980  
the consumer credit reporting agency's failure to comply with 981  
division (C) or (J) of section 1349.52 of the Revised Code or 982  
damages of not less than one hundred dollars and not more than one 983  
thousand dollars, whichever is greater; 984

(2) Punitive damages; 985

(3) Court costs and reasonable attorney's fees. 986

(B) A person who obtains a consumer's credit report from a 987  
consumer credit reporting agency under false pretenses or 988  
knowingly without the permission of the consumer is liable to the 989  
consumer credit reporting agency for actual damages sustained by 990  
the consumer credit reporting agency or one thousand dollars, 991  
whichever is greater. 992

(C) If a consumer credit reporting agency negligently fails 993  
to comply with division (C) or (J) of section 1349.52 of the 994  
Revised Code, the consumer may file a civil action against the 995  
consumer credit reporting agency. In the civil action, the 996  
consumer may recover all of the following: 997

(1) Actual damages sustained by the consumer as a result of 998  
the consumer credit reporting agency's failure to comply with 999  
division (C) or (J) of section 1349.52 of the Revised Code or as a 1000  
result of the consumer credit reporting agency negligently 1001

allowing another person to obtain a consumer's credit report; 1002

(2) Court costs and reasonable attorney's fees. 1003

(D) If the court finds that a civil action under division (A) 1004  
or (C) of this section was brought in bad faith or for the 1005  
purposes of harassment, the court shall award to the prevailing 1006  
party reasonable attorney's fees in relation to the work expended 1007  
in responding to the civil action. 1008

(E) A person shall bring a civil action under division (A) or 1009  
(C) of this section not later than the earlier of the following: 1010

(1) Two years after the date of discovery by the plaintiff of 1011  
a violation of division (C) or (J) of section 1349.52 of the 1012  
Revised Code; 1013

(2) Five years after the date a violation of division (C) or 1014  
(J) of section 1349.52 of the Revised Code occurs. 1015

(F) A consumer credit reporting agency is not liable in 1016  
damages in a civil action brought pursuant to division (A) of this 1017  
section for any damages a consumer allegedly sustains as a result 1018  
of the consumer credit reporting agency's placement of a security 1019  
freeze in violation of division (C) of section 1349.52 of the 1020  
Revised Code on the consumer's credit report if the consumer 1021  
credit reporting agency establishes as an affirmative defense that 1022  
the consumer credit reporting agency made a good faith effort to 1023  
comply with that division and the consumer credit reporting agency 1024  
placed a security freeze on the consumer's credit report as a 1025  
result of a misrepresentation of fact by another consumer. 1026  
1027

**Sec. 2305.09.** An Except as provided for in division (C) of 1028  
this section, an action for any of the following causes shall be 1029  
brought within four years after the cause thereof accrued: 1030

(A) For trespassing upon real property; 1031

(B) For the recovery of personal property, or for taking or 1032  
detaining it; 1033

(C) For relief on the ground of fraud, except when the cause 1034  
of action is a violation of section 2913.49 of the Revised Code, 1035  
in which case the action shall be brought within five years after 1036  
the cause thereof accrued; 1037

(D) For an injury to the rights of the plaintiff not arising 1038  
on contract nor enumerated in sections 1304.35, 2305.10 to 1039  
2305.12, and 2305.14 of the Revised Code; 1040

(E) For relief on the grounds of a physical or regulatory 1041  
taking of real property. 1042

If the action is for trespassing under ground or injury to 1043  
mines, or for the wrongful taking of personal property, the causes 1044  
thereof shall not accrue until the wrongdoer is discovered; nor, 1045  
if it is for fraud, until the fraud is discovered. 1046

**Sec. 2901.13.** (A)(1) Except as provided in division (A)(2) or 1047  
(3) of this section or as otherwise provided in this section, a 1048  
prosecution shall be barred unless it is commenced within the 1049  
following periods after an offense is committed: 1050

(a) For a felony, six years; 1051

(b) For a misdemeanor other than a minor misdemeanor, two 1052  
years; 1053

(c) For a minor misdemeanor, six months. 1054

(2) There is no period of limitation for the prosecution of a 1055  
violation of section 2903.01 or 2903.02 of the Revised Code. 1056

(3) Except as otherwise provided in divisions (B) to (H) of 1057  
this section, a prosecution of any of the following offenses shall 1058  
be barred unless it is commenced within twenty years after the 1059  
offense is committed: 1060

(a) A violation of section 2903.03, 2903.04, 2905.01, 1061  
2907.02, 2907.03, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 1062  
2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 1063  
2911.02, 2911.11, 2911.12, or 2917.02 of the Revised Code, a 1064  
violation of section 2903.11 or 2903.12 of the Revised Code if the 1065  
victim is a peace officer, a violation of section 2903.13 of the 1066  
Revised Code that is a felony, or a violation of former section 1067  
2907.12 of the Revised Code; 1068

(b) A conspiracy to commit, attempt to commit, or complicity 1069  
in committing a violation set forth in division (A)(3)(a) of this 1070  
section. 1071

(B) ~~If (1) Except as otherwise provided in division (B)(2) of~~ 1072  
~~this section, if~~ the period of limitation provided in division 1073  
(A)(1) or (3) of this section has expired, prosecution shall be 1074  
commenced for an offense of which an element is fraud or breach of 1075  
a fiduciary duty, within one year after discovery of the offense 1076  
either by an aggrieved person, or by the aggrieved person's legal 1077  
representative who is not a party to the offense. 1078

(2) If the period of limitation provided in division (A)(1) 1079  
or (3) of this section has expired, prosecution for a violation of 1080  
section 2913.49 of the Revised Code shall be commenced within five 1081  
years after discovery of the offense either by an aggrieved person 1082  
or the aggrieved person's legal representative who is not a party 1083  
to the offense. 1084

(C) If the period of limitation provided in division (A)(1) 1085  
or (3) of this section has expired, prosecution shall be commenced 1086  
for an offense involving misconduct in office by a public servant 1087  
as defined in section 2921.01 of the Revised Code, at any time 1088  
while the accused remains a public servant, or within two years 1089  
thereafter. 1090

(D) An offense is committed when every element of the offense 1091

occurs. In the case of an offense of which an element is a 1092  
continuing course of conduct, the period of limitation does not 1093  
begin to run until such course of conduct or the accused's 1094  
accountability for it terminates, whichever occurs first. 1095

(E) A prosecution is commenced on the date an indictment is 1096  
returned or an information filed, or on the date a lawful arrest 1097  
without a warrant is made, or on the date a warrant, summons, 1098  
citation, or other process is issued, whichever occurs first. A 1099  
prosecution is not commenced by the return of an indictment or the 1100  
filing of an information unless reasonable diligence is exercised 1101  
to issue and execute process on the same. A prosecution is not 1102  
commenced upon issuance of a warrant, summons, citation, or other 1103  
process, unless reasonable diligence is exercised to execute the 1104  
same. 1105

(F) The period of limitation shall not run during any time 1106  
when the corpus delicti remains undiscovered. 1107

(G) The period of limitation shall not run during any time 1108  
when the accused purposely avoids prosecution. Proof that the 1109  
accused departed this state or concealed the accused's identity or 1110  
whereabouts is prima-facie evidence of the accused's purpose to 1111  
avoid prosecution. 1112

(H) The period of limitation shall not run during any time a 1113  
prosecution against the accused based on the same conduct is 1114  
pending in this state, even though the indictment, information, or 1115  
process which commenced the prosecution is quashed or the 1116  
proceedings thereon are set aside or reversed on appeal. 1117

(I) The period of limitation for a violation of any provision 1118  
of Title XXIX of the Revised Code that involves a physical or 1119  
mental wound, injury, disability, or condition of a nature that 1120  
reasonably indicates abuse or neglect of a child under eighteen 1121  
years of age or of a mentally retarded, developmentally disabled, 1122

or physically impaired child under twenty-one years of age shall 1123  
not begin to run until either of the following occurs: 1124

(1) The victim of the offense reaches the age of majority. 1125

(2) A public children services agency, or a municipal or 1126  
county peace officer that is not the parent or guardian of the 1127  
child, in the county in which the child resides or in which the 1128  
abuse or neglect is occurring or has occurred has been notified 1129  
that abuse or neglect is known, suspected, or believed to have 1130  
occurred. 1131

(J) As used in this section, "peace officer" has the same 1132  
meaning as in section 2935.01 of the Revised Code. 1133

**Section 2.** That existing sections 125.18, 317.082, 319.28, 1134  
319.54, 2305.09, and 2901.13 of the Revised Code are hereby 1135  
repealed. 1136

**Section 3.** Sections 1 and 2 of this act shall take effect on 1137  
September 1, 2008. 1138

**Section 4.** The Office of Criminal Justice Services shall make 1139  
one-time state funding grants available to local law enforcement 1140  
agencies to enable the local law enforcement agencies to develop 1141  
capabilities to enforce identity fraud crimes. The Executive 1142  
Director of Criminal Justice Services shall adopt rules for the 1143  
evaluation of such grant requests and for the allocation and 1144  
disbursement of such grants. The authority of the Office of 1145  
Criminal Justice Services to allocate and disburse grants under 1146  
this section shall expire two years after the effective date of 1147  
this act. 1148