

As Introduced

**127th General Assembly
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H. B. No. 53

**Representatives Peterson, Yuko, Skindell, Ujvagi, Setzer, Dodd, Bacon,
Collier, Fende, Chandler, Strahorn**

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A B I L L

To amend sections 701.01, 711.23, 1775.31, 2111.37, 1
2111.47, 2307.14, 2317.03, 2317.06, 2721.05, 2
3763.06, 4303.272, 4399.05, 4971.16, 5301.22, 3
5305.17, 5305.18, 5305.19, 5305.20, 5305.21, 4
5305.22, 5307.19, 5307.20, 5310.12, 5711.05, 5
5711.07, 5907.06, 5907.08, and 5907.09 of the 6
Revised Code to replace certain outdated terms. 7

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

Section 1. That sections 701.01, 711.23, 1775.31, 2111.37, 8
2111.47, 2307.14, 2317.03, 2317.06, 2721.05, 3763.06, 4303.272, 9
4399.05, 4971.16, 5301.22, 5305.17, 5305.18, 5305.19, 5305.20, 10
5305.21, 5305.22, 5307.19, 5307.20, 5310.12, 5711.05, 5711.07, 11
5907.06, 5907.08, and 5907.09 of the Revised Code be amended to 12
read as follows: 13

Sec. 701.01. In the interpretation of Title VII of the 14
Revised Code, unless the context shows that another meaning was 15
intended: 16

(A) "Person" includes a private corporation. 17

(B) "Writing" includes printing. 18

(C) "Oath" includes affirmation. 19

(D) ~~"Insane" and "lunatic" include every species of mental~~ 20
~~derangement.~~ 21

~~(E)~~ "Property" includes real, personal, and mixed estates and 22
interests. 23

~~(F)~~(E) "Land" and "real estate" include rights and easements 24
of an incorporeal nature. 25

~~(G)~~(F) "Plan of sewerage," "system of sewerage," "sewer," and 26
"sewers" include sewers, sewage disposal works and treatment 27
plants, and sewage pumping stations, together with facilities and 28
appurtenances necessary and proper therefor. 29

This enumeration does not require a strict construction of 30
any other words in such title. 31

Sec. 711.23. If the court of common pleas is of the opinion 32
that any person owning a lot in a plat, addition, or part thereof 33
proposed to be vacated or altered, and not assenting to such 34
vacation or alteration, will sustain damage thereby, it may 35
proceed to hear proof in reference thereto, and may render 36
judgment against the petitioners for such damages as it thinks 37
proper and just, to be assessed ratably against the petitioners by 38
the court, according to the value of the property owned by the 39
petitioners as it stands taxed on the tax list of the county. When 40
necessary, the court shall appoint a guardian ad litem for all 41
minors, ~~or persons of insane mind,~~ incompetent by reason of mental 42
illness interested in the premises. The judgment of the court 43
vacating such plat, addition, or parts thereof, shall be 44
conditioned upon the payment of the damages thus assessed. 45

Sec. 1775.31. (A) On application by or for a partner the 46
court shall decree a dissolution whenever: 47

(1) A partner has been declared ~~a lunatic~~ incompetent by 48
reason of mental illness in any judicial proceeding or is shown to 49

be of unsound mind; 50

(2) A partner becomes in any other way incapable of 51
performing ~~his~~ the partner's part of the partnership contract; 52

(3) A partner has been guilty of such conduct as tends to 53
affect prejudicially the carrying on of the business; 54

(4) A partner willfully or persistently commits a breach of 55
the partnership agreement, or otherwise so conducts ~~himself~~ the
partner's self in matters relating to the partnership business 56
that it is not reasonably practicable to carry on the business in 57
partnership with ~~him~~ the partner; 58
59

(5) The business of the partnership can only be carried on at 60
a loss; 61

(6) Other circumstances render a dissolution equitable. 62

(B) On the application of the purchaser of a partner's 63
interest under section 1775.26 or 1775.27 of the Revised Code, the 64
court shall decree a dissolution: 65

(1) After the termination of the specified term or particular 66
undertaking; 67

(2) At any time if the partnership was a partnership at will 68
when the interest was assigned or when the charging order was 69
issued. 70

Sec. 2111.37. When a nonresident minor, incompetent, ~~habitual~~ 71
~~drunkard, idiot, imbecile, lunatic,~~ or person confined in a state, 72
charitable, or correctional institution has real estate, chattels, 73
rights, credits, or moneys in this state, the probate court of the 74
county in which the property or a part of it is situated may 75
appoint a resident guardian of the ward to manage, collect, lease, 76
and take care of ~~his~~ the ward's property. The appointment may be 77
made whether or not a ward has a guardian, trustee, or other 78
conservator in the state of ~~his~~ the ward's residence, and, if ~~he~~ 79

the ward has a guardian, trustee, or other conservator in the 80
state of ~~his~~ the ward's residence, the control and authority of 81
the resident guardian appointed in Ohio shall be superior as to 82
all property of the ward in Ohio. 83

The first appointment of a resident guardian of a nonresident 84
ward shall extend to all the property and effects of the ward in 85
this state and exclude the jurisdiction of the probate court of 86
any other county. 87

Sec. 2111.47. Upon reasonable notice to the guardian, to the 88
ward, and to the person on whose application the appointment was 89
made, and upon satisfactory proof that the necessity for the 90
guardianship no longer exists or that the letters of appointment 91
were improperly issued, the probate court shall order that the 92
guardianship of an incompetent terminate and shall make an 93
appropriate entry upon the journal. Thereupon the guardianship 94
shall cease, the accounts of the guardian shall be settled by the 95
court, and the ward shall be restored to the full control of ~~his~~ 96
the ward's property as before the appointment. Such entry 97
terminating the guardianship of ~~an insane person~~ a person 98
incompetent by reason of mental illness shall have the same effect 99
as a determination by the court that such person is ~~restored to~~ 100
sanity competent. 101

Sec. 2307.14. The court shall require a guardian ad litem, or 102
a trustee appointed under section 2307.13 or 2307.131 of the 103
Revised Code, faithfully to discharge ~~his~~ the guardian ad litem's 104
or trustee's duty, and upon ~~his~~ failure to do so, may remove ~~him~~ 105
the guardian ad litem or trustee, and appoint another. The court 106
may fix a compensation for ~~his~~ the guardian ad litem's or 107
trustee's services, which shall be taxed in the costs against the 108
minor, the ~~insane~~ person incompetent by reason of mental illness, 109
or the unborn persons. 110

Sec. 2317.03. A party shall not testify when the adverse 111
party is the guardian or trustee of ~~either a deaf and dumb or an~~ 112
~~insane~~ an incompetent person, or of a child of a deceased person, 113
or is an executor or administrator, or claims or defends as heir, 114
grantee, assignee, devisee, or legatee of a deceased person 115
except: 116

(A) As to facts which occurred after the appointment of the 117
guardian or trustee of ~~an insane~~ a person incompetent by reason of 118
mental illness, and, in the other cases, after the time the 119
decedent, grantor, assignor, or testator died; 120

(B) When the action or proceeding relates to a contract made 121
through an agent by a person since deceased, and the agent is 122
competent to testify as a witness, a party may testify on the same 123
subject; 124

(C) If a party, or one having a direct interest, testifies to 125
transactions or conversations with another party, the latter may 126
testify as to the same transactions or conversations; 127

(D) If a party offers evidence of conversations or admissions 128
of the opposite party, the latter may testify concerning the same 129
conversations or admissions; and, if evidence of declarations 130
against interest made by an ~~insane~~, incompetent, or deceased 131
person has been admitted, then any oral or written declaration 132
made by such ~~insane~~, incompetent, or deceased person concerning 133
the same subject to which any such admitted evidence relates, and 134
which but for this provision would be excluded as self-serving, 135
shall be admitted in evidence if it be proved to the satisfaction 136
of the trial judge that the declaration was made at a time when 137
the declarant was competent to testify, concerning a subject 138
matter in issue, and, when no apparent motive to misrepresent 139
appears; 140

(E) In an action or proceeding by or against a partner or 141

joint contractor, the adverse party shall not testify to 142
transactions with, or admissions by, a partner or joint contractor 143
since deceased, unless they were made in the presence of the 144
surviving partner or joint contractor, and this rule applies 145
without regard to the character in which the parties sue or are 146
sued; 147

(F) If the claim or defense is founded on a book account, a 148
party may testify that the book is ~~his~~ the party's account book, 149
that it is a book of original entries, that the entries therein 150
were made in the regular course of business by ~~himself~~ the party 151
personally, a person since deceased, or a disinterested person, 152
and the book is then competent evidence in any case, without 153
regard to the parties, upon like proof by any competent witness; 154

(G) If after testifying orally, a party dies, the evidence 155
may be proved by either party on a further trial of the case, 156
whereupon the opposite party may testify to the same matters; 157

(H) If a party dies and ~~his~~ the party's deposition is offered 158
in evidence, the opposite party may testify as to all competent 159
matters therein. 160

This section does not apply to actions for causing death, or 161
actions or proceedings involving the validity of a deed, will or 162
codicil. When a case is plainly within the reason and spirit of 163
this section and sections 2317.01 and 2317.02 of the Revised Code, 164
though not within the strict letter, their principles shall be 165
applied. 166

Sec. 2317.06. (A) If a party or witness, after testifying 167
orally, dies, is beyond the jurisdiction of the court, cannot be 168
found after diligent search, is ~~insane,~~ unable to testify because 169
of any physical or mental infirmity ~~is unable to testify,~~ or has 170
been summoned but appears to have been kept away by the adverse 171
party and if the evidence of the party or witness has been taken 172

down by an official stenographer, the evidence so taken may be 173
read in evidence by either party on the further trial of the case 174
and shall be prima-facie evidence of what the deceased party or 175
witness testified to orally on the former trial. If the evidence 176
has not been taken by an official stenographer, it may be proved 177
by witnesses who were present at the former trial, having 178
knowledge of the testimony. All testimony so offered shall be open 179
to all objections that might be taken if the witness was 180
personally present. 181

(B)(1) If it is necessary in a civil action before the court 182
to procure the testimony of a person who is imprisoned in a 183
workhouse, juvenile detention facility, jail, or state 184
correctional institution within this state, or who is in the 185
custody of the department of youth services, the court shall 186
require that the person's testimony be taken by deposition 187
pursuant to the Civil Rules at the place of the person's 188
confinement, unless the court determines that the interests of 189
justice demand that the person be brought before the court for the 190
presentation of ~~his~~ the person's testimony. 191

(2) If the court determines that the interests of justice 192
demand that a person specified in division (B)(1) of this section 193
be brought before the court for the presentation of ~~his~~ the 194
person's testimony, the court shall order the person to be brought 195
before it under the procedures set forth in division (B) or (C) of 196
section 2945.47 of the Revised Code. 197

(C) When a person's deposition is taken pursuant to division 198
(B)(1) of this section, the person shall remain in the custody of 199
the officer who is in charge of the person, and the officer shall 200
provide reasonable facilities for the taking of the deposition. 201

(D) The person requesting the testimony of the person whose 202
deposition is taken pursuant to division (B)(1) of this section 203
shall pay the expense of taking the deposition, except that the 204

court may tax the expense as court costs in appropriate cases. 205

Sec. 2721.05. Any person interested as or through an 206
executor, administrator, trustee, guardian, or other fiduciary, 207
creditor, devisee, legatee, heir, next of kin, or cestui que 208
trust, in the administration of a trust, or of the estate of a 209
decedent, an infant, ~~lunatic~~ person incompetent by reason of 210
mental illness, or insolvent person, may have a declaration of 211
rights or legal relations in respect thereto in any of the 212
following cases: 213

(A) To ascertain any class of creditors, devisees, legatees, 214
heirs, next of kin, or others; 215

(B) To direct the executors, administrators, trustees, or 216
other fiduciaries to do or abstain from doing any particular act 217
in their fiduciary capacity; 218

(C) To determine any question arising in the administration 219
of the estate or trust, including questions of construction of 220
wills and other writings. 221

Sec. 3763.06. The property, both real and personal, of a 222
defendant against whom a judgment is rendered under sections 223
3763.01 to 3763.08, ~~inclusive~~, of the Revised Code, for fines, 224
costs, or to recover money or any other thing of value, lost or 225
paid, shall be liable therefor without exemption, and such 226
judgment shall be a lien thereon until paid. If the owner of the 227
building in which the money was lost knowingly permits it to be 228
used for gaming purposes, such building, and the real estate upon 229
which it stands, shall be liable therefor in a like manner. The 230
guardian or trustee of a minor, ~~insane person~~, or ~~idiot~~ 231
incompetent person, permitting property under ~~his~~ the guardian's 232
or trustee's charge to be used for gaming purposes and to become 233
liable on account thereof, shall be liable to ~~his~~ the guardian's 234

or trustee's ward for such amount. 235

Sec. 4303.272. Any permit holder whose permit premises are 236
destroyed or made unusable for any cause, or whose tenancy is 237
terminated for any cause, shall deliver the permit holder's permit 238
to the division of liquor control for safekeeping until such time 239
as the original permit premises are made available for occupancy 240
or new premises are secured by the permit holder or until new 241
premises are secured by the permit holder outside the precinct 242
affected by a local option election. 243

Unless the permit is to be cancelled as the result of a local 244
option election held pursuant to section 4301.352 of the Revised 245
Code, a permit holder whose permit is to be restricted or 246
cancelled as the result of a local option election pursuant to 247
sections 4301.32 to 4301.41 and 4305.14 of the Revised Code may, 248
within the thirty-day period after the certification of the 249
results of the election to the division, deliver the permit to the 250
division for safekeeping subject to the renewal and transfer 251
provision of this section. A permit holder whose permit is to be 252
cancelled as the result of a local option election held pursuant 253
to section 4301.352 of the Revised Code is not entitled to deliver 254
the permit to the division for safekeeping. 255

If, as the result of the election, the use of a permit is 256
made wholly unlawful and the permit holder does not deliver or is 257
not entitled to deliver the permit to the division for safekeeping 258
as provided in this section, the division shall forthwith cancel 259
and pick up the permit. 260

During the period of time that a permit is held in 261
safekeeping by the division, the permit holder shall be allowed to 262
transfer the permit to other premises, subject to the provisions 263
of Chapters 4301. and 4303. of the Revised Code. 264

If the expiration date of a permit occurs during the time it 265

is held in safekeeping, the permit shall be renewed by the 266
division if the permit holder complies with the other provisions 267
of Chapters 4301. and 4303. of the Revised Code, pertaining to the 268
renewal of a permit. The division shall issue and then retain the 269
renewed permit until the original permit premises become available 270
for occupancy by the permit holder or until the permit holder 271
secures other premises. The division shall return to the permit 272
holder a permit renewed while in safekeeping when the original 273
permit premises are made available for occupancy or new permit 274
premises are secured by the permit holder, if the premises meet 275
the requirements of Chapters 4301. and 4303. of the Revised Code. 276

A permit renewed while in safekeeping shall be considered in 277
full force and effect and may be transferred by the division. 278

Should the permit holder be adjudged an incompetent person ~~or~~ 279
~~insane~~ or die while the permit holder's permit is in safekeeping, 280
the permit shall be transferred, upon application, by the division 281
to the guardian, administrator, executor, or other fiduciary of 282
the permit holder who shall have the same rights to the transfer, 283
return, and renewal of the permit as is provided in this section 284
for the permit holder. 285

A permit held in safekeeping shall not be renewed more than 286
once while so held, unless the building from which the permit was 287
taken for safekeeping or the building to which the permit is to be 288
transferred is under construction or reconstruction, in which 289
event the permit shall be held in safekeeping and shall, upon the 290
application of the permit holder, be renewed at each expiration 291
date until the construction or reconstruction of the building is 292
completed. 293

Sec. 4399.05. If a person rents or leases to another a 294
building or premises to be used or occupied, in whole or in part, 295
for the sale of intoxicating liquors, or permits such building or 296

premises to be so used or occupied, such building or premises 297
shall be liable for and may be sold to pay all fines, costs, and 298
damages assessed against a person occupying them. Proceedings may 299
be had to subject them to the payment of such fine and costs 300
assessed or judgment recovered, or part remaining unpaid, either 301
before or after execution issues against the property of the 302
person against whom such fine and costs or judgment have been 303
adjudged or assessed. When execution issues against the property 304
leased or rented, the officer shall proceed to satisfy it out of 305
the building or premises so leased or occupied. 306

If such building or premises belong to a minor, ~~insane or~~ 307
incompetent person, ~~or idiot, his~~ the guardian having control 308
thereof shall be liable and account to ~~his~~ the guardian's ward for 309
all damages on account of such use and occupation, and the 310
liabilities for such fines, costs, and damages. 311

Sec. 4971.16. Persons in interest who fail to become parties 312
to the agreement within the four-month period referred to in 313
section 4971.14 of the Revised Code are entitled to the same 314
rights, interest, estate, remedy, liens, and action, and none 315
other, which parties in interest of like class and amount who 316
signed the agreement obtained by and under it. If a person in 317
interest fails for six years after the publication of the notice 318
mentioned in such section to apply at the principal office of the 319
company, either in person or by proxy, to become a party in 320
interest in the agreement, such person, unless an infant or ~~insane~~ 321
person incompetent by reason of mental illness, shall be barred of 322
all interest, claim, right, or action under the agreement or 323
otherwise. In case of such disability such rights shall be 324
extended for two years after the termination of the disability. 325

Sec. 5301.22. No agreement described in section 5301.21 of 326
the Revised Code shall be executed by a minor, ~~idiot, lunatic,~~ or 327

~~insane incompetent~~ person, but it may be executed and delivered 328
for record, on ~~his~~ such a person's behalf, by ~~his~~ the person's 329
guardian. When executed, acknowledged, delivered for record, and 330
recorded, such agreement shall be as effectual against such minor, 331
~~idiot, lunatic,~~ or ~~insane incompetent~~ person, as if ~~he~~ the person 332
had been under no disability, and had performed such acts ~~himself~~ 333
personally. An owner, not under any of such disabilities, may 334
perform all such acts by an attorney in fact. The power of such 335
attorney must be in writing and first recorded in the county 336
recorder's office. 337

Sec. 5305.17. The guardian of a surviving spouse who has been 338
adjudged ~~insane~~ to be incompetent by reason of mental illness may 339
appear and answer for such ~~insane incompetent~~ person in an action 340
under section 5305.15 of the Revised Code, subject to the approval 341
of the court in which it is pending. Such answer has the same 342
effect as if such spouse answered personally. The guardian shall 343
be liable to such spouse, or the heirs, for all damage or loss 344
sustained by ~~his~~ the guardian's fraud or collusion, 345
notwithstanding the approval of the court. 346

Sec. 5305.18. A person owning real property in this state, 347
encumbered by the contingent or vested right of dower of ~~an insane~~ 348
a person incompetent by reason of mental illness, may apply, by 349
petition to the court of common pleas of the county in which the 350
real estate, or any part thereof, is situated, making defendants 351
thereto such ~~insane incompetent~~ person, and the spouse and 352
guardian, if such ~~insane incompetent~~ person has either or both, 353
for leave to sell any part of such real property, discharged and 354
unencumbered of such contingent or vested right of dower. The 355
petition must set forth the ~~insanity~~ incompetence of the person, 356
together with a description of the land proposed to be sold. 357
Thereupon the court shall appoint a committee of six competent ~~men~~ 358

individuals, of whom at least three are physicians, who, under 359
oath, shall inquire into the ~~insanity~~ competence of such person, 360
and hear testimony to be produced by the spouse or guardian, or, 361
if there is no such guardian, by a guardian ad litem to be 362
appointed in the action. The committee shall make a report, in 363
writing, of the result of its investigation, signed by its 364
members. 365

Sec. 5305.19. If the committee provided for in section 366
5305.18 of the Revised Code unanimously reports that the person 367
having a contingent or vested right of dower, in its opinion, is 368
permanently ~~insane~~ incompetent by reason of mental illness, the 369
court of common pleas shall appoint three judicious freeholders to 370
appraise the real estate described in the petition mentioned in 371
said section, whether or not such real estate is in one or several 372
counties. Such freeholders shall report in writing the value of 373
each tract. 374

Sec. 5305.20. When the report provided for in section 5305.19 375
of the Revised Code is filed, the court of common pleas may direct 376
the petitioner, by a sufficient deed of conveyance, to convey to 377
the ~~insane~~ person incompetent by reason of mental illness, to be 378
held by such person in fee, such proportion of the real estate 379
described in the petition as seems just, or the court may assign 380
to such ~~insane~~ incompetent person, to be held by ~~him~~ the 381
incompetent person during life, after the death of the spouse of 382
such person, such proportion of the real estate described in the 383
petition as seems just, for ~~his~~ the incompetent person's support, 384
or the court may order the petitioner to invest an amount by it 385
fixed, in the stock of a company, or stocks created by the laws of 386
this state, as the court designates, the profits, and dividends or 387
distributions, arising from such investment to be applied to the 388
support and maintenance of the ~~insane~~ incompetent person after the 389

death of the spouse of such person. The petitioner, upon ~~his~~ 390
compliance with the order of the court, may sell all the real 391
property ~~he~~ the petitioner is possessed of, described in the 392
petition, free and unencumbered of the contingent or vested right 393
of dower of such ~~insane~~ incompetent person. 394

Sec. 5305.21. When the spouse of ~~an insane~~ a person 395
incompetent by reason of mental illness conveys real estate in 396
this state, in which such person has a contingent or vested right 397
of dower, and the ~~insane~~ incompetent person does not join the 398
spouse in the conveyance, the spouse may apply by petition to the 399
court of common pleas of the county in which the ~~insane~~ 400
incompetent person resides, or, if such ~~insane~~ incompetent person 401
resides out of the state, then in the county in which the real 402
estate is situated, for leave to have part or all of such real 403
estate so conveyed, released of the dower right therein. Such 404
petition shall set forth the ~~insanity~~ mental illness of the ~~insane~~ 405
incompetent person, and a description of the land proposed to be 406
affected. The ~~insane~~ incompetent person, guardian, if there is 407
one, and all persons in interest, shall be made defendants, and 408
the action shall be proceeded with as prescribed in sections 409
5305.18 to 5305.20, ~~inclusive~~, of the Revised Code, except that 410
instead of ordering the petitioner to sell the real estate or to 411
convey or assign to such ~~insane~~ incompetent person any part of it, 412
the court shall direct the petitioner to make such investment as 413
is provided in section 5305.20 of the Revised Code, or require ~~him~~ 414
the petitioner to secure the amount to the use of the ~~insane~~ 415
incompetent person by mortgage of unencumbered real estate of at 416
least double the value thereof. Upon compliance by the petitioner 417
with the order made, the court shall enter a judgment releasing 418
and discharging the real estate from the encumbrance of such right 419
of dower, and adjudge the holder of the legal title, or other 420
party liable, to pay to the petitioner any sum withheld or 421

retained as indemnity against such dower right. 422

Sec. 5305.22. Any real estate or interest therein coming to a 423
person by purchase, inheritance, or otherwise, after the spouse of 424
such person is adjudged ~~insane~~, incompetent by reason of mental 425
illness and ~~is an inmate of~~ admitted to either a hospital for ~~the~~ 426
~~insane persons with mental illness~~ in this state, ~~or confined in~~ 427
~~the insane department of any epileptic hospital of this state, or~~ 428
any other state of the United States, ~~or is an inmate of a~~ 429
~~hospital for the insane, or confined in the insane psychiatric~~ 430
department of any hospital of the United States, may be conveyed 431
by such person while such ~~insane~~ incompetent spouse remains ~~an~~ 432
~~inmate~~ a patient thereof, free and clear from any dower right or 433
expectancy of such ~~insane~~ incompetent spouse. Dower shall not 434
attach to any real estate so acquired and conveyed during the time 435
described in this section in favor of such ~~insane~~ incompetent 436
spouse. The indorsement upon the instrument of conveyance, by the 437
superintendent of the hospital, that such spouse is ~~an insane~~ 438
~~inmate~~ a patient with mental illness thereof, stating when 439
received therein and signed officially by ~~him~~ the superintendent, 440
shall be sufficient evidence of the fact that such spouse is such 441
~~inmate~~ patient. This indorsement shall be a part of the instrument 442
of conveyance. 443

Sec. 5307.19. The guardian of a minor, ~~idiot, imbecile, or~~ 444
~~insane~~ incompetent person, on behalf of ~~his~~ the guardian's ward, 445
may perform any act, matter, or thing respecting the partition of 446
an estate which such ward could do under sections 5307.01 to 447
5307.25, ~~inclusive~~, of the Revised Code, if ~~he~~ the ward were of 448
age and of sound mind. On behalf of such ward, the guardian may 449
elect to take the estate, when it cannot be divided without 450
injury, and make payments therefor on the ward's behalf. 451

Sec. 5307.20. A person appointed according to the laws of any 452
other state or country, to take charge of the estate of an ~~idiot~~ 453
~~or insane~~ incompetent person not a resident of this state, upon 454
being authorized in this state to take charge of such estate 455
situated therein, may act in the partition of the estate the same 456
as the guardian of an ~~idiot or insane~~ incompetent person is 457
authorized to do by section 5307.19 of the Revised Code. 458

Sec. 5310.12. No action or proceeding for compensation from 459
the assurance fund provided for in section 5310.05 of the Revised 460
Code for, or by reason of, any deprivation, loss, or damage shall 461
be made, brought or taken, except within a period of six years 462
from the time when the right to bring such action or proceeding 463
first accrued. If at the time when such right of action first 464
accrues the person entitled to bring such action or take such 465
proceedings is within the age of eighteen years, ~~insane~~ 466
incompetent by reason of mental illness, imprisoned, or absent 467
from the United States in the service of the United States or of 468
this state, such person or anyone claiming from, by, or under ~~him~~ 469
the person, may bring the action at any time within two years 470
after such disability is removed. 471

Sec. 5711.05. Each person shall return all the taxable 472
property of which ~~he~~ the person is the owner, except property 473
required by this section or the regulations of the tax 474
commissioner to be returned for ~~him~~ the person by a fiduciary; but 475
this section does not authorize any person to omit from ~~his~~ the 476
person's return of taxable property ~~his~~ the person's interest in 477
investments and other taxable intangible property yielding income 478
owned or held for ~~his~~ the person's benefit by a fiduciary and not 479
taxed at the source, or other taxable property so owned or held by 480
a nonresident fiduciary. The return of all the taxable property of 481

a corporation shall be made by the president, a vice-president, or 482
the secretary and by the principal accounting officer, that of a 483
partnership, by a partner, and that of an association, by the 484
managing agent in this state. 485

All taxable property belonging to the persons named or 486
indicated shall be returned by the fiduciaries named, as follows: 487

(A) That of a ward, by ~~his~~ the ward's guardian; 488

(B) That of a minor, ~~an idiot,~~ or an ~~insane incompetent~~ 489
person having no guardian, by ~~his~~ the minor's or incompetent 490
person's father, if living, if not, by ~~his~~ the minor's or 491
incompetent person's mother, if living, and if neither father nor 492
mother is living, by the person having such property in charge; 493

(C) That of an estate of a deceased person, by ~~his~~ the 494
deceased person's executor, administrator, or personal 495
representative; 496

(D) That of persons whose assets are in the hands of 497
receivers, assignees for the benefit of creditors, trustees in 498
bankruptcy, or official custodians, by such receivers, assignees, 499
trustees in bankruptcy, or official custodians. 500

Personal property used in business and taxable property of a 501
nonresident used in and arising out of a business transacted for 502
~~him~~ the nonresident or on ~~his~~ the nonresident's behalf in any of 503
the cases mentioned in section 5709.03 of the Revised Code, in the 504
possession or custody of any agent, factor, bailee, or other 505
similar fiduciary, shall be returned by such fiduciary, except as 506
is provided by regulation of the commissioner; but as to such 507
property in the possession, custody, or legal ownership of a 508
trustee the next succeeding paragraph of this section shall be 509
exclusive; provided that a ~~warehouseman~~ warehouseperson shall not 510
be required to return for taxation personal property ~~assigned~~ 511
consigned to ~~him~~ the warehouseperson for the sole purpose of being 512

stored or forwarded, if such ~~warehouseman~~ warehouseperson has no 513
interest in such property other than ~~his warehouseman's a~~ 514
warehouseperson's lien, or any profit to be derived from its sale. 515

All the taxable property, except investments and other 516
taxable intangible property yielding income, of a person for whose 517
benefit property is held in trust shall be returned by the 518
trustee, and if any beneficiary of such a trust is a minor, ~~an~~ 519
~~idiot~~, or an ~~insane~~ incompetent person residing in this state, and 520
for whom there is no other fiduciary in this state, the 521
commissioner may require such a trustee to return also the 522
investments and other taxable intangible property yielding income 523
held for the benefit of any such beneficiary and not taxed at the 524
source. 525

All returns made as fiduciaries' returns shall be separate 526
from the fiduciary's return as an individual, firm, association, 527
or corporation and shall set forth the names of all persons toward 528
whom the relation of fiduciary is borne or on whose behalf the 529
returns are made, together with the capacity in which the 530
fiduciary so acts for each of such persons. 531

The commissioner may adopt and promulgate regulations 532
covering the making of returns not inconsistent with this section 533
or sections 5711.01 to 5711.36, ~~inclusive~~, of the Revised Code, so 534
that all property taxable in this state shall be returned for 535
taxation. 536

Sec. 5711.07. Personal property used in business shall be 537
listed and assessed in the taxing district in which such business 538
is carried on. If such business is carried on in more than one 539
taxing district in the same county, the return shall set forth the 540
amount of the property used therein which is situated in each 541
taxing district in such county, and the value of all the personal 542
property used in business shall be apportioned to and assessed in 543

each of such taxing districts in proportion to the value of the 544
personal property situated therein. Domestic animals not used in 545
business shall be listed and assessed in the taxing district where 546
kept. Ships, vessels, boats, and aircraft, and shares and 547
interests therein, shall be listed and assessed in the taxing 548
district in which the owner resides. All other taxable property 549
shall be listed and assessed in the municipal corporation in which 550
the owner resides, or, if the owner resides outside a municipal 551
corporation, then in the county in which ~~he~~ the owner resides 552
except as provided in sections 5711.01 to 5711.36, inclusive, of 553
the Revised Code. Whenever, under such sections, taxable property 554
required by this section to be listed and assessed in the taxing 555
district or county in which the owner resides is required to be 556
listed by a fiduciary, such property shall be listed and assessed 557
by such fiduciary in the taxing district or county in which such 558
fiduciary resides, or, in the case of joint fiduciaries, in which 559
either such fiduciary resides; but such property belonging to the 560
estate of a deceased resident of this state shall be listed and 561
assessed in the taxing district or county in which ~~he~~ the deceased 562
resident resided at the time of ~~his~~ death, regardless of the 563
residence of ~~his~~ the deceased resident's executors, 564
administrators, or personal representatives, and such property 565
belonging to a ward, minor, ~~insane~~ person incompetent by reason of 566
mental illness, or beneficiary of a trust residing in this state, 567
title, custody, or possession of which is vested in a nonresident 568
fiduciary, shall be listed and assessed in the taxing district or 569
county in which such ward, minor, ~~insane~~ incompetent person, or 570
beneficiary resides. 571

Sec. 5907.06. ~~An insane person~~ A person with a mental illness 572
that causes the person to be dangerous to the community shall not 573
be admitted to a veterans' home. In case ~~an insane person~~ a person 574
with such a mental illness, through misrepresentation as to the 575

person's condition, is sent to a home, the person shall be 576
returned to, and the expense of the return shall be borne by, the 577
county from which the person came. 578

Sec. 5907.08. When a resident of a veterans' home becomes 579
~~insane~~ dangerous to the community due to a mental illness, the 580
superintendent of the Ohio veterans' home agency shall file with 581
the probate judge of the county in which the home is located 582
substantially the following affidavit: 583

"The State of Ohio, county, ss., 584
superintendent of the Ohio veterans' home agency, being duly 585
sworn, says that the superintendent believes that, a 586
resident of the veterans' home located in county, ~~is~~ 587
~~insane~~ has a mental illness; that, in consequence of the 588
resident's ~~insanity~~ mental illness, the resident's being at large 589
is dangerous to the community, and that the resident was received 590
into the home from county, on the day of 591
....., 592
....."

Sec. 5907.09. When the affidavit referred to in section 594
5907.08 of the Revised Code is filed, the probate judge shall 595
forthwith determine the ~~sanity~~ competence of the resident. Insofar 596
as applicable, the laws governing in cases of admission to a state 597
hospital for ~~the insane~~ persons with mental illness shall apply. 598
The probate judge shall have the same authority, and may receive 599
and order paid the same fees and costs, as the probate judge would 600
have in the county in which the veteran was a resident at the time 601
of entering the veterans' home. 602

Section 2. That existing sections 701.01, 711.23, 1775.31, 603
2111.37, 2111.47, 2307.14, 2317.03, 2317.06, 2721.05, 3763.06, 604
4303.272, 4399.05, 4971.16, 5301.22, 5305.17, 5305.18, 5305.19, 605

5305.20, 5305.21, 5305.22, 5307.19, 5307.20, 5310.12, 5711.05, 606
5711.07, 5907.06, 5907.08, and 5907.09 of the Revised Code are 607
hereby repealed. 608

Section 3. The amendments made by this act to sections 609
701.01, 711.23, 1775.31, 2111.37, 2111.47, 2307.14, 2317.03, 610
2317.06, 2721.05, 3763.06, 4303.272, 4399.05, 4971.16, 5301.22, 611
5305.17, 5305.18, 5305.19, 5305.20, 5305.21, 5305.22, 5307.19, 612
5307.20, 5310.12, 5711.05, 5711.07, 5907.06, 5907.08, and 5907.09 613
of the Revised Code are not substantive but rather are meant to 614
replace outdated terms with current, synonymous terms. 615

Section 4. Section 4303.272 of the Revised Code is presented 616
in this act as a composite of the section as amended by both Am. 617
Sub. S.B. 149 and Am. Sub. S.B. 162 of the 121st General Assembly. 618
The General Assembly, applying the principle stated in division 619
(B) of section 1.52 of the Revised Code that amendments are to be 620
harmonized if reasonably capable of simultaneous operation, finds 621
that the composite is the resulting version of the section in 622
effect prior to the effective date of the section as presented in 623
this act. 624