

**As Passed by the House**

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

**Sub. S. B. No. 247**

**Senator Spada**

**Cosponsors: Senators Grendell, Seitz, Padgett, Schuring, Buehrer, Mumper,  
Cates, Roberts, Cafaro, Kearney, Morano, Bocchieri, Carey, Fedor, Harris,  
Niehaus, Schaffer, Wagoner, Miller, R., Stivers, Miller, D.  
Representatives Evans, Book, Gibbs, Goyal, Hite, Patton, Sayre, Schindel,  
Williams, S., Zehringer, Bacon, Batchelder, Bolon, Boyd, Budish, Chandler,  
Collier, Combs, DeBose, Domenick, Driehaus, Dyer, Flowers, Gardner,  
Gerberry, Hagan, J., Heard, Hughes, Letson, Lundy, Mallory, McGregor, J.,  
Newcomb, Oelslager, Sears, Setzer, Slesnick, Stewart, D., Webster,  
Williams, B.**

**—**

**A B I L L**

To amend sections 109.572, 926.29, 1733.13, 1733.15, 1  
1733.19, 1733.29, 1733.329, and 1733.34 and to 2  
enact sections 1121.23, 1155.03, 1163.05, 3  
1315.141, 1733.241, 1733.242, 1733.243, 1733.291, 4  
1733.292, 1733.47, and 1761.26 of the Revised Code 5  
to make changes in the Credit Union Regulation Law 6  
and to require criminal background checks whenever 7  
the approval of the Superintendent of Financial 8  
Institutions is required for a person to serve as 9  
a director, officer, or controlling person of a 10  
bank, savings and loan association, savings bank, 11  
money transmitter, credit union, or credit union 12  
share guaranty corporation. 13  
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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 109.572, 926.29, 1733.13, 1733.15, 15  
1733.19, 1733.29, 1733.329, and 1733.34 be amended and sections 16  
1121.23, 1155.03, 1163.05, 1315.141, 1733.241, 1733.242, 1733.243, 17  
1733.291, 1733.292, 1733.47, and 1761.26 of the Revised Code be 18  
enacted to read as follows: 19

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 20  
section 121.08, 3301.32, 3301.541, 3319.39, 5104.012, or 5104.013 21  
of the Revised Code, a completed form prescribed pursuant to 22  
division (C)(1) of this section, and a set of fingerprint 23  
impressions obtained in the manner described in division (C)(2) of 24  
this section, the superintendent of the bureau of criminal 25  
identification and investigation shall conduct a criminal records 26  
check in the manner described in division (B) of this section to 27  
determine whether any information exists that indicates that the 28  
person who is the subject of the request previously has been 29  
convicted of or pleaded guilty to any of the following: 30

(a) A violation of section 2903.01, 2903.02, 2903.03, 31  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 32  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 33  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 34  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 35  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 36  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 37  
2925.06, or 3716.11 of the Revised Code, felonious sexual 38  
penetration in violation of former section 2907.12 of the Revised 39  
Code, a violation of section 2905.04 of the Revised Code as it 40  
existed prior to July 1, 1996, a violation of section 2919.23 of 41  
the Revised Code that would have been a violation of section 42  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 43

had the violation been committed prior to that date, or a 44  
violation of section 2925.11 of the Revised Code that is not a 45  
minor drug possession offense; 46

(b) A violation of an existing or former law of this state, 47  
any other state, or the United States that is substantially 48  
equivalent to any of the offenses listed in division (A)(1)(a) of 49  
this section. 50

(2) On receipt of a request pursuant to section 5123.081 of 51  
the Revised Code with respect to an applicant for employment in 52  
any position with the department of mental retardation and 53  
developmental disabilities, pursuant to section 5126.28 of the 54  
Revised Code with respect to an applicant for employment in any 55  
position with a county board of mental retardation and 56  
developmental disabilities, or pursuant to section 5126.281 of the 57  
Revised Code with respect to an applicant for employment in a 58  
direct services position with an entity contracting with a county 59  
board for employment, a completed form prescribed pursuant to 60  
division (C)(1) of this section, and a set of fingerprint 61  
impressions obtained in the manner described in division (C)(2) of 62  
this section, the superintendent of the bureau of criminal 63  
identification and investigation shall conduct a criminal records 64  
check. The superintendent shall conduct the criminal records check 65  
in the manner described in division (B) of this section to 66  
determine whether any information exists that indicates that the 67  
person who is the subject of the request has been convicted of or 68  
pleaded guilty to any of the following: 69

(a) A violation of section 2903.01, 2903.02, 2903.03, 70  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 71  
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 72  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 73  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 74  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 75

2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 76  
2925.03, or 3716.11 of the Revised Code; 77

(b) An existing or former municipal ordinance or law of this 78  
state, any other state, or the United States that is substantially 79  
equivalent to any of the offenses listed in division (A)(2)(a) of 80  
this section. 81

(3) On receipt of a request pursuant to section 173.27, 82  
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 83  
completed form prescribed pursuant to division (C)(1) of this 84  
section, and a set of fingerprint impressions obtained in the 85  
manner described in division (C)(2) of this section, the 86  
superintendent of the bureau of criminal identification and 87  
investigation shall conduct a criminal records check with respect 88  
to any person who has applied for employment in a position for 89  
which a criminal records check is required by those sections. The 90  
superintendent shall conduct the criminal records check in the 91  
manner described in division (B) of this section to determine 92  
whether any information exists that indicates that the person who 93  
is the subject of the request previously has been convicted of or 94  
pleaded guilty to any of the following: 95

(a) A violation of section 2903.01, 2903.02, 2903.03, 96  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 97  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 98  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 99  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 100  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 101  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 102  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 103  
2925.22, 2925.23, or 3716.11 of the Revised Code; 104

(b) An existing or former law of this state, any other state, 105  
or the United States that is substantially equivalent to any of 106  
the offenses listed in division (A)(3)(a) of this section. 107

(4) On receipt of a request pursuant to section 3701.881 of the Revised Code with respect to an applicant for employment with a home health agency as a person responsible for the care, custody, or control of a child, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(4)(a) of this section.

(5) On receipt of a request pursuant to section 5111.032, 5111.033, or 5111.034 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau

of criminal identification and investigation shall conduct a 140  
criminal records check. The superintendent shall conduct the 141  
criminal records check in the manner described in division (B) of 142  
this section to determine whether any information exists that 143  
indicates that the person who is the subject of the request 144  
previously has been convicted of, has pleaded guilty to, or has 145  
been found eligible for intervention in lieu of conviction for any 146  
of the following: 147

(a) A violation of section 2903.01, 2903.02, 2903.03, 148  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 149  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 150  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 151  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 152  
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 153  
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 154  
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 155  
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 156  
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 157  
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 158  
3716.11 of the Revised Code, felonious sexual penetration in 159  
violation of former section 2907.12 of the Revised Code, a 160  
violation of section 2905.04 of the Revised Code as it existed 161  
prior to July 1, 1996, a violation of section 2919.23 of the 162  
Revised Code that would have been a violation of section 2905.04 163  
of the Revised Code as it existed prior to July 1, 1996, had the 164  
violation been committed prior to that date; 165

(b) An existing or former law of this state, any other state, 166  
or the United States that is substantially equivalent to any of 167  
the offenses listed in division (A)(5)(a) of this section. 168

(6) On receipt of a request pursuant to section 3701.881 of 169  
the Revised Code with respect to an applicant for employment with 170  
a home health agency in a position that involves providing direct 171

care to an older adult, a completed form prescribed pursuant to 172  
division (C)(1) of this section, and a set of fingerprint 173  
impressions obtained in the manner described in division (C)(2) of 174  
this section, the superintendent of the bureau of criminal 175  
identification and investigation shall conduct a criminal records 176  
check. The superintendent shall conduct the criminal records check 177  
in the manner described in division (B) of this section to 178  
determine whether any information exists that indicates that the 179  
person who is the subject of the request previously has been 180  
convicted of or pleaded guilty to any of the following: 181

(a) A violation of section 2903.01, 2903.02, 2903.03, 182  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 183  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 184  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 185  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 186  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 187  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 188  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 189  
2925.22, 2925.23, or 3716.11 of the Revised Code; 190

(b) An existing or former law of this state, any other state, 191  
or the United States that is substantially equivalent to any of 192  
the offenses listed in division (A)(6)(a) of this section. 193

(7) When conducting a criminal records check upon a request 194  
pursuant to section 3319.39 of the Revised Code for an applicant 195  
who is a teacher, in addition to the determination made under 196  
division (A)(1) of this section, the superintendent shall 197  
determine whether any information exists that indicates that the 198  
person who is the subject of the request previously has been 199  
convicted of or pleaded guilty to any offense specified in section 200  
3319.31 of the Revised Code. 201

(8) On receipt of a request pursuant to section 2151.86 of 202  
the Revised Code, a completed form prescribed pursuant to division 203

(C)(1) of this section, and a set of fingerprint impressions 204  
obtained in the manner described in division (C)(2) of this 205  
section, the superintendent of the bureau of criminal 206  
identification and investigation shall conduct a criminal records 207  
check in the manner described in division (B) of this section to 208  
determine whether any information exists that indicates that the 209  
person who is the subject of the request previously has been 210  
convicted of or pleaded guilty to any of the following: 211

(a) A violation of section 2903.01, 2903.02, 2903.03, 212  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 213  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 214  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 215  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 216  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 217  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 218  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 219  
violation of section 2905.04 of the Revised Code as it existed 220  
prior to July 1, 1996, a violation of section 2919.23 of the 221  
Revised Code that would have been a violation of section 2905.04 222  
of the Revised Code as it existed prior to July 1, 1996, had the 223  
violation been committed prior to that date, a violation of 224  
section 2925.11 of the Revised Code that is not a minor drug 225  
possession offense, or felonious sexual penetration in violation 226  
of former section 2907.12 of the Revised Code; 227

(b) A violation of an existing or former law of this state, 228  
any other state, or the United States that is substantially 229  
equivalent to any of the offenses listed in division (A)(8)(a) of 230  
this section. 231

(9) When conducting a criminal records check on a request 232  
pursuant to section 5104.013 of the Revised Code for a person who 233  
is an owner, licensee, or administrator of a child day-care center 234  
or type A family day-care home, an authorized provider of a 235



certified type B family day-care home, or an adult residing in a 236  
type A or certified type B home, or when conducting a criminal 237  
records check or a request pursuant to section 5104.012 of the 238  
Revised Code for a person who is an applicant for employment in a 239  
center, type A home, or certified type B home, the superintendent, 240  
in addition to the determination made under division (A)(1) of 241  
this section, shall determine whether any information exists that 242  
indicates that the person has been convicted of or pleaded guilty 243  
to any of the following: 244

(a) A violation of section 2913.02, 2913.03, 2913.04, 245  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 246  
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 247  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 248  
2921.13, or 2923.01 of the Revised Code, a violation of section 249  
2923.02 or 2923.03 of the Revised Code that relates to a crime 250  
specified in this division or division (A)(1)(a) of this section, 251  
or a second violation of section 4511.19 of the Revised Code 252  
within five years of the date of application for licensure or 253  
certification. 254

(b) A violation of an existing or former law of this state, 255  
any other state, or the United States that is substantially 256  
equivalent to any of the offenses or violations described in 257  
division (A)(9)(a) of this section. 258

(10) Upon receipt of a request pursuant to section 5153.111 259  
of the Revised Code, a completed form prescribed pursuant to 260  
division (C)(1) of this section, and a set of fingerprint 261  
impressions obtained in the manner described in division (C)(2) of 262  
this section, the superintendent of the bureau of criminal 263  
identification and investigation shall conduct a criminal records 264  
check in the manner described in division (B) of this section to 265  
determine whether any information exists that indicates that the 266  
person who is the subject of the request previously has been 267

convicted of or pleaded guilty to any of the following: 268

(a) A violation of section 2903.01, 2903.02, 2903.03, 269  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 270  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 271  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 272  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 273  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 274  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 275  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 276  
felonious sexual penetration in violation of former section 277  
2907.12 of the Revised Code, a violation of section 2905.04 of the 278  
Revised Code as it existed prior to July 1, 1996, a violation of 279  
section 2919.23 of the Revised Code that would have been a 280  
violation of section 2905.04 of the Revised Code as it existed 281  
prior to July 1, 1996, had the violation been committed prior to 282  
that date, or a violation of section 2925.11 of the Revised Code 283  
that is not a minor drug possession offense; 284

(b) A violation of an existing or former law of this state, 285  
any other state, or the United States that is substantially 286  
equivalent to any of the offenses listed in division (A)(10)(a) of 287  
this section. 288

(11) On receipt of a request for a criminal records check 289  
from an individual pursuant to section 4749.03 or 4749.06 of the 290  
Revised Code, accompanied by a completed copy of the form 291  
prescribed in division (C)(1) of this section and a set of 292  
fingerprint impressions obtained in a manner described in division 293  
(C)(2) of this section, the superintendent of the bureau of 294  
criminal identification and investigation shall conduct a criminal 295  
records check in the manner described in division (B) of this 296  
section to determine whether any information exists indicating 297  
that the person who is the subject of the request has been 298  
convicted of or pleaded guilty to a felony in this state or in any 299

other state. If the individual indicates that a firearm will be 300  
carried in the course of business, the superintendent shall 301  
require information from the federal bureau of investigation as 302  
described in division (B)(2) of this section. The superintendent 303  
shall report the findings of the criminal records check and any 304  
information the federal bureau of investigation provides to the 305  
director of public safety. 306

(12) On receipt of a request pursuant to section 1322.03, 307  
1322.031, or 4763.05 of the Revised Code, a completed form 308  
prescribed pursuant to division (C)(1) of this section, and a set 309  
of fingerprint impressions obtained in the manner described in 310  
division (C)(2) of this section, the superintendent of the bureau 311  
of criminal identification and investigation shall conduct a 312  
criminal records check with respect to any person who has applied 313  
for a license, permit, or certification from the department of 314  
commerce or a division in the department. The superintendent shall 315  
conduct the criminal records check in the manner described in 316  
division (B) of this section to determine whether any information 317  
exists that indicates that the person who is the subject of the 318  
request previously has been convicted of or pleaded guilty to any 319  
of the following: a violation of section 2913.02, 2913.11, 320  
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 321  
criminal offense involving theft, receiving stolen property, 322  
embezzlement, forgery, fraud, passing bad checks, money 323  
laundering, or drug trafficking, or any criminal offense involving 324  
money or securities, as set forth in Chapters 2909., 2911., 2913., 325  
2915., 2921., 2923., and 2925. of the Revised Code; or any 326  
existing or former law of this state, any other state, or the 327  
United States that is substantially equivalent to those offenses. 328

(13) On receipt of a request for a criminal records check 329  
from the treasurer of state under section 113.041 of the Revised 330  
Code or from an individual under section 4701.08, 4715.101, 331

4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 332  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 333  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 334  
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 335  
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 336  
a completed form prescribed under division (C)(1) of this section 337  
and a set of fingerprint impressions obtained in the manner 338  
described in division (C)(2) of this section, the superintendent 339  
of the bureau of criminal identification and investigation shall 340  
conduct a criminal records check in the manner described in 341  
division (B) of this section to determine whether any information 342  
exists that indicates that the person who is the subject of the 343  
request has been convicted of or pleaded guilty to any criminal 344  
offense in this state or any other state. The superintendent shall 345  
send the results of a check requested under section 113.041 of the 346  
Revised Code to the treasurer of state and shall send the results 347  
of a check requested under any of the other listed sections to the 348  
licensing board specified by the individual in the request. 349

350

(14) On receipt of a request pursuant to section 1121.23, 351  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 352  
Code, a completed form prescribed pursuant to division (C)(1) of 353  
this section, and a set of fingerprint impressions obtained in the 354  
manner described in division (C)(2) of this section, the 355  
superintendent of the bureau of criminal identification and 356  
investigation shall conduct a criminal records check in the manner 357  
described in division (B) of this section to determine whether any 358  
information exists that indicates that the person who is the 359  
subject of the request previously has been convicted of or pleaded 360  
guilty to any criminal offense under any existing or former law of 361  
this state, any other state, or the United States. 362

(15) Not later than thirty days after the date the 363

superintendent receives a request of a type described in division 364  
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), ~~or~~ 365  
(12), or (14) of this section, the completed form, and the 366  
fingerprint impressions, the superintendent shall send the person, 367  
board, or entity that made the request any information, other than 368  
information the dissemination of which is prohibited by federal 369  
law, the superintendent determines exists with respect to the 370  
person who is the subject of the request that indicates that the 371  
person previously has been convicted of or pleaded guilty to any 372  
offense listed or described in division (A)(1), (2), (3), (4), 373  
(5), (6), (7), (8), (9), (10), (11), ~~or~~ (12), or (14) of this 374  
section, as appropriate. The superintendent shall send the person, 375  
board, or entity that made the request a copy of the list of 376  
offenses specified in division (A)(1), (2), (3), (4), (5), (6), 377  
(7), (8), (9), (10), (11), ~~or~~ (12), or (14) of this section, as 378  
appropriate. If the request was made under section 3701.881 of the 379  
Revised Code with regard to an applicant who may be both 380  
responsible for the care, custody, or control of a child and 381  
involved in providing direct care to an older adult, the 382  
superintendent shall provide a list of the offenses specified in 383  
divisions (A)(4) and (6) of this section. 384

Not later than thirty days after the superintendent receives 385  
a request for a criminal records check pursuant to section 113.041 386  
of the Revised Code, the completed form, and the fingerprint 387  
impressions, the superintendent shall send the treasurer of state 388  
any information, other than information the dissemination of which 389  
is prohibited by federal law, the superintendent determines exist 390  
with respect to the person who is the subject of the request that 391  
indicates that the person previously has been convicted of or 392  
pleaded guilty to any criminal offense in this state or any other 393  
state. 394

(B) The superintendent shall conduct any criminal records 395

check requested under section 113.041, 121.08, 173.27, 173.394, 396  
1121.23, 1155.03, 1163.05, 1315.141, 1322.03, 1322.031, 1733.47, 397  
1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 398  
3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 4725.121, 399  
4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 400  
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 401  
4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 402  
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 403  
4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 404  
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code as 405  
follows: 406

(1) The superintendent shall review or cause to be reviewed 407  
any relevant information gathered and compiled by the bureau under 408  
division (A) of section 109.57 of the Revised Code that relates to 409  
the person who is the subject of the request, including any 410  
relevant information contained in records that have been sealed 411  
under section 2953.32 of the Revised Code; 412

(2) If the request received by the superintendent asks for 413  
information from the federal bureau of investigation, the 414  
superintendent shall request from the federal bureau of 415  
investigation any information it has with respect to the person 416  
who is the subject of the request and shall review or cause to be 417  
reviewed any information the superintendent receives from that 418  
bureau. 419

(3) The superintendent or the superintendent's designee may 420  
request criminal history records from other states or the federal 421  
government pursuant to the national crime prevention and privacy 422  
compact set forth in section 109.571 of the Revised Code. 423

(C)(1) The superintendent shall prescribe a form to obtain 424  
the information necessary to conduct a criminal records check from 425  
any person for whom a criminal records check is requested under 426  
section 113.041 of the Revised Code or required by section 121.08, 427

173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1322.03, 428  
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 429  
3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 430  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 431  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 432  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 433  
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 434  
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 435  
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 436  
5126.281, or 5153.111 of the Revised Code. The form that the 437  
superintendent prescribes pursuant to this division may be in a 438  
tangible format, in an electronic format, or in both tangible and 439  
electronic formats. 440

(2) The superintendent shall prescribe standard impression 441  
sheets to obtain the fingerprint impressions of any person for 442  
whom a criminal records check is requested under section 113.041 443  
of the Revised Code or required by section 121.08, 173.27, 444  
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1322.03, 1322.031, 445  
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 446  
3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 447  
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 448  
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 449  
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 450  
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 451  
4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 452  
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 453  
5153.111 of the Revised Code. Any person for whom a records check 454  
is requested under or required by any of those sections shall 455  
obtain the fingerprint impressions at a county sheriff's office, 456  
municipal police department, or any other entity with the ability 457  
to make fingerprint impressions on the standard impression sheets 458  
prescribed by the superintendent. The office, department, or 459  
entity may charge the person a reasonable fee for making the 460

impressions. The standard impression sheets the superintendent 461  
prescribes pursuant to this division may be in a tangible format, 462  
in an electronic format, or in both tangible and electronic 463  
formats. 464

(3) Subject to division (D) of this section, the 465  
superintendent shall prescribe and charge a reasonable fee for 466  
providing a criminal records check requested under section 467  
113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 468  
1315.141, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 469  
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 470  
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 471  
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 472  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 473  
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 474  
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 475  
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 476  
5126.281, or 5153.111 of the Revised Code. The person making a 477  
criminal records request under section 113.041, 121.08, 173.27, 478  
173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 479  
3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 480  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 481  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 482  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 483  
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 484  
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 485  
5104.013, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 486  
5153.111 of the Revised Code shall pay the fee prescribed pursuant 487  
to this division. A person making a request under section 3701.881 488  
of the Revised Code for a criminal records check for an applicant 489  
who may be both responsible for the care, custody, or control of a 490  
child and involved in providing direct care to an older adult 491  
shall pay one fee for the request. In the case of a request under 492  
section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, or 493



5111.032 of the Revised Code, the fee shall be paid in the manner 494  
specified in that section. 495

496

(4) The superintendent of the bureau of criminal 497  
identification and investigation may prescribe methods of 498  
forwarding fingerprint impressions and information necessary to 499  
conduct a criminal records check, which methods shall include, but 500  
not be limited to, an electronic method. 501

(D) A determination whether any information exists that 502  
indicates that a person previously has been convicted of or 503  
pleaded guilty to any offense listed or described in division 504  
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 505  
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 506  
(A)(9)(a) or (b), (A)(10)(a) or (b), ~~or~~ (A)(12), or (A)(14) of 507  
this section, or that indicates that a person previously has been 508  
convicted of or pleaded guilty to any criminal offense in this 509  
state or any other state regarding a criminal records check of a 510  
type described in division (A)(13) of this section, and that is 511  
made by the superintendent with respect to information considered 512  
in a criminal records check in accordance with this section is 513  
valid for the person who is the subject of the criminal records 514  
check for a period of one year from the date upon which the 515  
superintendent makes the determination. During the period in which 516  
the determination in regard to a person is valid, if another 517  
request under this section is made for a criminal records check 518  
for that person, the superintendent shall provide the information 519  
that is the basis for the superintendent's initial determination 520  
at a lower fee than the fee prescribed for the initial criminal 521  
records check. 522

(E) As used in this section: 523

(1) "Criminal records check" means any criminal records check 524  
conducted by the superintendent of the bureau of criminal 525

identification and investigation in accordance with division (B) 526  
of this section. 527

(2) "Minor drug possession offense" has the same meaning as 528  
in section 2925.01 of the Revised Code. 529

(3) "Older adult" means a person age sixty or older. 530

**Sec. 926.29.** (A) A delayed price agreement is an executory 531  
contract that shall be in such a form and contain such terms as 532  
the director of agriculture shall adopt by rule under Chapter 119. 533  
of the Revised Code. The agreement shall be executed by and 534  
between the licensed handler and the depositor or by their 535  
authorized representatives not later than fifteen days after the 536  
first delivery of an agricultural commodity is received for 537  
delayed pricing under the agreement. The handler shall maintain a 538  
file of executed agreements that are available for inspection at 539  
any reasonable time by the director or the director's designated 540  
representative. The handler also shall keep records and ledgers 541  
the director considers necessary to document the handler's 542  
obligation to the depositor under a delayed price agreement. The 543  
handler also shall provide reports, forms, and other evidence the 544  
director shall adopt by rule to document the storage and marketing 545  
of commodities under the delayed price agreement. 546

(B) Subject to the lien that attaches under section 926.021 547  
of the Revised Code and except as otherwise provided in division 548  
(C) of this section, a licensed handler who purchases any 549  
agricultural commodity under a delayed price agreement at all 550  
times shall maintain the commodity, rights in the commodity, 551  
proceeds from the sale of the commodity, or a combination of the 552  
commodity, rights, and proceeds equal to at least ninety per cent 553  
of the value of the handler's obligation for all commodities that 554  
the handler has purchased that are not priced under delayed price 555  
agreements. The obligation shall be secured or represented by one 556

or more of the following:	557
(1) Maintenance of the commodity in storage in the handler's warehouse;	558 559
(2) Rights in commodities as evidenced by a receipt or ticket for storage of the commodities under a bailment agreement in another warehouse approved by the director;	560 561 562
(3) Proceeds from the sale of commodities as evidenced or represented by one or more of the following:	563 564
(a) Cash on hand or held on account in a state or federally licensed financial institution or a lending agency of the farm credit administration;	565 566 567
(b) Short-term investments held in time accounts with state or federally licensed financial institutions or a lending agency of the farm credit administration;	568 569 570
(c) Balances in commodity margin accounts;	571
(d) Commodities sold and shipped by the handler under delayed price agreements that have not been priced less any payments or advances that have been received by the handler;	572 573 574
(e) Such other evidence of unencumbered assets as may be acceptable to the director, including an irrevocable letter of credit.	575 576 577
(C) In addition to the lien that attaches under section 926.021 of the Revised Code, a depositor who sells an agricultural commodity to a licensed handler under a delayed price agreement, upon giving notice to the handler either at or prior to the time of delivery, may demand as security for payment for the commodity an amount that, at the time of delivery, is equal to one hundred per cent of the national loan rate value of the commodity under the United States department of agriculture price support program, or seventy-five per cent of the average price being paid for the	578 579 580 581 582 583 584 585 586

commodity in the state on the date of demand as published by the 587  
market news service of the department of agriculture, whichever is 588  
less. The handler shall satisfy a demand for security on a 589  
commodity sold under a delayed price agreement at the handler's 590  
option by one of the following: 591

(1) Payment to the depositor by cash or ~~bank~~ draft on the 592  
account of the handler; 593

(2) Causing an irrevocable letter of credit to be issued to 594  
the depositor by a ~~bank~~ financial institution designated by the 595  
handler securing payment in the specified amount. The letter of 596  
credit shall be subject to Chapter 1305. of the Revised Code and 597  
rules adopted by the director pursuant to Chapter 119. of the 598  
Revised Code. 599

Sec. 1121.23. Whenever the approval of the superintendent of 600  
financial institutions is required under Chapters 1101. to 1127. 601  
of the Revised Code, or under an order or supervisory action 602  
issued or taken under those chapters, for a person to serve as an 603  
organizer, incorporator, director, executive officer, or 604  
controlling shareholder of a bank, or to otherwise have a 605  
substantial interest in or participate in the management of a 606  
bank, the superintendent shall request the superintendent of the 607  
bureau of criminal identification and investigation, or a vendor 608  
approved by the bureau, to conduct a criminal records check based 609  
on the person's fingerprints in accordance with division (A)(14) 610  
of section 109.572 of the Revised Code. The superintendent of 611  
financial institutions shall request that criminal record 612  
information from the federal bureau of investigation be obtained 613  
as part of the criminal records check. Any fee required under 614  
division (C)(3) of section 109.572 of the Revised Code shall be 615  
paid by the person who is the subject of the request. 616

Sec. 1155.03. Whenever the approval of the superintendent of financial institutions is required under Chapters 1151. to 1157. of the Revised Code, or under an order or supervisory action issued or taken under those chapters, for a person to serve as an organizer, incorporator, director, executive officer, or controlling person of a savings and loan association, or to otherwise have a substantial interest in or participate in the management of a savings and loan association, the superintendent shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the person's fingerprints in accordance with division (A)(14) of section 109.572 of the Revised Code. The superintendent of financial institutions shall request that criminal record information from the federal bureau of investigation be obtained as part of the criminal records check. Any fee required under division (C)(3) of section 109.572 of the Revised Code shall be paid by the person who is the subject of the request.

Sec. 1163.05. Whenever the approval of the superintendent of financial institutions is required under Chapters 1161. to 1165. of the Revised Code, or under an order or supervisory action issued or taken under those chapters, for a person to serve as an organizer, incorporator, director, executive officer, or controlling person of a savings bank, or to otherwise have a substantial interest in or participate in the management of a savings bank, the superintendent shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the person's fingerprints in accordance with division (A)(14) of section 109.572 of the Revised Code. The superintendent of financial institutions shall request that criminal record

information from the federal bureau of investigation be obtained 648  
as part of the criminal records check. Any fee required under 649  
division (C)(3) of section 109.572 of the Revised Code shall be 650  
paid by the person who is the subject of the request. 651

**Sec. 1315.141.** Whenever the approval of the superintendent of 652  
financial institutions is required under sections 1315.01 to 653  
1315.18 of the Revised Code, or under an order or supervisory 654  
action issued or taken under those sections, for a person to serve 655  
as an organizer, incorporator, director, executive officer, or 656  
controlling person of a licensee, or to otherwise have a 657  
substantial interest in or participate in the management of a 658  
licensee, the superintendent shall request the superintendent of 659  
the bureau of criminal identification and investigation, or a 660  
vendor approved by the bureau, to conduct a criminal records check 661  
based on the person's fingerprints in accordance with division 662  
(A)(14) of section 109.572 of the Revised Code. The superintendent 663  
of financial institutions shall request that criminal record 664  
information from the federal bureau of investigation be obtained 665  
as part of the criminal records check. Any fee required under 666  
division (C)(3) of section 109.572 of the Revised Code shall be 667  
paid by the person who is the subject of the request. 668

**Sec. 1733.13.** (A) Each voting member present in person, by 669  
proxy, or by mail ballot is entitled to cast one vote, 670  
irrespective of the number of shares ~~he~~ the member owns, on each 671  
matter properly submitted to the members for their vote, consent, 672  
waiver, release, or other action. 673

(B) The ~~chairman~~ chairperson of the board, the president, any 674  
vice-president, secretary, or treasurer of any association member 675  
of the credit union shall conclusively be presumed to have 676  
authority to cast the vote of such association member and to 677

appoint proxies and execute consents, waivers, releases, on its behalf, unless before a vote is taken or a consent, waiver, or release is acted upon, it appears by a certified copy of the code of regulations, bylaws, or a resolution of the trustees, directors, or executive committee of the said association member, that such authority does not exist or is vested in some other officer or person. For the purposes of this section, a person exercising such authority as such officer is prima-facie to be considered duly elected, qualified, and acting as such officer.

(C) If the articles or regulations so provide, any person, who is entitled to attend a members' meeting to vote thereat, or to execute consents, waivers, or releases, may:

(1) Vote thereat, and execute consents, waivers, and releases, and exercise any of ~~his~~ the person's other rights, by mail ballot delivered to the office of the credit union at least seven days prior to the date set for the meeting. At least thirty days' notice shall be given to all eligible members of the date set for such meeting. No mail ballot shall be valid after the expiration of eleven months after delivery to the credit union. The form of any mail ballot ~~must~~ shall comply with criteria established by the superintendent or have the prior written approval of the superintendent of credit unions.

(2) Be represented at such meeting or vote thereat, and execute consents, waivers, and releases, and exercise any of ~~his~~ the person's other rights, by proxy or proxies appointed by a writing signed by such person. No appointment of a proxy shall be valid after the expiration of eleven months after it is made. The form of any proxy ~~must~~ shall comply with criteria established by the superintendent or have the prior written approval of the superintendent.

**Sec. 1733.15.** (A) Except as otherwise provided by law, the

articles, or regulations, the corporate powers of a credit union 709  
shall be exercised, its business conducted, and its property 710  
controlled by a board of directors, provided that the number of 711  
directors fixed by the articles or regulations shall not be less 712  
than five. 713

(B) All directors shall be voting members of the credit 714  
union. 715

(C) The articles or regulations may divide directors into two 716  
or more classes whose terms of office shall expire at different 717  
times and may fix the term of office of the directors or of any 718  
class of directors at not more than three years from the date of 719  
their election. 720

(D) For their own government, the directors may adopt or 721  
amend bylaws or adopt amended bylaws not inconsistent with the 722  
articles or regulations. 723

(E) In discharging his official duties, a director may, when 724  
acting with reasonable care and in good faith, rely upon the books 725  
and records of the credit union, upon reports made to the credit 726  
union by an officer or employee or by any other person selected 727  
for the purpose with reasonable care by the credit union, and upon 728  
financial statements or written reports prepared by an officer or 729  
employee of the credit union in charge of its accounts or 730  
certified by a public accountant or firm of public accountants. 731

(F) A credit union shall not elect or appoint a person to its 732  
board of directors who is presently serving as a director of 733  
another credit union, unless either of the following conditions 734  
has been met: 735

(1) If the person presently serves on the board of directors 736  
of a credit union having assets of less than five million dollars, 737  
the credit union, prior to retaining the person's services, 738  
notifies the superintendent of credit unions in writing of the 739



person's candidacy or appointment as a director. 740

(2) If the person presently serves on the board of directors 741  
of a credit union having assets of five million dollars or more, 742  
the superintendent has approved the person's candidacy or 743  
appointment. 744

(G) If the number of candidates for the board of directors 745  
does not exceed the number of director positions being elected, 746  
those candidates shall be deemed elected and shall serve as set 747  
forth in the articles or regulations. 748

**Sec. 1733.19.** (A) The regulations may provide for the 749  
creation by the directors of an executive committee consisting of 750  
not less than three directors, and may authorize the delegation to 751  
any such committee of any of the authority of directors other than 752  
any action requiring more than a majority vote of the board of 753  
directors; provided, that the executive committee shall exercise 754  
only such authority in the interim between the meetings of the 755  
board and shall make a full report of, and the board shall review, 756  
all actions taken at any meeting of such committee at the next 757  
regular meeting of the board of directors following the meeting of 758  
the executive committee. 759

(B) Unless the articles or regulations provide a different 760  
method for the establishment of a supervisory audit committee, the 761  
board of directors shall appoint a supervisory audit committee of 762  
not less than three individual voting members for such term as is 763  
provided in the regulations. The committee shall audit the books 764  
of the credit union at least annually, using generally accepted 765  
auditing procedures and standards, and shall report its findings 766  
to the board. Under the supervision of the supervisory audit 767  
committee, accounts showing installment payments by members upon 768  
shares of the credit union shall be verified at least annually. 769

(C) In lieu of the appointment of a supervisory audit 770

committee as provided in division (B) of this section, the board 771  
of directors may employ a public accountant or a firm of public 772  
accountants to perform the functions of a supervisory audit 773  
committee. The board of directors may appoint an audit committee 774  
to oversee the public accountant or firm of public accountants. 775

(D) The superintendent of credit unions may require at any 776  
time that a credit union have its accounts audited in accordance 777  
with generally accepted auditing standards by an outside auditor. 778  
The outside auditor shall be retained, and expense of any such 779  
audit shall be paid, by the credit union. 780

(E) Unless the articles or regulations provide for the 781  
appointment of loan officers in lieu of a credit committee, the 782  
board of directors shall appoint, or the members shall elect, a 783  
credit committee composed of not less than three individual voting 784  
members, which committee shall have such powers in the granting of 785  
loans and the supervision of lending practices as shall be 786  
delegated to it by the articles, regulations, or resolutions of 787  
the board of directors. The credit committee shall make regular 788  
reports of their activities to the board of directors, and the 789  
board of directors shall review the reports. 790

(F) If the articles or regulations so provide, a credit union 791  
may establish an advisory board consisting of persons selected by 792  
the board of directors or their designee. Persons serving on the 793  
advisory board need not be members of the credit union, they may 794  
be paid per diem not exceeding thirty dollars per day and expenses 795  
for their services on such board, and their duties shall be to 796  
make recommendations on financial and policy matters of the credit 797  
union. 798

(G) A credit union may establish such other committee or 799  
committees as shall be provided for in the articles, regulations, 800  
bylaws, or by resolution of the board of directors. 801

Sec. 1733.241. (A) When a share, share account, or deposit is 802  
made in the name of two or more persons, payable to either or the 803  
survivor, the credit union may pay all of the share, share 804  
account, deposit, any part of the share, share account, deposit, 805  
or any interest earned on the share, share account, or deposit, to 806  
either of the named persons, or the guardian of the estate of 807  
either of the named persons, whether or not the other person is 808  
living. The receipt or acquittance of the person paid is a 809  
sufficient release and discharge of the credit union for any 810  
payments made from the account to that person. 811

(B) A credit union may enter into a written contract with a 812  
natural person for the proceeds of the person's shares, share 813  
accounts, or deposits to be payable on the death of that person to 814  
another person or to any entity or organization in accordance with 815  
the terms, restrictions, and limitations set forth in sections 816  
2131.10 and 2131.11 of the Revised Code. 817

Sec. 1733.242. (A) On the terms and conditions the credit 818  
union prescribes, a credit union may do all of the following: 819

(1) Provide safes, vaults, safe deposit boxes, night 820  
depositories, and other secure receptacles for the uses, purposes, 821  
and benefits of its members; 822

(2) Receive tangible property and evidence of tangible or 823  
intangible property for safekeeping using the credit union's 824  
safes, vaults, secure receptacles, or safekeeping system; the 825  
safes, vaults, secure receptacles, or safekeeping system of 826  
another credit union; or the safekeeping system of a safekeeping 827  
agent or custodian. 828

(B)(1) A credit union may enter into an agreement to rent a 829  
safe deposit box to a minor and accept the appointment of a minor 830  
as agent or deputy on any deposit or safe deposit box by any 831

person, including a minor, maintaining the deposit or safe deposit box. 832  
833

(2) When a credit union enters into a safe deposit box rental agreement with a minor pursuant to division (B)(1) of this section, all of the following apply: 834  
835  
836

(a) The terms and conditions of the safe deposit box rental agreement are binding on the minor the same as a person of legal age who rents a safe deposit box. 837  
838  
839

(b) The relationship between the credit union and the minor regarding the safe deposit box rental agreement is in all respects the same as if the minor were a person of legal age. 840  
841  
842

(c) The credit union shall incur no liability for any transaction regarding the safe deposit box solely because of doing business with a minor. 843  
844  
845

(3) Nothing in divisions (B)(1) and (2) of this section shall be construed to limit the parental rights provided under section 2111.08 of the Revised Code or to limit the rights of a guardian appointed pursuant to Chapter 2111. of the Revised Code. 846  
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(C) The superintendent of financial institutions shall promulgate rules to qualify a credit union, safekeeping agent, or custodian that may receive from another credit union tangible property and evidence of tangible or intangible property for safekeeping pursuant to division (A) of this section. 850  
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**Sec. 1733.243.** If any claim is made to any share, share account, deposit, safe deposit box, property held in safekeeping, security, obligation, or other property in the credit union's possession or control, in whole or in part, by any person, including any member, depositor, individual, or group of individuals, without clear authority to draw on or exercise any right or control with respect to the property, the credit union is 855  
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not required to recognize the claim without one of the following: 862

(A) A court order, issued by a court of competent jurisdiction and served on the credit union, enjoining or restraining the credit union from taking any action with respect to the property or instructing the credit union to pay the balance of the account, provide access to the safe deposit box, or deliver the property as provided in the order; 863  
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(B) A bond, provided by the person making the claim, in the form and amount and with sureties satisfactory to the credit union, indemnifying the credit union against any liabilities, loss, and expenses the credit union might incur because of its recognition of the claim or because of its refusal, due to the claim, to honor or recognize any right with respect to the property. 869  
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**Sec. 1733.29.** (A) A credit union shall keep a permanent record including: 876  
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(1) The original articles and regulations and amendments thereto and any amended articles or regulations and amendments thereto, all bearing the approval of the superintendent of credit unions, and the articles shall bear the certification of the secretary of state; 878  
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(2) The minutes of the incorporators, members, and board of directors. 883  
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(B) A credit union shall keep for a period of not less than six years the minutes of all committees of the board. 885  
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(C) A credit union shall keep and maintain such financial records as the superintendent shall stipulate in rules issued by the superintendent, which shall also include the minimum length of time such records must be retained. 887  
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(D) A credit union shall maintain an alphabetical listing or  
classified listing of the addresses of members of the credit  
union.

(E) A credit union shall maintain a copy of any suspicious  
activity report it files pursuant to rules adopted by the  
superintendent or national credit union administration regulation,  
and the original of all attachments to the report, for a period of  
five years from the date the report is filed.

(F) A credit union shall keep any other records of its  
business and transactions and maintain the authorized processes  
for recording or storing documents or instruments, as may be  
required by rules promulgated by the superintendent.

~~(F)~~(G) A credit union may keep documents in electronic form  
if, in the regular course of business, a credit union possesses,  
records, or generates any document, representation, image,  
reproduction, or combination thereof, of any agreement,  
transaction, act, occurrence, or event, then the recording,  
comprising, or reproduction shall have the same force and effect  
as one comprised, recorded, or created on paper or other tangible  
form by writing, typing, printing, or similar means.

~~(G)~~(H)(1) A credit union may make use of digital signatures  
in any communication, acknowledgment, agreement, or contract  
between a credit union and its member or any other person, in  
which a signature is required or used.

(2)(a) Any party to the communication, acknowledgment,  
agreement, or contract may affix a signature by use of a digital  
signature.

(b) The digital signature, when lawfully used by the person  
whose signature it purports to be, shall have the same force and  
effect as the use of a manual signature if it is unique to the  
person using it, is capable of verification, is under the sole

control of the person using it, and is linked to data in such a 922  
manner that if the data are changed, the digital signature is 923  
invalidated. 924

(c) Nothing in this section requires any credit union to use 925  
or permit the use of a digital signature. 926

(d) As used in division ~~(G)~~(H) of this section, "digital 927  
signature" means an encrypted electronic identifier, created by 928  
computer, intended by the party using it to have the same force 929  
and effect as the use of a manual signature. 930

~~(H) Recordings, copies, photographic images, or stored 931  
representations of original documents, papers, or other 932  
instruments or records made in accordance with this section, or 933  
reproductions of original documents, papers, or other instruments 934  
or records produced from recordings, copies, photographic images, 935  
or stored representations made in accordance with this section, 936  
when properly identified by the officer by whom or under whose 937  
supervision they were made or who has custody of them, have the 938  
same effect at law as the original records or records made by any 939  
other legally authorized means. They may be offered in the same 940  
manner and shall be received in evidence in any court where the 941  
original records, or records made by other legally authorized 942  
means, could have been introduced and received. Certified or 943  
authenticated duplicates of recordings, copies, photographic 944  
images, or stored representations of original documents, papers, 945  
or other instruments or records made in accordance with this 946  
section, or of reproductions of original documents, papers, or 947  
other instruments or records produced from recordings, copies, 948  
photographic images, or stored representations made in accordance 949  
with this section, shall be admitted in evidence in the same 950  
manner as the original documents, papers, or other instruments or 951  
records. 952~~

<u>Sec. 1733.291. (A) Every credit union shall retain or</u>	953
<u>preserve the following credit union records and supporting</u>	954
<u>documents for only the following periods of time:</u>	955
<u>(1) For one year:</u>	956
<u>(a) Broker's confirmations, invoices, and statements relating</u>	957
<u>to security transactions of the credit union or for or with its</u>	958
<u>customers, after the date of transaction;</u>	959
<u>(b) Corporate resolutions, partnership authorizations, and</u>	960
<u>similar authorizations relating to closed accounts, loans that</u>	961
<u>have been paid, or other completed transactions, after the date of</u>	962
<u>closing, payment, or completion;</u>	963
<u>(c) Ledger records of safe deposit accounts, after the date</u>	964
<u>of last entry on the ledger;</u>	965
<u>(d) Night depository records, after the date of transaction;</u>	966
<u>(e) Records relating to closed Christmas club or similar</u>	967
<u>limited duration special purpose accounts, after the date of</u>	968
<u>closing;</u>	969
<u>(f) Records relating to customer collection accounts, after</u>	970
<u>the date of transaction;</u>	971
<u>(g) Stop payment orders, after the effective date;</u>	972
<u>(h) All records relating to closed consumer credit loans and</u>	973
<u>discounts, after the date of closing;</u>	974
<u>(i) Deposit tickets relating to demand deposit accounts,</u>	975
<u>after the date of deposit.</u>	976
<u>(2) For six years:</u>	977
<u>(a) Deposit and withdrawal tickets relating to open or closed</u>	978
<u>savings accounts, after the date of transaction;</u>	979
<u>(b) Individual ledger sheets or other records serving the</u>	980



same purpose that show a zero balance and that relate to demand, 981  
time, or savings deposit accounts, and safekeeping accounts, after 982  
the date of last entry, or, where the ledger sheets or other 983  
records show an open balance, after the date of transfer of the 984  
amount of the balance to another ledger sheet or record; 985

(c) Official checks, drafts, money orders, and other 986  
instruments for the payment of money issued by the credit union 987  
and that have been canceled, after the date of issue; 988

(d) Records relating to closed escrow accounts, after the 989  
date of closing; 990

(e) Records, other than corporate resolutions, partnership 991  
authorizations, and similar authorizations relating to closed 992  
loans and discounts other than consumer credit loans and 993  
discounts, after the date of closing; 994

(f) Safe deposit access tickets and correspondence or 995  
documents relating to access, after the date of transaction; 996

(g) Lease or contract records relating to closed safe deposit 997  
accounts, after the date of closing; 998

(h) Signature cards relating to closed demand, savings, or 999  
time accounts, closed safe deposit accounts, and closed 1000  
safekeeping accounts, after the date of closing; 1001

(i) Undelivered statements for demand deposit, negotiable 1002  
order of withdrawal, savings, agency, brokerage, or other accounts 1003  
for which customer statements are prepared, and canceled checks or 1004  
other items, after the date of statement, provided the credit 1005  
union has attempted to send the statements and checks or other 1006  
items to its customer, has held them pursuant to the instructions 1007  
of or an agreement with its customer, or has made them available 1008  
to its customer. 1009

(B) The superintendent of financial institutions may 1010

designate a retention period of either one year or six years for 1011  
any record maintained by a credit union but not listed in division 1012  
(A) of this section. The credit union shall retain or preserve 1013  
records that are not listed in division (A) of this section and 1014  
for which the superintendent has not designated a retention period 1015  
for six years from the date of completion of the transaction to 1016  
which the record relates or, if the last entry has been 1017  
transferred to a new record showing the continuation of a 1018  
transaction not yet completed, from the date of the last entry. 1019

(C) The requirements of divisions (A) and (B) of this section 1020  
may be complied with by the preservation of records in the manner 1021  
prescribed in section 1733.29 of the Revised Code. 1022

(D) In construing the terms set forth in division (A) of this 1023  
section, reference may be made to general credit union usage. 1024

(E) A credit union may dispose of any records that have been 1025  
retained or preserved for the period set forth in divisions (A) 1026  
and (B) of this section. 1027

(F) Any action by or against a credit union based on, or the 1028  
determination of which would depend on, the contents of records 1029  
for which a period of retention or preservation is set forth in 1030  
divisions (A) and (B) of this section shall be brought within the 1031  
time for which the record must be retained or preserved. 1032

(G) Where a record may be classified under either division 1033  
(A)(1) or (2) of this section, the credit union shall retain or 1034  
preserve the record for the period set forth in division (A)(2) of 1035  
this section. 1036

**Sec. 1733.292.** (A) A credit union may, for any business 1037  
purpose, retain a document, paper, or other instrument or record 1038  
by use of a process to record, copy, photograph, or store a 1039  
representation of the original document, paper, or other 1040

instrument or record, if all of the following apply: 1041

(1) The process correctly and accurately copies or 1042  
reproduces, or provides a means for correctly and accurately 1043  
copying or reproducing, the original document, paper, or other 1044  
instrument or record with regard to both its substance and 1045  
appearance, except the copy or reproduction need not reflect the 1046  
original paper or other medium, size, or color, unless the medium, 1047  
size, or color is necessary to establish the authenticity of the 1048  
original. 1049

(2) The process does not permit the recording, copy, 1050  
photographic image, or stored representation of the original 1051  
document, paper, or other instrument or record to be altered or 1052  
manipulated. 1053

(3) Any medium the process uses to record, copy, photograph, 1054  
or store a representation of the original document, paper, or 1055  
other instrument or record is a durable medium for retaining and 1056  
reproducing records. 1057

(B) The superintendent of financial institutions shall 1058  
identify and publish a list of processes that satisfy the 1059  
conditions of division (A) of this section. 1060

(C) Each credit union that uses a process authorized by this 1061  
section to preserve any of its records shall also provide for 1062  
safekeeping and for examining, viewing, or projecting the records 1063  
preserved, and for producing reproductions of the original 1064  
records. 1065

(D) Recordings, copies, photographic images, or stored 1066  
representations of original documents, papers, or other 1067  
instruments or records made in accordance with this section, or 1068  
reproductions of original documents, papers, or other instruments 1069  
or records produced from recordings, copies, photographic images, 1070  
or stored representations made in accordance with this section, 1071

when properly identified by the officer by whom or under whose supervision they were made or who has custody of them, have the same effect at law as the original records or records made by any other legally authorized means. They may be offered in the same manner and shall be received in evidence in any court where the original records, or records made by other legally authorized means, could have been introduced and received. Certified or authenticated duplicates of recordings, copies, photographic images, or stored representations of original documents, papers, or other instruments or records made in accordance with this section, or of reproductions of original documents, papers, or other instruments or records produced from recordings, copies, photographic images, or stored representations made in accordance with this section, shall be admitted in evidence in the same manner as the original documents, papers, or other instruments or records.

**Sec. 1733.329.** (A) There is hereby created in the division of financial institutions the credit union council, which shall consist of seven members. The deputy superintendent for credit unions shall be a member of the council and its chairperson. The governor, with the advice and consent of the senate, shall appoint the remaining six members.

(B)(1) At least five of the six members appointed to the council shall have had credit union experience.

(2) At least four of the six members appointed to the council shall be, at the time of appointment, individuals currently engaged in the exercise of duties, responsibilities, rights, and powers of a director or chief executive officer of a state-chartered credit union having its principal office in this state and doing business in this state pursuant to this chapter under the authority of the superintendent of financial

institutions. 1103

(3) At least one of the six members appointed to the council 1104  
shall be a director or chief executive officer of a 1105  
state-chartered, federally insured credit union. 1106

(4) At least one of the six members appointed to the council 1107  
shall be a director or chief executive officer of a 1108  
state-chartered, privately insured credit union. 1109

(5) At least one of the six members appointed to the council 1110  
shall be a director or chief executive officer of a 1111  
state-chartered credit union with ~~five~~ thirty-five million dollars 1112  
or less in assets. 1113

(6) At least one of the six members appointed to the council 1114  
shall be a director or chief executive officer of a 1115  
state-chartered credit union with more than ~~five~~ fifty million 1116  
dollars in assets. 1117

(C)(1) Initial appointments to the council shall be made 1118  
within sixty days after the effective date of this section. Of the 1119  
initial appointments, two shall expire one year after the 1120  
effective date of this section, two shall expire two years after 1121  
the effective date of this section, and two shall expire three 1122  
years after the effective date of this section. Thereafter, terms 1123  
of office shall be for three years. 1124

(2) Each member shall hold office from the date of 1125  
appointment until the end of the term for which the member was 1126  
appointed. In the case of a vacancy in the office of any member, 1127  
the governor shall appoint a successor, who shall hold office for 1128  
the remainder of the term for which the successor's predecessor 1129  
was appointed. Any member shall continue in office subsequent to 1130  
the expiration date of the member's term until the member's 1131  
successor takes office, or until sixty days has elapsed, whichever 1132  
occurs first. 1133

(3) If during a member's term on the council, the member 1134  
ceases to be a director or chief executive officer of a credit 1135  
union as described in divisions (B)(2) to (6) of this section for 1136  
a period exceeding ninety days, the member shall be ineligible to 1137  
continue to serve as a member of the council, and the member's 1138  
position on the council shall be considered vacant. 1139

(D) No person appointed as a member of the credit union 1140  
council may serve more than two consecutive full terms. However, a 1141  
member may serve two consecutive full terms following the 1142  
remainder of a term for which the member was appointed to fill a 1143  
vacancy or following any term for which the member was appointed 1144  
prior to the effective date of this section. 1145

(E)(1) The council shall hold regular meetings at the time 1146  
and place it fixes, but at least once every six months, and shall 1147  
meet at any time on call of the deputy superintendent to conduct 1148  
its business and to decide by vote of the members the location of 1149  
future meetings. Each member shall be provided with written notice 1150  
of the time and location of each council meeting at least two days 1151  
prior to the scheduled date of the meeting, unless the council by 1152  
resolution provides for a shorter time. Four of the members of the 1153  
council constitute a quorum to transact and vote on all business 1154  
coming before the council. 1155

(2) The council, by a majority vote of those present at a 1156  
meeting at which there is a quorum, may adopt and amend bylaws and 1157  
rules the council considers necessary and proper. The council 1158  
shall select one of its members as secretary, who shall keep a 1159  
record of all its proceedings. 1160

(3) No member shall participate in a proceeding before the 1161  
council involving any credit union of which the member is or was 1162  
at any time in the preceding twelve months a member of the board 1163  
of directors, an officer, an employee, or a shareholder. A member 1164  
may refrain from participating in the proceedings of the council 1165

for any other cause the member considers sufficient. 1166

(F) The members of the council shall receive no salary, but 1167  
their expenses incurred in performance of their duties shall be 1168  
paid from funds appropriated for that purpose. 1169

(G) The governor may remove any of the six members appointed 1170  
to the council whenever in the governor's judgment the public 1171  
interest requires removal. Upon removing a member of the council, 1172  
the governor shall file with the superintendent of financial 1173  
institutions a statement of the cause for the removal. 1174

**Sec. 1733.34.** (A) Any credit union may, with the approval of 1175  
the superintendent of credit unions, merge with any other credit 1176  
union under the existing charter of the other credit union, 1177  
pursuant to any plan approved by the board of directors of each 1178  
credit union joining in the merger, and approved by ~~two-thirds a~~ 1179  
majority of the members of each credit union represented at a 1180  
meeting of members in person, by ballot, or by proxy, duly called 1181  
for such purpose, at which a ~~minimum of ten per cent~~ quorum of the 1182  
entire membership is present, unless such meeting of members of 1183  
either credit union has been waived by the superintendent. The 1184  
superintendent may waive the members' vote if it is in the 1185  
interest of the members, credit union, or for any other reason the 1186  
superintendent deems proper. After such approval of the board and 1187  
members of each credit union, the president or ~~chairman~~ 1188  
chairperson of the board and secretary of each credit union shall 1189  
execute a certificate of merger, which shall set forth all of the 1190  
following: 1191

(1) The time and place of the meeting of the board of 1192  
directors at which the plan was agreed upon; 1193

(2) The vote in favor of adoption of the plan; 1194

(3) A copy of the resolution or other action by which the 1195

plan was agreed upon;	1196
(4) The time and place of the meeting of the members at which the plan agreed upon was approved;	1197 1198
(5) The vote by which the plan was approved by the members.	1199
(B) Such certificates and a copy of the plan of merger agreed upon shall be forwarded to the superintendent and, upon approval, returned to the merging credit unions.	1200 1201 1202
(C) Upon any such merger so effected, all property, property rights, and interests of the merged credit unions shall vest in the surviving credit union without deed, endorsement, or other instrument of transfer, and all debts, obligations, and liabilities of the merged credit unions shall be deemed to have been assumed by the surviving credit union under whose charter the merger was effected.	1203 1204 1205 1206 1207 1208 1209
(D) This section shall be construed, whenever possible, to permit a credit union chartered under any other act to merge with one chartered under this act.	1210 1211 1212
(E) All persons and associations eligible for membership, as provided in section 1733.05 of the Revised Code, of both credit unions effecting a merger shall be deemed to have a common bond of association.	1213 1214 1215 1216
<u>Sec. 1733.47. Whenever the approval of the superintendent of credit unions is required under this chapter, or under an order or supervisory action issued or taken under this chapter, for a person to serve as an organizer, incorporator, director, or executive officer of a credit union, or to otherwise participate in the management of a credit union, the superintendent shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the person's</u>	1217 1218 1219 1220 1221 1222 1223 1224 1225



fingerprints in accordance with division (A)(14) of section 1226  
109.572 of the Revised Code. The superintendent of credit unions 1227  
shall request that criminal record information from the federal 1228  
bureau of investigation be obtained as part of the criminal 1229  
records check. Any fee required under division (C)(3) of section 1230  
109.572 of the Revised Code shall be paid by the person who is the 1231  
subject of the request. 1232

Sec. 1761.26. Whenever the approval of the superintendent of 1233  
credit unions is required under this chapter, or under an order or 1234  
supervisory action issued or taken under this chapter, for a 1235  
person to serve as an organizer, incorporator, director, or 1236  
executive officer of a credit union share guaranty corporation, or 1237  
to otherwise participate in the management of such a corporation, 1238  
the superintendent shall request the superintendent of the bureau 1239  
of criminal identification and investigation, or a vendor approved 1240  
by the bureau, to conduct a criminal records check based on the 1241  
person's fingerprints in accordance with division (A)(14) of 1242  
section 109.572 of the Revised Code. The superintendent of credit 1243  
unions shall request that criminal record information from the 1244  
federal bureau of investigation be obtained as part of the 1245  
criminal records check. Any fee required under division (C)(3) of 1246  
section 109.572 of the Revised Code shall be paid by the person 1247  
who is the subject of the request. 1248

**Section 2.** That existing sections 109.572, 926.29, 1733.13, 1249  
1733.15, 1733.19, 1733.29, 1733.329, and 1733.34 of the Revised 1250  
Code are hereby repealed. 1251