

**As Introduced**

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

**S. B. No. 254**

**Senator Faber**

**Cosponsors: Senators Mumper, Niehaus, Schuler, Gardner, Amstutz, Harris,  
Schuring, Seitz, Austria, Coughlin, Buehrer**

—

**A B I L L**

To enact section 119.14 of the Revised Code to waive 1  
fines or penalties for paperwork violations that 2  
are first-time offenses committed by small 3  
businesses. 4

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

**Section 1.** That section 119.14 of the Revised Code be enacted 5  
to read as follows: 6

**Sec. 119.14.** (A) For any small business that engages in a 7  
paperwork violation, the state agency or regulatory authority that 8  
regulates the field of operation in which the business operates 9  
shall waive any and all administrative fines or civil penalties on 10  
that small business for the violation, if the paperwork violation 11  
is a first-time offense. 12

(B) When an agency or regulatory authority waives an 13  
administrative fine or civil penalty under this section, the state 14  
agency or regulatory authority shall require the small business to 15  
correct the violation within a reasonable period of time. 16

(C) Notwithstanding this section, a state agency or 17  
regulatory authority may impose administrative fines or civil 18

penalties on a small business for a paperwork violation that is a 19  
first-time offense for any of the following reasons: 20

(1) The violation has the potential to cause serious harm to 21  
the public interest. 22

(2) The violation involves a small business knowingly or 23  
willfully engaging in conduct that results in a felony conviction. 24

(3) Failure to impose an administrative fine or civil penalty 25  
for the violation would impede or interfere with the detection of 26  
criminal activity. 27

(4) The violation is of a law concerning the assessment or 28  
collection of any tax, debt, revenue, or receipt. 29

(5) The violation presents a direct danger to the public 30  
health or safety, or presents the risk of severe environmental 31  
harm, as determined by the head of the agency or regulatory 32  
authority. 33

(D) Nothing in this section shall prohibit a state agency or 34  
regulatory authority from waiving administrative fines or civil 35  
penalties incurred by a small business for a paperwork violation 36  
that is not a first-time offense. 37

(E) This section shall not apply to any violation by a small 38  
business of a statutory or regulatory requirement mandating the 39  
collection of information by a state agency or regulatory body if 40  
that small business previously violated any such requirement 41  
mandating the collection of information. 42

(F) As used in this section: 43

(1) "Small business" has the same meaning as defined by the 44  
Code of Federal Regulations, Title 13, Chapter 1, Part 121. 45

(2) "Paperwork violation" means the violation of any 46  
statutory or regulatory requirement in the Revised Code mandating 47  
the collection of information by a state agency or regulatory 48

body. 49

(3) "First-time offense" means the first instance of a 50

violation of the particular statutory or regulatory requirement 51

mandating the collection of information by a state agency or 52

regulatory body. 53