

As Introduced

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S. B. No. 281

Senator Seitz

**Cosponsors: Senators Cates, Jacobson, Mumper, Niehaus, Schuler, Spada,
Wagoner, Bocchieri, Cafaro, Fedor, Kearney, Mason, Miller, D., Morano,
Roberts, Sawyer**

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A B I L L

To amend section 2329.66 of the Revised Code to 1
increase the exemptions for property that a debtor 2
may hold exempt from execution, garnishment, 3
attachment, or sale for the satisfaction of a 4
judgment or order to reflect the higher exemptions 5
available for such property under the United 6
States Bankruptcy Code and to provide for 7
automatic adjustments to those exemptions based on 8
changes in the Consumer Price Index. 9

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

Section 1. That section 2329.66 of the Revised Code be 10
amended to read as follows: 11

Sec. 2329.66. (A) Every person who is domiciled in this state 12
may hold property exempt from execution, garnishment, attachment, 13
or sale to satisfy a judgment or order, as follows: 14

(1)(a) In the case of a judgment or order regarding money 15
owed for health care services rendered or health care supplies 16
provided to the person or a dependent of the person, one parcel or 17

item of real or personal property that the person or a dependent 18
of the person uses as a residence. Division (A)(1)(a) of this 19
section does not preclude, affect, or invalidate the creation 20
under this chapter of a judgment lien upon the exempted property 21
but only delays the enforcement of the lien until the property is 22
sold or otherwise transferred by the owner or in accordance with 23
other applicable laws to a person or entity other than the 24
surviving spouse or surviving minor children of the judgment 25
debtor. Every person who is domiciled in this state may hold 26
exempt from a judgment lien created pursuant to division (A)(1)(a) 27
of this section the person's interest, not to exceed ~~five~~ twenty 28
thousand two hundred dollars, in the exempted property. 29

(b) In the case of all other judgments and orders, the 30
person's interest, not to exceed ~~five~~ twenty thousand two hundred 31
dollars, in one parcel or item of real or personal property that 32
the person or a dependent of the person uses as a residence. 33

(2) The person's interest, not to exceed ~~one~~ three thousand 34
two hundred twenty-five dollars, in one motor vehicle; 35

~~(3) The person's interest, not to exceed two hundred dollars 36
in any particular item, in wearing apparel, beds, and bedding, and 37
the person's interest, not to exceed three hundred dollars in each 38
item, in one cooking unit and one refrigerator or other food 39
preservation unit; 40~~

~~(4)(a)~~ The person's interest, not to exceed four hundred 41
dollars, in cash on hand, money due and payable, money to become 42
due within ninety days, tax refunds, and money on deposit with a 43
bank, savings and loan association, credit union, public utility, 44
landlord, or other person. Division (A)~~(4)(a)(3)~~ of this section 45
applies only in bankruptcy proceedings. This exemption may include 46
the portion of personal earnings that is not exempt under division 47
(A)(13) of this section. 48

~~(b) Subject to division (A)(4)(d) of this section, the (4)(a)~~ 49
~~The person's interest, not to exceed two five hundred twenty-five~~ 50
~~dollars in any particular item or ten thousand seven hundred~~ 51
~~seventy-five dollars in aggregate value, in household furnishings,~~ 52
~~household goods, wearing apparel, appliances, books, animals,~~ 53
~~crops, musical instruments, firearms, and hunting and fishing~~ 54
~~equipment, that are held primarily for the personal, family, or~~ 55
~~household use of the person;~~ 56

~~(c) Subject to division (A)(4)(d) of this section, the (b)~~ 57
~~The person's aggregate interest in one or more items of jewelry,~~ 58
~~not to exceed four one thousand three hundred fifty dollars in one~~ 59
~~item of jewelry and not to exceed two hundred dollars in every~~ 60
~~other item of jewelry;~~ 61

~~(d) Divisions (A)(4)(b) and (c) of this section do not~~ 62
~~include items of personal property listed in division (A)(3) of~~ 63
~~this section.~~ 64

~~If the person does not claim an exemption under division~~ 65
~~(A)(1) of this section, the total exemption claimed under division~~ 66
~~(A)(4)(b) of this section shall be added to the total exemption~~ 67
~~claimed under division (A)(4)(c) of this section, and the total~~ 68
~~shall not exceed two thousand dollars. If the person claims an~~ 69
~~exemption under division (A)(1) of this section, the total~~ 70
~~exemption claimed under division (A)(4)(b) of this section shall~~ 71
~~be added to the total exemption claimed under division (A)(4)(c)~~ 72
~~of this section, and the total shall not exceed one thousand five~~ 73
~~hundred dollars, held primarily for the personal, family, or~~ 74
~~household use of the person or any of the person's dependents.~~ 75

(5) The person's interest, not to exceed an aggregate of 76
~~seven hundred fifty two thousand twenty-five dollars, in all~~ 77
~~implements, professional books, or tools of the person's~~ 78
~~profession, trade, or business, including agriculture;~~ 79

(6)(a) The person's interest in a beneficiary fund set apart, appropriated, or paid by a benevolent association or society, as exempted by section 2329.63 of the Revised Code;	80 81 82
(b) The person's interest in contracts of life or endowment insurance or annuities, as exempted by section 3911.10 of the Revised Code;	83 84 85
(c) The person's interest in a policy of group insurance or the proceeds of a policy of group insurance, as exempted by section 3917.05 of the Revised Code;	86 87 88
(d) The person's interest in money, benefits, charity, relief, or aid to be paid, provided, or rendered by a fraternal benefit society, as exempted by section 3921.18 of the Revised Code;	89 90 91 92
(e) The person's interest in the portion of benefits under policies of sickness and accident insurance and in lump sum payments for dismemberment and other losses insured under those policies, as exempted by section 3923.19 of the Revised Code.	93 94 95 96
(7) The person's professionally prescribed or medically necessary health aids;	97 98
(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	99 100 101
(9) The person's interest in the following:	102
(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;	103 104
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	105 106
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	107 108
(d) Cash assistance payments under the Ohio works first	109

program, as exempted by section 5107.75 of the Revised Code; 110

(e) Benefits and services under the prevention, retention, 111
and contingency program, as exempted by section 5108.08 of the 112
Revised Code; 113

(f) Disability financial assistance payments, as exempted by 114
section 5115.06 of the Revised Code. 115

(10)(a) Except in cases in which the person was convicted of 116
or pleaded guilty to a violation of section 2921.41 of the Revised 117
Code and in which an order for the withholding of restitution from 118
payments was issued under division (C)(2)(b) of that section or in 119
cases in which an order for withholding was issued under section 120
2907.15 of the Revised Code, and only to the extent provided in 121
the order, and except as provided in sections 3105.171, 3105.63, 122
3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised 123
Code, the person's right to a pension, benefit, annuity, 124
retirement allowance, or accumulated contributions, the person's 125
right to a participant account in any deferred compensation 126
program offered by the Ohio public employees deferred compensation 127
board, a government unit, or a municipal corporation, or the 128
person's other accrued or accruing rights, as exempted by section 129
145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of 130
the Revised Code, and the person's right to benefits from the Ohio 131
public safety officers death benefit fund; 132

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 133
3121.03, and 3123.06 of the Revised Code, the person's right to 134
receive a payment under any pension, annuity, or similar plan or 135
contract, not including a payment from a stock bonus or 136
profit-sharing plan or a payment included in division (A)(6)(b) or 137
(10)(a) of this section, on account of illness, disability, death, 138
age, or length of service, to the extent reasonably necessary for 139
the support of the person and any of the person's dependents, 140
except if all the following apply: 141

(i) The plan or contract was established by or under the 142
auspices of an insider that employed the person at the time the 143
person's rights under the plan or contract arose. 144

(ii) The payment is on account of age or length of service. 145

(iii) The plan or contract is not qualified under the 146
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 147
amended. 148

(c) Except for any portion of the assets that were deposited 149
for the purpose of evading the payment of any debt and except as 150
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 151
3123.06 of the Revised Code, the person's right in the assets held 152
in, or to receive any payment under, any individual retirement 153
account, individual retirement annuity, "Roth IRA," or education 154
individual retirement account that provides benefits by reason of 155
illness, disability, death, or age, to the extent that the assets, 156
payments, or benefits described in division (A)(10)(c) of this 157
section are attributable to any of the following: 158

(i) Contributions of the person that were less than or equal 159
to the applicable limits on deductible contributions to an 160
individual retirement account or individual retirement annuity in 161
the year that the contributions were made, whether or not the 162
person was eligible to deduct the contributions on the person's 163
federal tax return for the year in which the contributions were 164
made; 165

(ii) Contributions of the person that were less than or equal 166
to the applicable limits on contributions to a Roth IRA or 167
education individual retirement account in the year that the 168
contributions were made; 169

(iii) Contributions of the person that are within the 170
applicable limits on rollover contributions under subsections 219, 171
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 172

408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 173
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 174

(d) Except for any portion of the assets that were deposited 175
for the purpose of evading the payment of any debt and except as 176
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 177
3123.06 of the Revised Code, the person's right in the assets held 178
in, or to receive any payment under, any Keogh or "H.R. 10" plan 179
that provides benefits by reason of illness, disability, death, or 180
age, to the extent reasonably necessary for the support of the 181
person and any of the person's dependents. 182

(11) The person's right to receive spousal support, child 183
support, an allowance, or other maintenance to the extent 184
reasonably necessary for the support of the person and any of the 185
person's dependents; 186

(12) The person's right to receive, or moneys received during 187
the preceding twelve calendar months from, any of the following: 188

(a) An award of reparations under sections 2743.51 to 2743.72 189
of the Revised Code, to the extent exempted by division (D) of 190
section 2743.66 of the Revised Code; 191

(b) A payment on account of the wrongful death of an 192
individual of whom the person was a dependent on the date of the 193
individual's death, to the extent reasonably necessary for the 194
support of the person and any of the person's dependents; 195

(c) Except in cases in which the person who receives the 196
payment is an inmate, as defined in section 2969.21 of the Revised 197
Code, and in which the payment resulted from a civil action or 198
appeal against a government entity or employee, as defined in 199
section 2969.21 of the Revised Code, a payment, not to exceed ~~five~~ 200
twenty thousand two hundred dollars, on account of personal bodily 201
injury, not including pain and suffering or compensation for 202
actual pecuniary loss, of the person or an individual for whom the 203

person is a dependent;	204
(d) A payment in compensation for loss of future earnings of the person or an individual of whom the person is or was a dependent, to the extent reasonably necessary for the support of the debtor and any of the debtor's dependents.	205 206 207 208
(13) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, personal earnings of the person owed to the person for services in an amount equal to the greater of the following amounts:	209 210 211 212
(a) If paid weekly, thirty times the current federal minimum hourly wage; if paid biweekly, sixty times the current federal minimum hourly wage; if paid semimonthly, sixty-five times the current federal minimum hourly wage; or if paid monthly, one hundred thirty times the current federal minimum hourly wage that is in effect at the time the earnings are payable, as prescribed by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C. 206(a)(1), as amended;	213 214 215 216 217 218 219 220
(b) Seventy-five per cent of the disposable earnings owed to the person.	221 222
(14) The person's right in specific partnership property, as exempted by division (B)(3) of section 1775.24 of the Revised Code;	223 224 225
(15) A seal and official register of a notary public, as exempted by section 147.04 of the Revised Code;	226 227
(16) The person's interest in a tuition unit or a payment under section 3334.09 of the Revised Code pursuant to a tuition payment contract, as exempted by section 3334.15 of the Revised Code;	228 229 230 231
(17) Any other property that is specifically exempted from execution, attachment, garnishment, or sale by federal statutes	232 233

other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 234
U.S.C.A. 101, as amended; 235

(18) The person's aggregate interest in any property, not to 236
exceed ~~four hundred~~ one thousand seventy-five dollars, ~~in any~~ 237
~~property~~ and any unused amount, not to exceed ten thousand one 238
hundred twenty-five dollars, of the exemption provided under 239
division (A)(1) of this section, except that division (A)(18) of 240
this section applies only in bankruptcy proceedings. 241

(B) On April 1, 2010, and on the first day of April in each 242
third calendar year after 2010, each dollar amount set forth in 243
this section shall be adjusted, when determining the amount that 244
is exempt from execution, garnishment, attachment, or sale 245
pursuant to this section, to reflect the change in the consumer 246
price index for all urban consumers, as published by the United 247
States department of labor, or, if that index is no longer 248
published, a generally available comparable index, for the 249
three-year period ending on the thirty-first day of December of 250
the preceding year. Any adjustments required by this division 251
shall be rounded to the nearest twenty-five dollars. 252

(C) As used in this section: 253

(1) "Disposable earnings" means net earnings after the 254
garnishee has made deductions required by law, excluding the 255
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 256
3121.03, or 3123.06 of the Revised Code. 257

(2) "Insider" means: 258

(a) If the person who claims an exemption is an individual, a 259
relative of the individual, a relative of a general partner of the 260
individual, a partnership in which the individual is a general 261
partner, a general partner of the individual, or a corporation of 262
which the individual is a director, officer, or in control; 263

(b) If the person who claims an exemption is a corporation, a 264

director or officer of the corporation; a person in control of the 265
corporation; a partnership in which the corporation is a general 266
partner; a general partner of the corporation; or a relative of a 267
general partner, director, officer, or person in control of the 268
corporation; 269

(c) If the person who claims an exemption is a partnership, a 270
general partner in the partnership; a general partner of the 271
partnership; a person in control of the partnership; a partnership 272
in which the partnership is a general partner; or a relative in, a 273
general partner of, or a person in control of the partnership; 274

(d) An entity or person to which or whom any of the following 275
applies: 276

(i) The entity directly or indirectly owns, controls, or 277
holds with power to vote, twenty per cent or more of the 278
outstanding voting securities of the person who claims an 279
exemption, unless the entity holds the securities in a fiduciary 280
or agency capacity without sole discretionary power to vote the 281
securities or holds the securities solely to secure to debt and 282
the entity has not in fact exercised the power to vote. 283

(ii) The entity is a corporation, twenty per cent or more of 284
whose outstanding voting securities are directly or indirectly 285
owned, controlled, or held with power to vote, by the person who 286
claims an exemption or by an entity to which division 287
~~(B)~~(C)(2)(d)(i) of this section applies. 288

(iii) A person whose business is operated under a lease or 289
operating agreement by the person who claims an exemption, or a 290
person substantially all of whose business is operated under an 291
operating agreement with the person who claims an exemption. 292

(iv) The entity operates the business or all or substantially 293
all of the property of the person who claims an exemption under a 294
lease or operating agreement. 295

(e) An insider, as otherwise defined in this section, of a person or entity to which division ~~(B)~~(C)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;

(f) A managing agent of the person who claims an exemption.

(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.

(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.

~~(C)~~(D) For purposes of this section, "interest" shall be determined as follows:

(1) In bankruptcy proceedings, as of the date a petition is filed with the bankruptcy court commencing a case under Title 11 of the United States Code;

(2) In all cases other than bankruptcy proceedings, as of the date of an appraisal, if necessary under section 2329.68 of the Revised Code, or the issuance of a writ of execution.

An interest, as determined under division ~~(C)~~(D)(1) or (2) of this section, shall not include the amount of any lien otherwise valid pursuant to section 2329.661 of the Revised Code.

Section 2. That existing section 2329.66 of the Revised Code is hereby repealed.