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Am. Sub. H. B. No. 186

Representatives Foley, Patten

**Cosponsors: Representatives Boyd, Brown, Domenick, Hagan, Heard,
Luckie, Okey, Skindell, Stewart, Yuko, Belcher, Carney, Chandler, Dodd,
Dyer, Garland, Harris, Letson, Lundy, Mallory, Pillich, Sayre, Williams, B.,
Winburn**

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A B I L L

To amend sections 1901.18, 1909.11, 1923.01, 1923.02, 1
1923.061, 1923.15, 2305.01, 3701.83, 3709.085, 2
3709.09, 3709.092, 3729.01, 3733.02, 3733.021, 3
3733.022, 3733.024, 3733.025, 3733.03, 3733.04, 4
3733.05, 3733.06, 3733.08, 3733.09, 3733.091, 5
3733.10, 3733.101, 3733.11, 3733.12, 3733.121, 6
3733.122, 3733.123, 3733.13, 3733.14, 3733.15, 7
3733.17, 3733.18, 3733.19, 3733.20, 3733.41, 8
3733.99, 3781.06, 4503.061, 4503.062, 4517.01, 9
4517.04, 4517.09, 4517.10, 4517.12, 4517.13, 10
4517.14, 4517.23, 4517.24, 4517.44, 4743.05, 11
4781.01, 4781.02, 4781.04, 4781.07, 4781.10, 12
4781.14, 4781.15, 4781.99, 4905.90, and 6111.46; 13
to amend, for the purpose of adopting new section 14
numbers as indicated in parentheses, sections 15
3733.02 (4781.26), 3733.021 (4781.31), 3733.022 16
(4781.32), 3733.024 (4781.33), 3733.025 (4781.34), 17
3733.03 (4781.27), 3733.04 (4781.28), 3733.05 18
(4781.29), 3733.06 (4781.30), 3733.08 (4781.35), 19
3733.09 (4781.36), 3733.091 (4781.37), 3733.10 20

(4781.38), 3733.101 (4781.39), 3733.12 (4781.41), 21
3733.121 (4781.42), 3733.122 (4781.43), 3733.123 22
(4781.44), 3733.13 (4781.45), 3733.14 (4781.46), 23
3733.15 (4781.47), 3733.16 (4781.48), 3733.17 24
(4781.49), 3733.18 (4781.50), 3733.19 (4781.51), 25
and 3733.20 (4781.52); to enact sections 2323.05, 26
3733.111, 4781.121, 4781.54, and 4781.60; and to 27
repeal sections 3733.01, 3733.031, 3733.07, and 28
4517.49 of the Revised Code; and to amend Section 29
745.20 of Am. Sub. H.B. 1 of the 128th General 30
Assembly to transfer various responsibilities with 31
respect to the licensing and inspection of 32
manufactured home parks from the Department of 33
Health to the Manufactured Homes Commission, to 34
make other changes in the manufactured home park 35
law, and to amend the motor vehicle dealer's 36
licensing law; and to amend sections 3733.11 and 37
4781.10 and to amend, for the purpose of adopting 38
new section numbers as indicated in parenthesis, 39
sections 3733.11 (4781.40) and 3733.111 (4781.53) 40
of the Revised Code on July 1, 2011, to conform 41
with other provisions of this act taking effect on 42
that date. 43

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

Section 1. That sections 1901.18, 1909.11, 1923.01, 1923.02, 44
1923.061, 1923.15, 2305.01, 3701.83, 3709.085, 3709.09, 3709.092, 45
3729.01, 3733.02, 3733.021, 3733.022, 3733.024, 3733.025, 3733.03, 46
3733.04, 3733.05, 3733.06, 3733.08, 3733.09, 3733.091, 3733.10, 47
3733.101, 3733.11, 3733.12, 3733.121, 3733.122, 3733.123, 3733.13, 48
3733.14, 3733.15, 3733.17, 3733.18, 3733.19, 3733.20, 3733.41, 49
3733.99, 3781.06, 4503.061, 4503.062, 4517.01, 4517.04, 4517.09, 50

4517.10, 4517.12, 4517.13, 4517.14, 4517.23, 4517.24, 4517.44, 51
4743.05, 4781.01, 4781.02, 4781.04, 4781.07, 4781.10, 4781.14, 52
4781.15, 4781.99, 4905.90, and 6111.46 be amended; and that 53
sections 3733.02 (4781.26), 3733.021 (4781.31), 3733.022 54
(4781.32), 3733.024 (4781.33), 3733.025 (4781.34), 3733.03 55
(4781.27), 3733.04 (4781.28), 3733.05 (4781.29), 3733.06 56
(4781.30), 3733.08 (4781.35), 3733.09 (4781.36), 3733.091 57
(4781.37), 3733.10 (4781.38), 3733.101 (4781.39), 3733.12 58
(4781.41), 3733.121 (4781.42), 3733.122 (4781.43), 3733.123 59
(4781.44), 3733.13 (4781.45), 3733.14 (4781.46), 3733.15 60
(4781.47), 3733.16 (4781.48), 3733.17 (4781.49), 3733.18 61
(4781.50), 3733.19 (4781.51), and 3733.20 (4781.52) be amended for 62
the purpose of adopting new section numbers as indicated in 63
parentheses; and that sections 2323.05, 3733.111, 4781.121, 64
4781.54, and 4781.60 of the Revised Code be enacted to read as 65
follows: 66

Sec. 1901.18. (A) Except as otherwise provided in this 67
division or section 1901.181 of the Revised Code, subject to the 68
monetary jurisdiction of municipal courts as set forth in section 69
1901.17 of the Revised Code, a municipal court has original 70
jurisdiction within its territory in all of the following actions 71
or proceedings and to perform all of the following functions: 72

(1) In any civil action, of whatever nature or remedy, of 73
which judges of county courts have jurisdiction; 74

(2) In any action or proceeding at law for the recovery of 75
money or personal property of which the court of common pleas has 76
jurisdiction; 77

(3) In any action at law based on contract, to determine, 78
preserve, and enforce all legal and equitable rights involved in 79
the contract, to decree an accounting, reformation, or 80

cancellation of the contract, and to hear and determine all legal	81
and equitable remedies necessary or proper for a complete	82
determination of the rights of the parties to the contract;	83
(4) In any action or proceeding for the sale of personal	84
property under chattel mortgage, lien, encumbrance, or other	85
charge, for the foreclosure and marshalling of liens on personal	86
property of that nature, and for the rendering of personal	87
judgment in the action or proceeding;	88
(5) In any action or proceeding to enforce the collection of	89
its own judgments or the judgments rendered by any court within	90
the territory to which the municipal court has succeeded, and to	91
subject the interest of a judgment debtor in personal property to	92
satisfy judgments enforceable by the municipal court;	93
(6) In any action or proceeding in the nature of	94
interpleader;	95
(7) In any action of replevin;	96
(8) In any action of forcible entry and detainer;	97
(9) In any action concerning the issuance and enforcement of	98
temporary protection orders pursuant to section 2919.26 of the	99
Revised Code or protection orders pursuant to section 2903.213 of	100
the Revised Code or the enforcement of protection orders issued by	101
courts of another state, as defined in section 2919.27 of the	102
Revised Code;	103
(10) If the municipal court has a housing or environmental	104
division, in any action over which the division is given	105
jurisdiction by section 1901.181 of the Revised Code, provided	106
that, except as specified in division (B) of that section, no	107
judge of the court other than the judge of the division shall hear	108
or determine any action over which the division has jurisdiction;	109
(11) In any action brought pursuant to division (I) of	110

section ~~3733.11~~ 4781.40 of the Revised Code, if the residential 111
premises that are the subject of the action are located within the 112
territorial jurisdiction of the court; 113

(12) In any civil action as described in division (B)(1) of 114
section 3767.41 of the Revised Code that relates to a public 115
nuisance, and, to the extent any provision of this chapter 116
conflicts or is inconsistent with a provision of that section, the 117
provision of that section shall control in the civil action. 118

(B) The Cleveland municipal court also shall have 119
jurisdiction within its territory in all of the following actions 120
or proceedings and to perform all of the following functions: 121

(1) In all actions and proceedings for the sale of real 122
property under lien of a judgment of the municipal court or a lien 123
for machinery, material, or fuel furnished or labor performed, 124
irrespective of amount, and, in those actions and proceedings, the 125
court may proceed to foreclose and marshal all liens and all 126
vested or contingent rights, to appoint a receiver, and to render 127
personal judgment irrespective of amount in favor of any party. 128

(2) In all actions for the foreclosure of a mortgage on real 129
property given to secure the payment of money or the enforcement 130
of a specific lien for money or other encumbrance or charge on 131
real property, when the amount claimed by the plaintiff does not 132
exceed fifteen thousand dollars and the real property is situated 133
within the territory, and, in those actions, the court may proceed 134
to foreclose all liens and all vested and contingent rights and 135
may proceed to render judgments and make findings and orders 136
between the parties in the same manner and to the same extent as 137
in similar actions in the court of common pleas. 138

(3) In all actions for the recovery of real property situated 139
within the territory to the same extent as courts of common pleas 140
have jurisdiction; 141

(4) In all actions for injunction to prevent or terminate 142
violations of the ordinances and regulations of the city of 143
Cleveland enacted or promulgated under the police power of the 144
city of Cleveland, pursuant to Section 3 of Article XVIII, Ohio 145
Constitution, over which the court of common pleas has or may have 146
jurisdiction, and, in those actions, the court may proceed to 147
render judgments and make findings and orders in the same manner 148
and to the same extent as in similar actions in the court of 149
common pleas. 150

Sec. 1909.11. A county court judge has jurisdiction in any 151
action brought pursuant to division (I) of section ~~3733.11~~ 4781.40 152
of the Revised Code if the residential premises that are the 153
subject of the action are located within the territorial 154
jurisdiction of the judge's county court district. 155

Sec. 1923.01. (A) As provided in this chapter, any judge of a 156
county or municipal court or a court of common pleas, within the 157
judge's proper area of jurisdiction, may inquire about persons who 158
make unlawful and forcible entry into lands or tenements and 159
detain them, and about persons who make a lawful and peaceable 160
entry into lands or tenements and hold them unlawfully and by 161
force. If, upon the inquiry, it is found that an unlawful and 162
forcible entry has been made and the lands or tenements are 163
detained, or that, after a lawful entry, lands or tenements are 164
held unlawfully and by force, a judge shall cause the plaintiff in 165
an action under this chapter to have restitution of the lands or 166
tenements. 167

(B) An action shall be brought under this chapter within two 168
years after the cause of action accrues. 169

(C) As used in this chapter: 170

(1) "Tenant" means a person who is entitled under a rental 171

agreement to the use or occupancy of premises, other than premises 172
located in a manufactured home park, to the exclusion of others, 173
except that as used in division (A)(6) of section 1923.02 and 174
section 1923.051 of the Revised Code, "tenant" includes a 175
manufactured home park resident. 176

(2) "Landlord" means the owner, lessor, or sublessor of 177
premises, or the agent or person the landlord authorizes to manage 178
premises or to receive rent from a tenant under a rental 179
agreement, except, if required by the facts of the action to which 180
the term is applied, "landlord" means a park operator. 181

(3) "Resident" has the same meaning as in section ~~3733.01~~ 182
4781.01 of the Revised Code. 183

(4) "Residential premises" has the same meaning as in section 184
5321.01 of the Revised Code, except, if required by the facts of 185
the action to which the term is applied, "residential premises" 186
has the same meaning as in section ~~3733.01~~ 4781.01 of the Revised 187
Code. 188

(5) "Rental agreement" means any agreement or lease, written 189
or oral, that establishes or modifies the terms, conditions, 190
rules, or other provisions concerning the use or occupancy of 191
premises by one of the parties to the agreement or lease, except 192
that "rental agreement," as used in division (A)(13) of section 193
1923.02 of the Revised Code and where the context requires as used 194
in this chapter, means a rental agreement as defined in division 195
(D) of section 5322.01 of the Revised Code. 196

(6) "Controlled substance" has the same meaning as in section 197
3719.01 of the Revised Code. 198

(7) "School premises" has the same meaning as in section 199
2925.01 of the Revised Code. 200

(8) "Sexually oriented offense" and "child-victim oriented 201
offense" have the same meanings as in section 2950.01 of the 202

Revised Code.	203
(9) "Recreational vehicle" and "mobile home" have the same meanings as in section 4501.01 of the Revised Code.	204 205
(10) "Manufactured home" has the same meaning as in section 3781.06 of the Revised Code.	206 207
(11) "Manufactured home park" has the same meaning as in section 3733.01 <u>4781.01</u> of the Revised Code and also means any tract of land upon which one or two manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, pursuant to rental agreements between the owners of the manufactured or mobile homes and the owner of the tract of land.	208 209 210 211 212 213 214
(12) "Park operator" has the same meaning as in section 3733.01 <u>4781.01</u> of the Revised Code and also means a landlord of premises upon which one or two manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, pursuant to rental agreements between the owners of the manufactured or mobile homes and a landlord who is not licensed as a manufactured home park operator pursuant to Chapter 3733. <u>4781.</u> of the Revised Code.	215 216 217 218 219 220 221 222
(13) "Personal property" means tangible personal property other than a manufactured home, mobile home, or recreational vehicle that is the subject of an action under this chapter.	223 224 225
(14) "Preschool or child day-care center premises" has the same meaning as in section 2950.034 of the Revised Code.	226 227
Sec. 1923.02. (A) Proceedings under this chapter may be had as follows:	228 229
(1) Against tenants or manufactured home park residents holding over their terms;	230 231
(2) Against tenants or manufactured home park residents in	232

possession under an oral tenancy, who are in default in the	233
payment of rent as provided in division (B) of this section;	234
(3) In sales of real estate, on executions, orders, or other	235
judicial process, when the judgment debtor was in possession at	236
the time of the rendition of the judgment or decree, by virtue of	237
which the sale was made;	238
(4) In sales by executors, administrators, or guardians, and	239
on partition, when any of the parties to the complaint were in	240
possession at the commencement of the action, after the sales, so	241
made on execution or otherwise, have been examined by the proper	242
court and adjudged legal;	243
(5) When the defendant is an occupier of lands or tenements,	244
without color of title, and the complainant has the right of	245
possession to them;	246
(6) In any other case of the unlawful and forcible detention	247
of lands or tenements. For purposes of this division, in addition	248
to any other type of unlawful and forcible detention of lands or	249
tenements, such a detention may be determined to exist when both	250
of the following apply:	251
(a) A tenant fails to vacate residential premises within	252
three days after both of the following occur:	253
(i) The tenant's landlord has actual knowledge of or has	254
reasonable cause to believe that the tenant, any person in the	255
tenant's household, or any person on the premises with the consent	256
of the tenant previously has or presently is engaged in a	257
violation of Chapter 2925. or 3719. of the Revised Code, or of a	258
municipal ordinance that is substantially similar to any section	259
in either of those chapters, which involves a controlled substance	260
and which occurred in, is occurring in, or otherwise was or is	261
connected with the premises, whether or not the tenant or other	262
person has been charged with, has pleaded guilty to or been	263

convicted of, or has been determined to be a delinquent child for 264
an act that, if committed by an adult, would be a violation as 265
described in this division. For purposes of this division, a 266
landlord has "actual knowledge of or has reasonable cause to 267
believe" that a tenant, any person in the tenant's household, or 268
any person on the premises with the consent of the tenant 269
previously has or presently is engaged in a violation as described 270
in this division if a search warrant was issued pursuant to 271
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 272
affidavit presented to obtain the warrant named or described the 273
tenant or person as the individual to be searched and particularly 274
described the tenant's premises as the place to be searched, named 275
or described one or more controlled substances to be searched for 276
and seized, stated substantially the offense under Chapter 2925. 277
or 3719. of the Revised Code or the substantially similar 278
municipal ordinance that occurred in, is occurring in, or 279
otherwise was or is connected with the tenant's premises, and 280
states the factual basis for the affiant's belief that the 281
controlled substances are located on the tenant's premises; the 282
warrant was properly executed by a law enforcement officer and any 283
controlled substance described in the affidavit was found by that 284
officer during the search and seizure; and, subsequent to the 285
search and seizure, the landlord was informed by that or another 286
law enforcement officer of the fact that the tenant or person has 287
or presently is engaged in a violation as described in this 288
division and it occurred in, is occurring in, or otherwise was or 289
is connected with the tenant's premises. 290

(ii) The landlord gives the tenant the notice required by 291
division (C) of section 5321.17 of the Revised Code. 292

(b) The court determines, by a preponderance of the evidence, 293
that the tenant, any person in the tenant's household, or any 294
person on the premises with the consent of the tenant previously 295

has or presently is engaged in a violation as described in 296
division (A)(6)(a)(i) of this section. 297

(7) In cases arising out of Chapter 5313. of the Revised 298
Code. In those cases, the court has the authority to declare a 299
forfeiture of the vendee's rights under a land installment 300
contract and to grant any other claims arising out of the 301
contract. 302

(8) Against tenants who have breached an obligation that is 303
imposed by section 5321.05 of the Revised Code, other than the 304
obligation specified in division (A)(9) of that section, and that 305
materially affects health and safety. Prior to the commencement of 306
an action under this division, notice shall be given to the tenant 307
and compliance secured with section 5321.11 of the Revised Code. 308

(9) Against tenants who have breached an obligation imposed 309
upon them by a written rental agreement; 310

(10) Against manufactured home park residents who have 311
defaulted in the payment of rent or breached the terms of a rental 312
agreement with a park operator. Nothing in this division precludes 313
the commencement of an action under division (A)(12) of this 314
section when the additional circumstances described in that 315
division apply. 316

(11) Against manufactured home park residents who have 317
committed two material violations of the rules of the manufactured 318
home park, of the ~~public health council~~ manufactured homes
commission, or of applicable state and local health and safety 319
codes and who have been notified of the violations in compliance 320
with section ~~3733.13~~ 4781.45 of the Revised Code; 321
322

(12) Against a manufactured home park resident, or the estate 323
of a manufactured home park resident, who as a result of death or 324
otherwise has been absent from the manufactured home park for a 325
period of thirty consecutive days prior to the commencement of an 326

action under this division and whose manufactured home or mobile 327
home, or recreational vehicle that is parked in the manufactured 328
home park, has been left unoccupied for that thirty-day period, 329
without notice to the park operator and without payment of rent 330
due under the rental agreement with the park operator; 331

(13) Against occupants of self-service storage facilities, as 332
defined in division (A) of section 5322.01 of the Revised Code, 333
who have breached the terms of a rental agreement or violated 334
section 5322.04 of the Revised Code; 335

(14) Against any resident or occupant who, pursuant to a 336
rental agreement, resides in or occupies residential premises 337
located within one thousand feet of any school premises or 338
preschool or child day-care center premises and to whom both of 339
the following apply: 340

(a) The resident's or occupant's name appears on the state 341
registry of sex offenders and child-victim offenders maintained 342
under section 2950.13 of the Revised Code. 343

(b) The state registry of sex offenders and child-victim 344
offenders indicates that the resident or occupant was convicted of 345
or pleaded guilty to a sexually oriented offense or a child-victim 346
oriented offense in a criminal prosecution and was not sentenced 347
to a serious youthful offender dispositional sentence for that 348
offense. 349

(15) Against any tenant who permits any person to occupy 350
residential premises located within one thousand feet of any 351
school premises or preschool or child day-care center premises if 352
both of the following apply to the person: 353

(a) The person's name appears on the state registry of sex 354
offenders and child-victim offenders maintained under section 355
2950.13 of the Revised Code. 356

(b) The state registry of sex offenders and child-victim 357

offenders indicates that the person was convicted of or pleaded 358
guilty to a sexually oriented offense or a child-victim oriented 359
offense in a criminal prosecution and was not sentenced to a 360
serious youthful offender dispositional sentence for that offense. 361

(B) If a tenant or manufactured home park resident holding 362
under an oral tenancy is in default in the payment of rent, the 363
tenant or resident forfeits the right of occupancy, and the 364
landlord may, at the landlord's option, terminate the tenancy by 365
notifying the tenant or resident, as provided in section 1923.04 366
of the Revised Code, to leave the premises, for the restitution of 367
which an action may then be brought under this chapter. 368

(C)(1) If a tenant or any other person with the tenant's 369
permission resides in or occupies residential premises that are 370
located within one thousand feet of any school premises and is a 371
resident or occupant of the type described in division (A)(14) of 372
this section or a person of the type described in division (A)(15) 373
of this section, the landlord for those residential premises, upon 374
discovery that the tenant or other person is a resident, occupant, 375
or person of that nature, may terminate the rental agreement or 376
tenancy for those residential premises by notifying the tenant and 377
all other occupants, as provided in section 1923.04 of the Revised 378
Code, to leave the premises. 379

(2) If a landlord is authorized to terminate a rental 380
agreement or tenancy pursuant to division (C)(1) of this section 381
but does not so terminate the rental agreement or tenancy, the 382
landlord is not liable in a tort or other civil action in damages 383
for any injury, death, or loss to person or property that 384
allegedly result from that decision. 385

(D) This chapter does not apply to a student tenant as 386
defined by division (H) of section 5321.01 of the Revised Code 387
when the college or university proceeds to terminate a rental 388
agreement pursuant to section 5321.031 of the Revised Code. 389

Sec. 1923.061. (A) Any defense in an action under this 390
chapter may be asserted at trial. 391

(B) In an action for possession of residential premises based 392
upon nonpayment of the rent or in an action for rent when the 393
tenant or manufactured home park resident is in possession, the 394
tenant or resident may counterclaim for any amount ~~he~~ the tenant 395
or resident may recover under the rental agreement or under 396
Chapter ~~3733-~~ 4781. or 5321. of the Revised Code. In that event, 397
the court from time to time may order the tenant or resident to 398
pay into court all or part of the past due rent and rent becoming 399
due during the pendency of the action. After trial and judgment, 400
the party to whom a net judgment is owed shall be paid first from 401
the money paid into court, and any balance shall be satisfied as 402
any other judgment. If no rent remains due after application of 403
this division, judgment shall be entered for the tenant or 404
resident in the action for possession. If the tenant or resident 405
has paid into court an amount greater than that necessary to 406
satisfy a judgment obtained by the landlord, the balance shall be 407
returned by the court to the tenant or resident. 408

Sec. 1923.15. During any proceeding involving residential 409
premises under this chapter, the court may order an appropriate 410
governmental agency to inspect the residential premises. If the 411
agency determines and the court finds conditions which constitute 412
a violation of section ~~3733.10~~ 4781.38 or 5321.04 of the Revised 413
Code, and if the premises have been vacated or are to be restored 414
to the landlord, the court may issue an order forbidding the 415
re-rental of the property until such conditions are corrected. If 416
the agency determines and the court finds such conditions, and if 417
the court finds that the tenant or manufactured home park resident 418
may remain in possession, the court may order such conditions 419
corrected. If such conditions have been caused by the tenant or 420

resident, the court may award damages to the landlord equal to the 421
reasonable cost of correcting such conditions. 422

Sec. 2305.01. Except as otherwise provided by this section or 423
section 2305.03 of the Revised Code, the court of common pleas has 424
original jurisdiction in all civil cases in which the sum or 425
matter in dispute exceeds the exclusive original jurisdiction of 426
county courts and appellate jurisdiction from the decisions of 427
boards of county commissioners. The court of common pleas shall 428
not have jurisdiction, in any tort action to which the amounts 429
apply, to award punitive or exemplary damages that exceed the 430
amounts set forth in section 2315.21 of the Revised Code. The 431
court of common pleas shall not have jurisdiction in any tort 432
action to which the limits apply to enter judgment on an award of 433
compensatory damages for noneconomic loss in excess of the limits 434
set forth in section 2315.18 of the Revised Code. 435

The court of common pleas may on its own motion transfer for 436
trial any action in the court to any municipal court in the county 437
having concurrent jurisdiction of the subject matter of, and the 438
parties to, the action, if the amount sought by the plaintiff does 439
not exceed one thousand dollars and if the judge or presiding 440
judge of the municipal court concurs in the proposed transfer. 441
Upon the issuance of an order of transfer, the clerk of courts 442
shall remove to the designated municipal court the entire case 443
file. Any untaxed portion of the common pleas deposit for court 444
costs shall be remitted to the municipal court by the clerk of 445
courts to be applied in accordance with section 1901.26 of the 446
Revised Code, and the costs taxed by the municipal court shall be 447
added to any costs taxed in the common pleas court. 448

The court of common pleas has jurisdiction in any action 449
brought pursuant to division (I) of section ~~3733.11~~ 4781.40 of the 450
Revised Code if the residential premises that are the subject of 451

the action are located within the territorial jurisdiction of the 452
court. 453

The courts of common pleas of Adams, Athens, Belmont, Brown, 454
Clermont, Columbiana, Gallia, Hamilton, Jefferson, Lawrence, 455
Meigs, Monroe, Scioto, and Washington counties have jurisdiction 456
beyond the north or northwest shore of the Ohio river extending to 457
the opposite shore line, between the extended boundary lines of 458
any adjacent counties or adjacent state. Each of those courts of 459
common pleas has concurrent jurisdiction on the Ohio river with 460
any adjacent court of common pleas that borders on that river and 461
with any court of Kentucky or of West Virginia that borders on the 462
Ohio river and that has jurisdiction on the Ohio river under the 463
law of Kentucky or the law of West Virginia, whichever is 464
applicable, or under federal law. 465

Sec. 2323.05. Within ten days after filing with a court to 466
initiate a foreclosure action against a manufactured home park, a 467
mortgagee shall provide the manufactured homes commission with a 468
written notice of that filing and shall provide the court with a 469
copy of that notice. If the mortgagee does not provide the notice 470
or copy as this section requires, the court shall dismiss the 471
foreclosure action without prejudice. Within thirty days after 472
receiving notice of the filing, the commission shall notify 473
residents in the park of the foreclosure action. 474

Sec. 3701.83. (A) There is hereby created in the state 475
treasury the general operations fund. Moneys in the fund shall be 476
used for the purposes specified in sections 3701.04, 3701.344, 477
3702.20, 3710.15, 3711.16, 3717.45, 3718.06, 3721.02, 3722.04, 478
3729.07, ~~3733.04~~, 3733.25, 3733.43, 3748.04, 3748.05, 3748.07, 479
3748.12, 3748.13, 3749.04, 3749.07, 4747.04, 4751.04, and 4769.09 480
of the Revised Code. 481

(B) The alcohol testing program fund is hereby created in the 482
state treasury. The director of health shall use the fund to 483
administer and enforce the alcohol testing and permit program 484
authorized by section 3701.143 of the Revised Code. 485

The fund shall receive transfers from the liquor control fund 486
created under section 4301.12 of the Revised Code. All investment 487
earnings of the alcohol testing program fund shall be credited to 488
the fund. 489

Sec. 3709.085. (A) The board of health of a city or general 490
health district may enter into a contract with any political 491
subdivision or other governmental agency to obtain or provide all 492
or part of any services, including, but not limited to, 493
enforcement services, for the purposes of Chapter 3704. of the 494
Revised Code, the rules adopted and orders made pursuant thereto, 495
or any other ordinances or rules for the prevention, control, and 496
abatement of air pollution. 497

(B)(1) As used in division (B)(2) of this section: 498

(a) "Semipublic disposal system" means a disposal system that 499
treats the sanitary sewage discharged from publicly or privately 500
owned buildings or places of assemblage, entertainment, 501
recreation, education, correction, hospitalization, housing, or 502
employment, but does not include a disposal system that treats 503
sewage in amounts of more than twenty-five thousand gallons per 504
day; a disposal system for the treatment of sewage that is exempt 505
from the requirements of section 6111.04 of the Revised Code 506
pursuant to division (F)(7) of that section; or a disposal system 507
for the treatment of industrial waste. 508

(b) Terms defined in section 6111.01 of the Revised Code have 509
the same meanings as in that section. 510

(2) The board of health of a city or general health district 511

may enter into a contract with the environmental protection agency 512
to conduct on behalf of the agency inspection or enforcement 513
services, for the purposes of Chapter 6111. of the Revised Code 514
and rules adopted thereunder, for the disposal or treatment of 515
sewage from semipublic disposal systems. The board of health of a 516
city or general health district may charge a fee established 517
pursuant to section 3709.09 of the Revised Code to be paid by the 518
owner or operator of a semipublic disposal system for inspections 519
conducted by the board pursuant to a contract entered into under 520
division (B)(2) of this section, except that the board shall not 521
charge a fee for those inspections conducted at any recreational 522
vehicle park, recreation camp, or combined park-camp that is 523
licensed under section 3729.05 of the Revised Code ~~or at any~~ 524
~~manufactured home park that is licensed under section 3733.03 of~~ 525
~~the Revised Code.~~ 526

Sec. 3709.09. (A) The board of health of a city or general 527
health district may, by rule, establish a uniform system of fees 528
to pay the costs of any services provided by the board. 529

The fee for issuance of a certified copy of a vital record or 530
a certification of birth shall not be less than the fee prescribed 531
for the same service under division (A)(1) of section 3705.24 of 532
the Revised Code and shall include the fees required by division 533
(B) of section 3705.24 and section 3109.14 of the Revised Code. 534

Fees for services provided by the board for purposes 535
specified in sections 3701.344, 3711.10, 3718.06, 3729.07, 536
3730.03, ~~3733.04~~, 3733.25, and 3749.04 of the Revised Code shall 537
be established in accordance with rules adopted under division (B) 538
of this section. The district advisory council, in the case of a 539
general health district, and the legislative authority of the 540
city, in the case of a city health district, may disapprove any 541
fee established by the board of health under this division, and 542

any such fee, as disapproved, shall not be charged by the board of health. 543
544

(B) The public health council shall adopt rules under section 545
111.15 of the Revised Code that establish fee categories and a 546
uniform methodology for use in calculating the costs of services 547
provided for purposes specified in sections 3701.344, 3711.10, 548
3718.06, 3729.07, 3730.03, ~~3733.04~~, 3733.25, and 3749.04 of the 549
Revised Code. In adopting the rules, the public health council 550
shall consider recommendations it receives from advisory boards 551
established either by statute or the director of health for 552
entities subject to the fees. 553

(C) Except when a board of health establishes a fee by 554
adopting a rule as an emergency measure, the board of health shall 555
hold a public hearing regarding each proposed fee for a service 556
provided by the board for a purpose specified in section 3701.344, 557
3711.10, 3718.06, 3729.07, 3730.03, ~~3733.04~~, 3733.25, or 3749.04 558
of the Revised Code. If a public hearing is held, at least twenty 559
days prior to the public hearing the board shall give written 560
notice of the hearing to each entity affected by the proposed fee. 561
The notice shall be mailed to the last known address of each 562
entity and shall specify the date, time, and place of the hearing 563
and the amount of the proposed fee. 564

(D) If payment of a fee established under this section is not 565
received by the day on which payment is due, the board of health 566
shall assess a penalty. The amount of the penalty shall be equal 567
to twenty-five per cent of the applicable fee. 568

(E) All rules adopted by a board of health under this section 569
shall be adopted, recorded, and certified as are ordinances of 570
municipal corporations and the record thereof shall be given in 571
all courts the same effect as is given such ordinances, but the 572
advertisements of such rules shall be by publication in one 573
newspaper of general circulation within the health district. 574

Publication shall be made once a week for two consecutive weeks 575
and such rules shall take effect and be in force ten days from the 576
date of the first publication. 577

Sec. 3709.092. (A) A board of health of a city or general 578
health district shall transmit to the director of health all fees 579
or additional amounts that the public health council requires to 580
be collected under sections 3701.344, 3718.06, 3729.07, ~~3733.04,~~ 581
3733.25, and 3749.04 of the Revised Code. The fees and amounts 582
shall be transmitted according to the following schedule: 583

(1) For fees and amounts received by the board on or after 584
the first day of January but not later than the thirty-first day 585
of March, transmit the fees and amounts not later than the 586
fifteenth day of May; 587

(2) For fees and amounts received by the board on or after 588
the first day of April but not later than the thirtieth day of 589
June, transmit the fees and amounts not later than the fifteenth 590
day of August; 591

(3) For fees and amounts received by the board on or after 592
the first day of July but not later than the thirtieth day of 593
September, transmit the fees and amounts not later than the 594
fifteenth day of November; 595

(4) For fees and amounts received by the board on or after 596
the first day of October but not later than the thirty-first day 597
of December, transmit the fees and amounts not later than the 598
fifteenth day of February of the following year. 599

(B) The director shall deposit the fees and amounts received 600
under this section into the state treasury to the credit of the 601
general operations fund created in section 3701.83 of the Revised 602
Code. Each amount shall be used solely for the purpose for which 603
it was collected. 604

Sec. 3729.01. As used in this chapter: 605

(A) "Camp operator" means the operator of a recreational 606
vehicle park, recreation camp, combined park-camp, or temporary 607
park-camp. 608

(B) "Campsite user" means a person who enters into a campsite 609
use agreement with a camp operator for the use of a campsite at a 610
recreational vehicle park, recreation camp, combined park-camp, or 611
temporary park-camp. 612

(C) "Combined park-camp" means any tract of land upon which a 613
combination of five or more self-contained recreational vehicles 614
or portable camping units are placed and includes any roadway, 615
building, structure, vehicle, or enclosure used or intended for 616
use as part of the park facilities. A tract of land that is 617
subdivided for lease or other contract of the individual lots is a 618
combined park-camp if a combination of five or more recreational 619
vehicles or portable camping units are placed on it for 620
recreation, vacation, or business purposes. 621

"Combined park-camp" does not include any tract of land used 622
solely as a temporary park-camp or solely as a manufactured home 623
park. 624

(D) "Dependent recreational vehicle" means a recreational 625
vehicle other than a self-contained recreational vehicle. 626
"Dependent recreational vehicle" includes a park model. 627

(E) "Development" means any artificial change to improved or 628
unimproved real estate, including, without limitation, buildings 629
or structures, dredging, filling, grading, paving, excavation or 630
drilling operations, or storage of equipment or materials, and the 631
construction, expansion, or substantial alteration of a 632
recreational vehicle park, recreation camp, or combined park-camp, 633
for which plan review is required under division (A) of section 634

3729.03 of the Revised Code. "Development" does not include the building, construction, erection, or manufacture of any building to which section 3781.06 of the Revised Code is applicable.

(F) "Director of health" means the director of health or the director's authorized representative.

(G) "Flood" or "flooding" means either of the following:

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from any of the following:

(a) The overflow of inland or tidal waters;

(b) The unusual and rapid accumulation or runoff of surface waters from any source;

(c) Mudslides that are proximately caused by flooding as defined in division (G)(1)(b) of this section and that are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining that is caused by waves or currents of water exceeding anticipated cyclical levels or that is suddenly caused by an unusually high water level in a natural body of water, and that is accompanied by a severe storm, by an unanticipated force of nature, such as a flash flood, by an abnormal tidal surge, or by some similarly unusual and unforeseeable event, that results in flooding as defined in division (G)(1)(a) of this section.

(H) "Flood plain" means the area adjoining any river, stream, watercourse, or lake that has been or may be covered by flood water.

(I) "Licensor" means either the board of health of a city or general health district, or the authority having the duties of a

board of health in any city as authorized by section 3709.05 of 665
the Revised Code, or the director of health, when required under 666
division (B) of section 3729.06 of the Revised Code. "Licensor" 667
also means an authorized representative of any of those entities 668
or of the director. 669

(J) "Manufactured home park" has the same meaning as in 670
section ~~3733.01~~ 4781.01 of the Revised Code. 671

(K) "One-hundred-year flood" means a flood having a one per 672
cent chance of being equaled or exceeded in any given year. 673

(L) "One-hundred-year flood plain" means that portion of a 674
flood plain inundated by a one-hundred-year flood. 675

(M) "Operator" means the person who has responsible charge of 676
a recreational vehicle park, recreation camp, combined park-camp, 677
or temporary park-camp and who is licensed under this chapter. 678

(N) "Park model" means a recreational vehicle that meets the 679
American national standard institute standard A119.5(1988) for 680
park trailers, is built on a single chassis, has a gross trailer 681
area of not more than four hundred square feet when set up, is 682
designed for seasonal or temporary living quarters, and may be 683
connected to utilities necessary for operation of installed 684
features and appliances. 685

(O) "Person" has the same meaning as in section 1.59 of the 686
Revised Code and also includes this state, any political 687
subdivision of this state, and any other state or local body of 688
this state. 689

(P) "Portable camping units" means dependent recreational 690
vehicles, tents, portable sleeping equipment, and similar camping 691
equipment used for travel, recreation, vacation, or business 692
purposes. 693

(Q) "Recreation camp" means any tract of land upon which five 694

or more portable camping units are placed and includes any 695
roadway, building, structure, vehicle, or enclosure used or 696
intended for use as a part of the facilities of the camp. A tract 697
of land that is subdivided for lease or other contract of the 698
individual lots is a recreation camp if five or more portable 699
camping units are placed on it for recreation, vacation, or 700
business purposes. 701

"Recreation camp" does not include any tract of land used 702
solely for the storage or display for sale of dependent 703
recreational vehicles, solely as a temporary park-camp, or solely 704
as a manufactured home park. 705

(R) "Recreational vehicle" has the same meaning as in section 706
4501.01 of the Revised Code. 707

(S) "Recreational vehicle park" means any tract of land used 708
for parking five or more self-contained recreational vehicles and 709
includes any roadway, building, structure, vehicle, or enclosure 710
used or intended for use as part of the park facilities and any 711
tract of land that is subdivided for lease or other contract of 712
the individual lots for the express or implied purpose of placing 713
self-contained recreational vehicles for recreation, vacation, or 714
business purposes. 715

"Recreational vehicle park" does not include any tract of 716
land used solely for the storage or display for sale of 717
self-contained recreational vehicles, solely as a temporary 718
park-camp, or solely as a manufactured home park. 719

(T) "Self-contained recreational vehicle" means a 720
recreational vehicle that can operate independent of connections 721
to sewer and water and has plumbing fixtures or appliances all of 722
which are connected to sewage holding tanks located within the 723
vehicle. "Self-contained recreational vehicle" includes a park 724
model. 725

(U) "Substantially alter" means a change in the layout or design of a recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp, including, without limitation, the movement of utilities or changes in established streets, lots, or sites or in other facilities.

(V) "Temporary park-camp" means any tract of land used for a period not to exceed a total of twenty-one days per calendar year for the purpose of parking five or more recreational vehicles, dependent recreational vehicles, or portable camping units, or any combination thereof, for one or more periods of time that do not exceed seven consecutive days or parts thereof.

(W) "Tract" means a contiguous area of land that consists of one or more parcels, lots, or sites that have been separately surveyed regardless of whether the individual parcels, lots, or sites have been recorded and regardless of whether the one or more parcels, lots, or sites are under common or different ownership.

Sec. 3733.11. (A)(1) ~~The~~ A manufactured home park operator shall offer each home owner a written rental agreement for a manufactured home park lot for a term of one year or more that contains terms essentially the same as any alternative month-to-month rental agreement offered to current and prospective tenants and owners. The park operator shall offer the minimum one-year rental agreement to the owner prior to installation of the home in the manufactured home park or, if the home is in the manufactured home park, prior to the expiration of the owner's existing rental agreement.

(2) The park operator shall deliver the offer to the owner by certified mail, return receipt requested, or in person. If the park operator delivers the offer to the owner in person, the owner shall complete a return showing receipt of the offer. If the owner does not accept the offer, the park operator is discharged from

any obligation to make any further such offers. If the owner 757
accepts the offer, the park operator shall, at the expiration of 758
each successive rental agreement, offer the owner another rental 759
agreement, for a term that is mutually agreed upon, and that 760
contains terms essentially the same as the alternative 761
month-to-month agreement. The park operator shall deliver 762
subsequent rental offers by ordinary mail or personal delivery. If 763
the park operator sells the manufactured home park to another 764
manufactured home park operator, the purchaser is bound by the 765
rental agreements entered into by the purchaser's predecessor. 766

~~(3) If the park operator sells the manufactured home park for 767
a use other than as a manufactured home park, the park operator 768
shall give each tenant and owner a written notification by 769
certified mail, return receipt requested, or by handing it to the 770
tenant or owner in person. If the park operator delivers the 771
notification in person, the recipient shall complete a return 772
showing receipt of the notification. This notification shall 773
contain notice of the sale of the manufactured home park, and 774
notice of the date by which the tenant or owner shall vacate. The 775
date by which the tenant shall vacate shall be at least one 776
hundred twenty days after receipt of the written notification, and 777
the date by which the owner shall vacate shall be at least one 778
hundred eighty days after receipt of the written notification. 779~~

(B) A park operator shall fully disclose in writing all fees, 780
charges, assessments, including rental fees, and rules prior to a 781
tenant or owner executing a rental agreement and assuming 782
occupancy in the manufactured home park. No fees, charges, 783
assessments, or rental fees so disclosed may be increased nor 784
rules changed by a park operator without specifying the date of 785
implementation of the changed fees, charges, assessments, rental 786
fees, or rules, which date shall be not less than thirty days 787
after written notice of the change and its effective date to all 788

tenants or owners in the manufactured home park, and no fee, 789
charge, assessment, or rental fee shall be increased during the 790
term of any tenant's or owner's rental agreement. Failure on the 791
part of the park operator to fully disclose all fees, charges, or 792
assessments shall prevent the park operator from collecting the 793
undisclosed fees, charges, or assessments. If a tenant or owner 794
refuses to pay any undisclosed fees, charges, or assessments, the 795
refusal shall not be used by the park operator as a cause for 796
eviction in any court. 797

(C) A park operator shall promulgate rules governing the 798
rental or occupancy of a lot in the manufactured home park. The 799
rules shall not be unreasonable, arbitrary, or capricious. A copy 800
of the rules and any amendments to them shall be delivered by the 801
park operator to the tenant or owner prior to signing the rental 802
agreement. A copy of the rules and any amendments to them shall be 803
posted in a conspicuous place upon the manufactured home park 804
grounds. 805

(D) No park operator shall require an owner to purchase from 806
the park operator any personal property. The park operator may 807
determine by rule the style or quality of skirting, equipment for 808
tying down homes, manufactured or mobile home accessories, or 809
other equipment to be purchased by an owner from a vendor of the 810
owner's choosing, provided that the equipment is readily available 811
to the owner. Any such equipment shall be installed in accordance 812
with the manufactured home park rules. 813

(E) No park operator shall charge any owner who chooses to 814
install an electric or gas appliance in a home an additional fee 815
solely on the basis of the installation, unless the installation 816
is performed by the park operator at the request of the owner, nor 817
shall the park operator restrict the installation, service, or 818
maintenance of the appliance, restrict the ingress or egress of 819
repairpersons to the manufactured home park for the purpose of 820

installation, service, or maintenance of the appliance, nor 821
restrict the making of any interior improvement in a home, if the 822
installation or improvement is in compliance with applicable 823
building codes and other provisions of law and if adequate utility 824
services are available for the installation or improvement. 825

(F) No park operator shall require a tenant to lease or an 826
owner to purchase a manufactured or mobile home from the park 827
operator or any specific person as a condition of or prerequisite 828
to entering into a rental agreement. 829

(G) No park operator shall require an owner to use the 830
services of the park operator or any other specific person for 831
installation of the manufactured or mobile home on the residential 832
premises or for the performance of any service. 833

(H) No park operator shall: 834

(1) Deny any owner the right to sell the owner's manufactured 835
home within the manufactured home park if the owner gives the park 836
operator ten days' notice of the intention to sell the home; 837

(2) Require the owner to remove the home from the 838
manufactured home park solely on the basis of the sale of the 839
home; 840

(3) Unreasonably refuse to enter into a rental agreement with 841
a purchaser of a home located within the operator's manufactured 842
home park; 843

(4) Charge any tenant or owner any fee, charge, or 844
assessment, including a rental fee, that is not set forth in the 845
rental agreement or, if the rental agreement is oral, is not set 846
forth in a written disclosure given to the tenant or owner prior 847
to the tenant or owner entering into a rental agreement; 848

(5) Charge any owner any fee, charge, or assessment because 849
of the transfer of ownership of a home or because a home is moved 850

out of or into the manufactured home park, except a charge for the 851
actual costs and expenses that are incurred by the park operator 852
in moving the home out of or into the manufactured home park, or 853
in installing the home in the manufactured home park and that have 854
not been reimbursed by another tenant or owner. 855

(6) Prohibit the indoor or outdoor display either of a for 856
sale sign by an owner on that owner's lot, including a sign that 857
indicates the owner is offering the property for sale by owner, or 858
of a political sign by a tenant or owner on that tenant's or 859
owner's lot, if the tenant or owner displaying the sign complies 860
with all applicable sections of the Revised Code and all 861
applicable municipal and county ordinance and resolutions 862
regulating the display of such a sign. As used in this section, 863
"political sign" means a sign that advertises, promotes, endorses, 864
or opposes an issue that has been certified to appear on the 865
ballot, or a candidate whose name has been certified to appear on 866
the ballot, at the next general, special, or primary election. 867

(I) If the park operator violates any provision of divisions 868
(A) to (H) of this section, the tenant or owner may ~~recover~~ 869
commence a civil action against the park operator for either or 870
both of the following: 871

(1) The greater of twenty-five dollars or the actual damages 872
resulting from the violation, and, if the tenant or owner obtains 873
a judgment, reasonable attorneys' fees, ~~or terminate;~~ 874

(2) Termination of the rental agreement. 875

(J) No rental agreement shall require a tenant or owner to 876
sell, lease, or sublet the tenant's or owner's interest in the 877
rental agreement or the manufactured or mobile home that is or 878
will be located on the lot that is the subject of the rental 879
agreement to any specific person or through any specific person as 880
the person's agent. 881

(K) No park operator shall enter into a rental agreement with the owner of a manufactured or mobile home for the use of residential premises, if the rental agreement requires the owner of the home, as a condition to the owner's renting, occupying, or remaining on the residential premises, to pay the park operator or any other person specified in the rental agreement a fee or any sum of money based on the sale of the home, unless the owner of the home uses the park operator or other person as the owner's agent in the sale of the home.

(L) A park operator and a tenant or owner may include in a rental agreement any terms and conditions, including any term relating to rent, the duration of an agreement, and any other provisions governing the rights and obligations of the parties that are not inconsistent with or prohibited by sections 3733.09 to 3733.20 of the Revised Code or any other rule of law.

(M) Notwithstanding any other provision of the Revised Code, the owner of a manufactured or mobile home ~~that was previously titled by a dealer~~ may utilize the services of a manufactured home housing dealer or broker licensed under Chapter 4517. of the Revised Code or a person properly licensed under Chapter 4735. of the Revised Code to sell or lease the home.

Sec. 3733.111. (A) Within ten days after a manufactured home park is offered for sale, the operator of that park shall notify the manufactured homes commission and advise it of that sale. The commission promptly shall notify persons that are interested in the sale or purchase of manufactured home parks, including persons included on the list the commission develops pursuant to section 4781.60 of the Revised Code.

(B) At any time a manufactured home park is being sold or converted for a use other than as a manufactured home park, the operator shall do both of the following:

(1) Provide each tenant and owner with written notice of the sale or conversion of the park. The notice shall be delivered by certified mail, return receipt requested, or by personal delivery. If the park operator delivers the notice in person, the operator shall have the recipient complete a return showing receipt of the notice. The notice shall include the date by which the tenant or owner must vacate, which for tenants shall be at least one hundred twenty days after receipt of the written notice and for owners shall be at least one hundred eighty days after receipt of the written notice.

(2) Pay relocation expenses to owners of homes in an amount the commission establishes by rule pursuant to section 4781.60 of the Revised Code.

(C) Within ten days after a mortgagee files to initiate a foreclosure action against a manufactured home park, the mortgagee shall provide written notice of that filing to the manufactured homes commission and a copy of that notice to the court, as section 2323.05 of the Revised Code requires.

Sec. 3733.41. As used in sections 3733.41 to 3733.49 of the Revised Code:

(A) "Agricultural labor camp" means one or more buildings or structures, trailers, tents, or vehicles, together with any land appertaining thereto, established, operated, or used as temporary living quarters for two or more families or five or more persons intending to engage in or engaged in agriculture or related food processing, whether occupancy is by rent, lease, or mutual agreement. "Agricultural labor camp" does not include a hotel or motel, or a ~~trailer~~ manufactured home park as defined and regulated pursuant to sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 4781.35 of the Revised Code, and rules adopted thereunder.

(B) "Board of health" means the board of health of a city or

general health district or the authority having the duties of a 944
board of health in any city as authorized by section 3709.05 of 945
the Revised Code or an authorized representative of the board of 946
health. 947

(C) "Director" means the director of the department of health 948
or ~~his~~ the authorized representative of the director of health. 949

(D) "Licensor" means the director of health. 950

(E) "Person" means the state, any political subdivision, 951
public or private corporation, partnership, association, trust, 952
individual, or other entity. 953

(F) "Public health council" means the public health council 954
as created by section 3701.33 of the Revised Code. 955

Sec. 3733.99. (A) ~~Whoever violates division (A) of section 956
3733.08 of the Revised Code is guilty of a misdemeanor of the 957
fourth degree.~~ 958

~~(B)~~ Whoever violates section 3733.30 of the Revised Code is 959
guilty of a minor misdemeanor. Each day that such violation 960
continues is a separate offense. 961

~~(C)~~(B) Whoever violates section 3733.48 of the Revised Code 962
is guilty of a minor misdemeanor. 963

Sec. 3781.06. (A)~~(1)~~ Any building that may be used as a place 964
of resort, assembly, education, entertainment, lodging, dwelling, 965
trade, manufacture, repair, storage, traffic, or occupancy by the 966
public, any residential building, and all other buildings or parts 967
and appurtenances of those buildings erected within this state, 968
shall be so constructed, erected, equipped, and maintained that 969
they shall be safe and sanitary for their intended use and 970
occupancy. 971

~~(2) Nothing in sections 3781.06 to 3781.18 and 3791.04 of the 972~~

~~Revised Code shall be construed to limit the power of the public health council to adopt rules of uniform application governing manufactured home parks pursuant to section 3733.02 of the Revised Code.~~

(B) Sections 3781.06 to 3781.18 and 3791.04 of the Revised Code do not apply to either of the following:

(1) Buildings or structures that are incident to the use for agricultural purposes of the land on which the buildings or structures are located, provided those buildings or structures are not used in the business of retail trade. For purposes of this division, a building or structure is not considered used in the business of retail trade if fifty per cent or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller.

(2) Existing single-family, two-family, and three-family detached dwelling houses for which applications have been submitted to the director of job and family services pursuant to section 5104.03 of the Revised Code for the purposes of operating type A family day-care homes as defined in section 5104.01 of the Revised Code.

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the Revised Code:

(1) "Agricultural purposes" include agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, ornamental horticulture, olericulture, pomiculture, and animal and poultry husbandry.

(2) "Building" means any structure consisting of foundations, walls, columns, girders, beams, floors, and roof, or a combination of any number of these parts, with or without other parts or

appurtenances. 1004

(3) "Industrialized unit" means a building unit or assembly 1005
of closed construction fabricated in an off-site facility, that is 1006
substantially self-sufficient as a unit or as part of a greater 1007
structure, and that requires transportation to the site of 1008
intended use. "Industrialized unit" includes units installed on 1009
the site as independent units, as part of a group of units, or 1010
incorporated with standard construction methods to form a 1011
completed structural entity. "Industrialized unit" does not 1012
include a manufactured home as defined by division (C)(4) of this 1013
section or a mobile home as defined by division (O) of section 1014
4501.01 of the Revised Code. 1015

(4) "Manufactured home" means a building unit or assembly of 1016
closed construction that is fabricated in an off-site facility and 1017
constructed in conformance with the federal construction and 1018
safety standards established by the secretary of housing and urban 1019
development pursuant to the "Manufactured Housing Construction and 1020
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 1021
5403, and that has a permanent label or tag affixed to it, as 1022
specified in 42 U.S.C.A. 5415, certifying compliance with all 1023
applicable federal construction and safety standards. 1024

(5) "Permanent foundation" means permanent masonry, concrete, 1025
or a footing or foundation approved by the manufactured homes 1026
commission pursuant to Chapter 4781. of the Revised Code, to which 1027
a manufactured or mobile home may be affixed. 1028

(6) "Permanently sited manufactured home" means a 1029
manufactured home that meets all of the following criteria: 1030

(a) The structure is affixed to a permanent foundation and is 1031
connected to appropriate facilities; 1032

(b) The structure, excluding any addition, has a width of at 1033
least twenty-two feet at one point, a length of at least 1034

twenty-two feet at one point, and a total living area, excluding 1035
garages, porches, or attachments, of at least nine hundred square 1036
feet; 1037

(c) The structure has a minimum 3:12 residential roof pitch, 1038
conventional residential siding, and a six-inch minimum eave 1039
overhang, including appropriate guttering; 1040

(d) The structure was manufactured after January 1, 1995; 1041

(e) The structure is not located in a manufactured home park 1042
as defined by section ~~3733.01~~ 4781.01 of the Revised Code. 1043

(7) "Safe," with respect to a building, means it is free from 1044
danger or hazard to the life, safety, health, or welfare of 1045
persons occupying or frequenting it, or of the public and from 1046
danger of settlement, movement, disintegration, or collapse, 1047
whether such danger arises from the methods or materials of its 1048
construction or from equipment installed therein, for the purpose 1049
of lighting, heating, the transmission or utilization of electric 1050
current, or from its location or otherwise. 1051

(8) "Sanitary," with respect to a building, means it is free 1052
from danger or hazard to the health of persons occupying or 1053
frequenting it or to that of the public, if such danger arises 1054
from the method or materials of its construction or from any 1055
equipment installed therein, for the purpose of lighting, heating, 1056
ventilating, or plumbing. 1057

(9) "Residential building" means a one-family, two-family, or 1058
three-family dwelling house, and any accessory structure 1059
incidental to that dwelling house. "Residential building" includes 1060
a one-family, two-family, or three-family dwelling house that is 1061
used as a model to promote the sale of a similar dwelling house. 1062
"Residential building" does not include an industrialized unit as 1063
defined by division (C)(3) of this section, a manufactured home as 1064
defined by division (C)(4) of this section, or a mobile home as 1065

defined by division (O) of section 4501.01 of the Revised Code. 1066

(10) "Nonresidential building" means any building that is not 1067
a residential building or a manufactured or mobile home. 1068

(11) "Accessory structure" means a structure that is attached 1069
to a residential building and serves the principal use of the 1070
residential building. "Accessory structure" includes, but is not 1071
limited to, a garage, porch, or screened-in patio. 1072

Sec. 4503.061. (A) All manufactured and mobile homes shall be 1073
listed on either the real property tax list or the manufactured 1074
home tax list of the county in which the home has situs. Each 1075
owner shall follow the procedures in this section to identify the 1076
home to the county auditor of the county containing the taxing 1077
district in which the home has situs so that the auditor may place 1078
the home on the appropriate tax list. 1079

(B) When a manufactured or mobile home first acquires situs 1080
in this state and is subject to real property taxation pursuant to 1081
division (B)(1) or (2) of section 4503.06 of the Revised Code, the 1082
owner shall present to the auditor of the county containing the 1083
taxing district in which the home has its situs the certificate of 1084
title for the home, together with proof that all taxes due have 1085
been paid and proof that a relocation notice was obtained for the 1086
home if required under this section. Upon receiving the 1087
certificate of title and the required proofs, the auditor shall 1088
place the home on the real property tax list and proceed to treat 1089
the home as other properties on that list. After the auditor has 1090
placed the home on the tax list of real and public utility 1091
property, the auditor shall deliver the certificate of title to 1092
the clerk of the court of common pleas that issued it pursuant to 1093
section 4505.11 of the Revised Code, and the clerk shall 1094
inactivate the certificate of title. 1095

(C)(1) When a manufactured or mobile home subject to a 1096

manufactured home tax is relocated to or first acquires situs in 1097
any county that has adopted a permanent manufactured home 1098
registration system, as provided in division (F) of this section, 1099
the owner, within thirty days after the home is relocated or first 1100
acquires situs under section 4503.06 of the Revised Code, shall 1101
register the home with the county auditor of the county containing 1102
the taxing district in which the home has its situs. For the first 1103
registration in each county of situs, the owner or vendee in 1104
possession shall present to the county auditor an Ohio certificate 1105
of title, certified copy of the certificate of title, or 1106
memorandum certificate of title as such are required by law, and 1107
proof, as required by the county auditor, that the home, if it has 1108
previously been occupied and is being relocated, has been 1109
previously registered, that all taxes due and required to be paid 1110
under division (H)(1) of this section before a relocation notice 1111
may be issued have been paid, and that a relocation notice was 1112
obtained for the home if required by division (H) of this section. 1113
If the owner or vendee does not possess the Ohio certificate of 1114
title, certified copy of the certificate of title, or memorandum 1115
certificate of title at the time the owner or vendee first 1116
registers the home in a county, the county auditor shall register 1117
the home without presentation of the document, but the owner or 1118
vendee shall present the certificate of title, certified copy of 1119
the certificate of title, or memorandum certificate of title to 1120
the county auditor within fourteen days after the owner or vendee 1121
obtains possession of the document. 1122

(2) When a manufactured or mobile home is registered for the 1123
first time in a county and when the total tax due has been paid as 1124
required by division (F) of section 4503.06 of the Revised Code or 1125
divisions (E) and (H) of this section, the county treasurer shall 1126
note by writing or by a stamp on the certificate of title, 1127
certified copy of certificate of title, or memorandum certificate 1128
of title that the home has been registered and that the taxes due, 1129

if any, have been paid for the preceding five years and for the 1130
current year. The treasurer shall then issue a certificate 1131
evidencing registration and a decal to be displayed on the street 1132
side of the home. The certificate is valid in any county in this 1133
state during the year for which it is issued. 1134

(3) For each year thereafter, the county treasurer shall 1135
issue a tax bill stating the amount of tax due under section 1136
4503.06 of the Revised Code, as provided in division (D)(6) of 1137
that section. When the total tax due has been paid as required by 1138
division (F) of that section, the county treasurer shall issue a 1139
certificate evidencing registration that shall be valid in any 1140
county in this state during the year for which the certificate is 1141
issued. 1142

(4) The permanent decal issued under this division is valid 1143
during the period of ownership, except that when a manufactured 1144
home is relocated in another county the owner shall apply for a 1145
new registration as required by this section and section 4503.06 1146
of the Revised Code. 1147

(D)(1) All owners of manufactured or mobile homes subject to 1148
the manufactured home tax being relocated to or having situs in a 1149
county that has not adopted a permanent registration system, as 1150
provided in division (F) of this section, shall register the home 1151
within thirty days after the home is relocated or first acquires 1152
situs under section 4503.06 of the Revised Code and thereafter 1153
shall annually register the home with the county auditor of the 1154
county containing the taxing district in which the home has its 1155
situs. 1156

(2) Upon the annual registration, the county treasurer shall 1157
issue a tax bill stating the amount of annual manufactured home 1158
tax due under section 4503.06 of the Revised Code, as provided in 1159
division (D)(6) of that section. When a manufactured or mobile 1160
home is registered and when the tax for the current one-half year 1161

has been paid as required by division (F) of that section, the 1162
county treasurer shall issue a certificate evidencing registration 1163
and a decal. The certificate and decal are valid in any county in 1164
this state during the year for which they are issued. The decal 1165
shall be displayed on the street side of the home. 1166

(3) For the first annual registration in each county of 1167
situs, the county auditor shall require the owner or vendee to 1168
present an Ohio certificate of title, certified copy of the 1169
certificate of title, or memorandum certificate of title as such 1170
are required by law, and proof, as required by the county auditor, 1171
that the manufactured or mobile home has been previously 1172
registered, if such registration was required, that all taxes due 1173
and required to be paid under division (H)(1) of this section 1174
before a relocation notice may be issued have been paid, and that 1175
a relocation notice was obtained for the home if required by 1176
division (H) of this section. If the owner or vendee does not 1177
possess the Ohio certificate of title, certified copy of the 1178
certificate of title, or memorandum certificate of title at the 1179
time the owner or vendee first registers the home in a county, the 1180
county auditor shall register the home without presentation of the 1181
document, but the owner or vendee shall present the certificate of 1182
title, certified copy of the certificate of title, or memorandum 1183
certificate of title to the county auditor within fourteen days 1184
after the owner or vendee obtains possession of the document. When 1185
the county treasurer receives the tax payment, the county 1186
treasurer shall note by writing or by a stamp on the certificate 1187
of title, certified copy of the certificate of title, or 1188
memorandum certificate of title that the home has been registered 1189
for the current year and that the manufactured home taxes due, if 1190
any, have been paid for the preceding five years and for the 1191
current year. 1192

(4) For subsequent annual registrations, the auditor may 1193

require the owner or vendee in possession to present an Ohio 1194
certificate of title, certified copy of the certificate of title, 1195
or memorandum certificate of title to the county treasurer upon 1196
payment of the manufactured home tax that is due. 1197

(E)(1) Upon the application to transfer ownership of a 1198
manufactured or mobile home for which manufactured home taxes are 1199
paid pursuant to division (C) of section 4503.06 of the Revised 1200
Code the clerk of the court of common pleas shall not issue any 1201
certificate of title that does not contain or have attached both 1202
of the following: 1203

(a) An endorsement of the county treasurer stating that the 1204
home has been registered for each year of ownership and that all 1205
manufactured home taxes imposed pursuant to section 4503.06 of the 1206
Revised Code have been paid or that no tax is due; 1207

(b) An endorsement of the county auditor that the 1208
manufactured home transfer tax imposed pursuant to section 322.06 1209
of the Revised Code and any fees imposed under division (G) of 1210
section 319.54 of the Revised Code have been paid. 1211

(2) If all the taxes have not been paid, the clerk shall 1212
notify the vendee to contact the county treasurer of the county 1213
containing the taxing district in which the home has its situs at 1214
the time of the proposed transfer. The county treasurer shall then 1215
collect all the taxes that are due for the year of the transfer 1216
and all previous years not exceeding a total of five years. The 1217
county treasurer shall distribute that part of the collection owed 1218
to the county treasurer of other counties if the home had its 1219
situs in another county during a particular year when the unpaid 1220
tax became due and payable. The burden to prove the situs of the 1221
home in the years that the taxes were not paid is on the 1222
transferor of the home. Upon payment of the taxes, the county 1223
auditor shall remove all remaining taxes from the manufactured 1224
home tax list and the delinquent manufactured home tax list, and 1225

the county treasurer shall release all liens for such taxes. The 1226
clerk of courts shall issue a certificate of title, free and clear 1227
of all liens for manufactured home taxes, to the transferee of the 1228
home. 1229

(3) Once the transfer is complete and the certificate of 1230
title has been issued, the transferee shall register the 1231
manufactured or mobile home pursuant to division (C) or (D) of 1232
this section with the county auditor of the county containing the 1233
taxing district in which the home remains after the transfer or, 1234
if the home is relocated to another county, with the county 1235
auditor of the county to which the home is relocated. The 1236
transferee need not pay the annual tax for the year of acquisition 1237
if the original owner has already paid the annual tax for that 1238
year. 1239

(F) The county auditor may adopt a permanent registration 1240
system and issue a permanent decal with the first registration as 1241
prescribed by the tax commissioner. 1242

(G) When any manufactured or mobile home required to be 1243
registered by this section is not registered, the county auditor 1244
shall impose a penalty of one hundred dollars upon the owner and 1245
deposit the amount to the credit of the county real estate 1246
assessment fund to be used to pay the costs of administering this 1247
section and section 4503.06 of the Revised Code. If unpaid, the 1248
penalty shall constitute a lien on the home and shall be added by 1249
the county auditor to the manufactured home tax list for 1250
collection. 1251

(H)(1) Except as otherwise provided in this division, before 1252
moving a manufactured or mobile home on public roads from one 1253
address within this state to another address within or outside 1254
this state, the owner of the home shall obtain a relocation 1255
notice, as provided by this section, from the auditor of the 1256
county in which the home is located if the home is currently 1257

subject to taxation pursuant to section 4503.06 of the Revised Code. The auditor shall charge five dollars for the notice, and deposit the amount to the credit of the county real estate assessment fund to be used to pay the costs of administering this section and section 4503.06 of the Revised Code. The auditor shall not issue a relocation notice unless all taxes owed on the home under section 4503.06 of the Revised Code that were first charged to the home during the period of ownership of the owner seeking the relocation notice have been paid. If the home is being moved by a new owner of the home or by a party taking repossession of the home, the auditor shall not issue a relocation notice unless all of the taxes due for the preceding five years and for the current year have been paid. A relocation notice issued by a county auditor is valid until the last day of December of the year in which it was issued.

If the home is being moved by a sheriff, police officer, constable, bailiff, or manufactured home park operator, as defined in section ~~3733.01~~ 4781.01 of the Revised Code, or any agent of any of these persons, for purposes of removal from a manufactured home park and storage, sale, or destruction under section 1923.14 of the Revised Code, the auditor shall issue a relocation notice without requiring payment of any taxes owed on the home under section 4503.06 of the Revised Code.

(2) If a manufactured or mobile home is not yet subject to taxation under section 4503.06 of the Revised Code, the owner of the home shall obtain a relocation notice from the dealer of the home. Within thirty days after the manufactured or mobile home is purchased, the dealer of the home shall provide the auditor of the county in which the home is to be located written notice of the name of the purchaser of the home, the registration number or vehicle identification number of the home, and the address or location to which the home is to be moved. The county auditor

shall provide to each manufactured and mobile home dealer, without 1290
charge, a supply of relocation notices to be distributed to 1291
purchasers pursuant to this section. 1292

(3) The notice shall be in the form of a one-foot square 1293
yellow sign with the words "manufactured home relocation notice" 1294
printed prominently on it. The name of the owner of the home, the 1295
home's registration number or vehicle identification number, the 1296
county and the address or location to which the home is being 1297
moved, and the county in which the notice is issued shall also be 1298
entered on the notice. 1299

(4) The relocation notice must be attached to the rear of the 1300
home when the home is being moved on a public road. Except as 1301
provided in divisions (H)(1) and (5) of this section, no person 1302
shall drive a motor vehicle moving a manufactured or mobile home 1303
on a public road from one address to another address within this 1304
state unless a relocation notice is attached to the rear of the 1305
home. 1306

(5) If the county auditor determines that a manufactured or 1307
mobile home has been moved without a relocation notice as required 1308
under this division, the auditor shall impose a penalty of one 1309
hundred dollars upon the owner of the home and upon the person who 1310
moved the home and deposit the amount to the credit of the county 1311
real estate assessment fund to pay the costs of administering this 1312
section and section 4503.06 of the Revised Code. If the home was 1313
relocated from one county in this state to another county in this 1314
state and the county auditor of the county to which the home was 1315
relocated imposes the penalty, that county auditor, upon 1316
collection of the penalty, shall cause an amount equal to the 1317
penalty to be transmitted from the county real estate assessment 1318
fund to the county auditor of the county from which the home was 1319
relocated, who shall deposit the amount to the credit of the 1320
county real estate assessment fund. If the penalty on the owner is 1321

unpaid, the penalty shall constitute a lien on the home and the 1322
auditor shall add the penalty to the manufactured home tax list 1323
for collection. If the county auditor determines that a dealer 1324
that has sold a manufactured or mobile home has failed to timely 1325
provide the information required under this division, the auditor 1326
shall impose a penalty upon the dealer in the amount of one 1327
hundred dollars. The penalty shall be credited to the county real 1328
estate assessment fund and used to pay the costs of administering 1329
this section and section 4503.06 of the Revised Code. 1330

(I) Whoever violates division (H)(4) of this section is 1331
guilty of a minor misdemeanor. 1332

Sec. 4503.062. (A) Every operator of a manufactured home 1333
court, or manufactured home park, as defined in section ~~3733.01~~ 1334
4781.01 of the Revised Code, or when there is no operator, every 1335
owner of property used for such purposes on which three or more 1336
manufactured or mobile homes are located, shall keep a register of 1337
all manufactured and mobile homes that make use of the court, 1338
park, or property. The register shall contain all of the 1339
following: 1340

(1) The name of the owner and all inhabitants of each home; 1341

(2) The ages of all inhabitants of each home; 1342

(3) The permanent and temporary post office addresses of all 1343
inhabitants of each home; 1344

(4) The license number of each home; 1345

(5) The state issuing each such license; 1346

(6) The date of arrival and of departure of each home; 1347

(7) The make and model of each home, if known and if either 1348
of the following applies: 1349

(a) The home enters the court, park, or property on or after 1350

January 1, 2003. 1351

(b) Ownership of the home in the court or park, or on the 1352
property, is transferred on or after January 1, 2003. 1353

(B) The register shall be open to inspection by the county 1354
auditor, the county treasurer, agents of the auditor or treasurer, 1355
and all law enforcement agencies at all times. 1356

(C) Any person who fails to comply with this section shall be 1357
fined not less than twenty-five nor more than one hundred dollars. 1358

Sec. 4517.01. As used in sections 4517.01 to 4517.65 of the 1359
Revised Code: 1360

(A) "Persons" includes individuals, firms, partnerships, 1361
associations, joint stock companies, corporations, and any 1362
combinations of individuals. 1363

(B) "Motor vehicle" means motor vehicle as defined in section 1364
4501.01 of the Revised Code and also includes "all-purpose 1365
vehicle" and "off-highway motorcycle" as those terms are defined 1366
in section 4519.01 of the Revised Code. "Motor vehicle" does not 1367
include a snowmobile as defined in section 4519.01 of the Revised 1368
Code or manufactured and mobile homes. 1369

(C) "New motor vehicle" means a motor vehicle, the legal 1370
title to which has never been transferred by a manufacturer, 1371
remanufacturer, distributor, or dealer to an ultimate purchaser. 1372

(D) "Ultimate purchaser" means, with respect to any new motor 1373
vehicle, the first person, other than a dealer purchasing in the 1374
capacity of a dealer, who in good faith purchases such new motor 1375
vehicle for purposes other than resale. 1376

(E) "Business" includes any activities engaged in by any 1377
person for the object of gain, benefit, or advantage either direct 1378
or indirect. 1379

(F) "Engaging in business" means commencing, conducting, or 1380
continuing in business, or liquidating a business when the 1381
liquidator thereof holds self out to be conducting such business; 1382
making a casual sale or otherwise making transfers in the ordinary 1383
course of business when the transfers are made in connection with 1384
the disposition of all or substantially all of the transferor's 1385
assets is not engaging in business. 1386

(G) "Retail sale" or "sale at retail" means the act or 1387
attempted act of selling, bartering, exchanging, or otherwise 1388
disposing of a motor vehicle to an ultimate purchaser for use as a 1389
consumer. 1390

(H) "Retail installment contract" includes any contract in 1391
the form of a note, chattel mortgage, conditional sales contract, 1392
lease, agreement, or other instrument payable in one or more 1393
installments over a period of time and arising out of the retail 1394
sale of a motor vehicle. 1395

(I) "Farm machinery" means all machines and tools used in the 1396
production, harvesting, and care of farm products. 1397

(J) "Dealer" or "motor vehicle dealer" means any new motor 1398
vehicle dealer, any motor vehicle leasing dealer, and any used 1399
motor vehicle dealer. 1400

(K) "New motor vehicle dealer" means any person engaged in 1401
the business of selling at retail, displaying, offering for sale, 1402
or dealing in new motor vehicles pursuant to a contract or 1403
agreement entered into with the manufacturer, remanufacturer, or 1404
distributor of the motor vehicles. 1405

(L) "Used motor vehicle dealer" means any person engaged in 1406
the business of selling, displaying, offering for sale, or dealing 1407
in used motor vehicles, at retail or wholesale, but does not mean 1408
any new motor vehicle dealer selling, displaying, offering for 1409
sale, or dealing in used motor vehicles incidentally to engaging 1410

in the business of selling, displaying, offering for sale, or 1411
dealing in new motor vehicles, any person engaged in the business 1412
of dismantling, salvaging, or rebuilding motor vehicles by means 1413
of using used parts, or any public officer performing official 1414
duties. 1415

(M) "Motor vehicle leasing dealer" means any person engaged 1416
in the business of regularly making available, offering to make 1417
available, or arranging for another person to use a motor vehicle 1418
pursuant to a bailment, lease, sublease, or other contractual 1419
arrangement under which a charge is made for its use at a periodic 1420
rate for a term of thirty days or more, and title to the motor 1421
vehicle is in and remains in the motor vehicle leasing dealer who 1422
originally leases it, irrespective of whether or not the motor 1423
vehicle is the subject of a later sublease, and not in the user, 1424
but does not mean a manufacturer or its affiliate leasing to its 1425
employees or to dealers. 1426

(N) "Salesperson" means any person employed by a dealer ~~or~~ 1427
~~manufactured home broker~~ to sell, display, and offer for sale, or 1428
deal in motor vehicles for a commission, compensation, or other 1429
valuable consideration, but does not mean any public officer 1430
performing official duties. 1431

(O) "Casual sale" means any transfer of a motor vehicle by a 1432
person other than a new motor vehicle dealer, used motor vehicle 1433
dealer, motor vehicle salvage dealer, as defined in division (A) 1434
of section 4738.01 of the Revised Code, salesperson, motor vehicle 1435
auction owner, manufacturer, or distributor acting in the capacity 1436
of a dealer, salesperson, auction owner, manufacturer, or 1437
distributor, to a person who purchases the motor vehicle for use 1438
as a consumer. 1439

(P) "Motor vehicle show" means a display of current models of 1440
motor vehicles whereby the primary purpose is the exhibition of 1441
competitive makes and models in order to provide the general 1442

public the opportunity to review and inspect various makes and 1443
models of motor vehicles at a single location. 1444

(Q) "Motor vehicle auction owner" means any person who is 1445
engaged wholly or in part in the business of auctioning motor 1446
vehicles. 1447

(R) "Manufacturer" means a person who manufactures, 1448
assembles, or imports motor vehicles, including motor homes, but 1449
does not mean a person who only assembles or installs a body, 1450
special equipment unit, finishing trim, or accessories on a motor 1451
vehicle chassis supplied by a manufacturer or distributor. 1452

(S) "Tent-type fold-out camping trailer" means any vehicle 1453
intended to be used, when stationary, as a temporary shelter with 1454
living and sleeping facilities, and that is subject to the 1455
following properties and limitations: 1456

(1) A minimum of twenty-five per cent of the fold-out portion 1457
of the top and sidewalls combined must be constructed of canvas, 1458
vinyl, or other fabric, and form an integral part of the shelter. 1459

(2) When folded, the unit must not exceed: 1460

(a) Fifteen feet in length, exclusive of bumper and tongue; 1461

(b) Sixty inches in height from the point of contact with the 1462
ground; 1463

(c) Eight feet in width; 1464

(d) One ton gross weight at time of sale. 1465

(T) "Distributor" means any person authorized by a motor 1466
vehicle manufacturer to distribute new motor vehicles to licensed 1467
new motor vehicle dealers, but does not mean a person who only 1468
assembles or installs a body, special equipment unit, finishing 1469
trim, or accessories on a motor vehicle chassis supplied by a 1470
manufacturer or distributor. 1471

(U) "Flea market" means a market place, other than a dealer's 1472

location licensed under this chapter, where a space or location is 1473
provided for a fee or compensation to a seller to exhibit and 1474
offer for sale or trade, motor vehicles to the general public. 1475

(V) "Franchise" means any written agreement, contract, or 1476
understanding between any motor vehicle manufacturer or 1477
remanufacturer engaged in commerce and any motor vehicle dealer 1478
that purports to fix the legal rights and liabilities of the 1479
parties to such agreement, contract, or understanding. 1480

(W) "Franchisee" means a person who receives new motor 1481
vehicles from the franchisor under a franchise agreement and who 1482
offers, sells, and provides service for such new motor vehicles to 1483
the general public. 1484

(X) "Franchisor" means a new motor vehicle manufacturer, 1485
remanufacturer, or distributor who supplies new motor vehicles 1486
under a franchise agreement to a franchisee. 1487

(Y) "Dealer organization" means a state or local trade 1488
association the membership of which is comprised predominantly of 1489
new motor vehicle dealers. 1490

(Z) "Factory representative" means a representative employed 1491
by a manufacturer, remanufacturer, or by a factory branch 1492
primarily for the purpose of promoting the sale of its motor 1493
vehicles, parts, or accessories to dealers or for supervising or 1494
contacting its dealers or prospective dealers. 1495

(AA) "Administrative or executive management" means those 1496
individuals who are not subject to federal wage and hour laws. 1497

(BB) "Good faith" means honesty in the conduct or transaction 1498
concerned and the observance of reasonable commercial standards of 1499
fair dealing in the trade as is defined in division (S) of section 1500
1301.01 of the Revised Code, including, but not limited to, the 1501
duty to act in a fair and equitable manner so as to guarantee 1502
freedom from coercion, intimidation, or threats of coercion or 1503

intimidation; provided however, that recommendation, endorsement, 1504
exposition, persuasion, urging, or argument shall not be 1505
considered to constitute a lack of good faith. 1506

(CC) "Coerce" means to compel or attempt to compel by failing 1507
to act in good faith or by threat of economic harm, breach of 1508
contract, or other adverse consequences. Coerce does not mean to 1509
argue, urge, recommend, or persuade. 1510

(DD) "Relevant market area" means any area within a radius of 1511
ten miles from the site of a potential new dealership, except that 1512
for manufactured home or recreational vehicle dealerships the 1513
radius shall be twenty-five miles. The ten-mile radius shall be 1514
measured from the dealer's established place of business that is 1515
used exclusively for the purpose of selling, displaying, offering 1516
for sale, or dealing in motor vehicles. 1517

(EE) "Wholesale" or "at wholesale" means the act or attempted 1518
act of selling, bartering, exchanging, or otherwise disposing of a 1519
motor vehicle to a transferee for the purpose of resale and not 1520
for ultimate consumption by that transferee. 1521

(FF) "Motor vehicle wholesaler" means any person licensed as 1522
a dealer under the laws of another state and engaged in the 1523
business of selling, displaying, or offering for sale used motor 1524
vehicles, at wholesale, but does not mean any motor vehicle dealer 1525
as defined in this section. 1526

(GG)(1) "Remanufacturer" means a person who assembles or 1527
installs passenger seating, walls, a roof elevation, or a body 1528
extension on a conversion van with the motor vehicle chassis 1529
supplied by a manufacturer or distributor, a person who modifies a 1530
truck chassis supplied by a manufacturer or distributor for use as 1531
a public safety or public service vehicle, a person who modifies a 1532
motor vehicle chassis supplied by a manufacturer or distributor 1533
for use as a limousine or hearse, or a person who modifies an 1534

incomplete motor vehicle cab and chassis supplied by a new motor 1535
vehicle dealer or distributor for use as a tow truck, but does not 1536
mean either of the following: 1537

(a) A person who assembles or installs passenger seating, a 1538
roof elevation, or a body extension on a recreational vehicle as 1539
defined in division (Q) and referred to in division (B) of section 1540
4501.01 of the Revised Code; 1541

(b) A person who assembles or installs special equipment or 1542
accessories for handicapped persons, as defined in section 4503.44 1543
of the Revised Code, upon a motor vehicle chassis supplied by a 1544
manufacturer or distributor. 1545

(2) For the purposes of division (GG)(1) of this section, 1546
"public safety vehicle or public service vehicle" means a fire 1547
truck, ambulance, school bus, street sweeper, garbage packing 1548
truck, or cement mixer, or a mobile self-contained facility 1549
vehicle. 1550

(3) For the purposes of division (GG)(1) of this section, 1551
"limousine" means a motor vehicle, designed only for the purpose 1552
of carrying nine or fewer passengers, that a person modifies by 1553
cutting the original chassis, lengthening the wheelbase by forty 1554
inches or more, and reinforcing the chassis in such a way that all 1555
modifications comply with all applicable federal motor vehicle 1556
safety standards. No person shall qualify as or be deemed to be a 1557
remanufacturer who produces limousines unless the person has a 1558
written agreement with the manufacturer of the chassis the person 1559
utilizes to produce the limousines to complete properly the 1560
remanufacture of the chassis into limousines. 1561

(4) For the purposes of division (GG)(1) of this section, 1562
"hearse" means a motor vehicle, designed only for the purpose of 1563
transporting a single casket, that is equipped with a compartment 1564
designed specifically to carry a single casket that a person 1565

modifies by cutting the original chassis, lengthening the 1566
wheelbase by ten inches or more, and reinforcing the chassis in 1567
such a way that all modifications comply with all applicable 1568
federal motor vehicle safety standards. No person shall qualify as 1569
or be deemed to be a remanufacturer who produces hearses unless 1570
the person has a written agreement with the manufacturer of the 1571
chassis the person utilizes to produce the hearses to complete 1572
properly the remanufacture of the chassis into hearses. 1573

(5) For the purposes of division (GG)(1) of this section, 1574
"mobile self-contained facility vehicle" means a mobile classroom 1575
vehicle, mobile laboratory vehicle, bookmobile, bloodmobile, 1576
testing laboratory, and mobile display vehicle, each of which is 1577
designed for purposes other than for passenger transportation and 1578
other than the transportation or displacement of cargo, freight, 1579
materials, or merchandise. A vehicle is remanufactured into a 1580
mobile self-contained facility vehicle in part by the addition of 1581
insulation to the body shell, and installation of all of the 1582
following: a generator, electrical wiring, plumbing, holding 1583
tanks, doors, windows, cabinets, shelving, and heating, 1584
ventilating, and air conditioning systems. 1585

(6) For the purposes of division (GG)(1) of this section, 1586
"tow truck" means both of the following: 1587

(a) An incomplete cab and chassis that are purchased by a 1588
remanufacturer from a new motor vehicle dealer or distributor of 1589
the cab and chassis and on which the remanufacturer then installs 1590
in a permanent manner a wrecker body it purchases from a 1591
manufacturer or distributor of wrecker bodies, installs an 1592
emergency flashing light pylon and emergency lights upon the mast 1593
of the wrecker body or rooftop, and installs such other related 1594
accessories and equipment, including push bumpers, front grille 1595
guards with pads and other custom-ordered items such as painting, 1596
special lettering, and safety striping so as to create a complete 1597

motor vehicle capable of lifting and towing another motor vehicle. 1598

(b) An incomplete cab and chassis that are purchased by a 1599
remanufacturer from a new motor vehicle dealer or distributor of 1600
the cab and chassis and on which the remanufacturer then installs 1601
in a permanent manner a car carrier body it purchases from a 1602
manufacturer or distributor of car carrier bodies, installs an 1603
emergency flashing light pylon and emergency lights upon the 1604
rooftop, and installs such other related accessories and 1605
equipment, including push bumpers, front grille guards with pads 1606
and other custom-ordered items such as painting, special 1607
lettering, and safety striping. 1608

As used in division (GG)(6)(b) of this section, "car carrier 1609
body" means a mechanical or hydraulic apparatus capable of lifting 1610
and holding a motor vehicle on a flat level surface so that one or 1611
more motor vehicles can be transported, once the car carrier is 1612
permanently installed upon an incomplete cab and chassis. 1613

(HH) "Operating as a new motor vehicle dealership" means 1614
engaging in activities such as displaying, offering for sale, and 1615
selling new motor vehicles at retail, operating a service facility 1616
to perform repairs and maintenance on motor vehicles, offering for 1617
sale and selling motor vehicle parts at retail, and conducting all 1618
other acts that are usual and customary to the operation of a new 1619
motor vehicle dealership. For the purposes of this chapter only, 1620
possession of either a valid new motor vehicle dealer franchise 1621
agreement or a new motor vehicle dealers license, or both of these 1622
items, is not evidence that a person is operating as a new motor 1623
vehicle dealership. 1624

(II) "Outdoor power equipment" means garden and small utility 1625
tractors, walk-behind and riding mowers, chainsaws, and tillers. 1626

(JJ) "Remote service facility" means premises that are 1627
separate from a licensed new motor vehicle dealer's sales facility 1628

by not more than one mile and that are used by the dealer to 1629
perform repairs, warranty work, recall work, and maintenance on 1630
motor vehicles pursuant to a franchise agreement entered into with 1631
a manufacturer of motor vehicles. A remote service facility shall 1632
be deemed to be part of the franchise agreement and is subject to 1633
all the rights, duties, obligations, and requirements of Chapter 1634
4517. of the Revised Code that relate to the performance of motor 1635
vehicle repairs, warranty work, recall work, and maintenance work 1636
by new motor vehicle dealers. 1637

Sec. 4517.04. Each person applying for a new motor vehicle 1638
dealer's license shall ~~annually~~ biennially make out and deliver to 1639
the registrar of motor vehicles, before the first day of April, 1640
and upon a blank to be furnished by the registrar for that 1641
purpose, a separate application for license for each county in 1642
which the business of selling new motor vehicles is to be 1643
conducted. The application shall be in the form prescribed by the 1644
registrar, shall be signed and sworn to by the applicant, and, in 1645
addition to any other information required by the registrar, shall 1646
include the following: 1647

(A) Name of applicant and location of principal place of 1648
business; 1649

(B) Name or style under which business is to be conducted 1650
and, if a corporation, the state of incorporation; 1651

(C) Name and address of each owner or partner and, if a 1652
corporation, the names of the officers and directors; 1653

(D) The county in which the business is to be conducted and 1654
the address of each place of business therein; 1655

(E) A statement of the previous history, record, and 1656
association of the applicant and of each owner, partner, officer, 1657
and director, that shall be sufficient to establish to the 1658

satisfaction of the registrar the reputation in business of the 1659
applicant; 1660

(F) A statement showing whether the applicant has previously 1661
applied for a motor vehicle dealer's license, motor vehicle 1662
leasing dealer's license, ~~manufactured home broker's license,~~ 1663
distributor's license, motor vehicle auction owner's license, or 1664
motor vehicle salesperson's license, and the result of the 1665
application, and whether the applicant has ever been the holder of 1666
any such license that was revoked or suspended; 1667

(G) If the applicant is a corporation or partnership, a 1668
statement showing whether any partner, employee, officer, or 1669
director has been refused a motor vehicle dealer's license, motor 1670
vehicle leasing dealer's license, ~~manufactured home broker's~~ 1671
~~license,~~ distributor's license, motor vehicle auction owner's 1672
license, or motor vehicle salesperson's license, or has been the 1673
holder of any such license that was revoked or suspended; 1674

(H) A statement of the makes of new motor vehicles to be 1675
handled. 1676

The statement required by division (E) of this section shall 1677
indicate whether the applicant or, if applicable, any of the 1678
applicant's owners, partners, officers, or directors, 1679
individually, or as owner, partner, officer, or director of a 1680
business entity, has been convicted of, pleaded guilty, or pleaded 1681
no contest, in a criminal action, or had a judgment rendered 1682
against ~~him~~ the person in a civil action for, a violation of 1683
sections 4549.41 to 4549.46 of the Revised Code, of any 1684
substantively comparable provisions of the law of any other state, 1685
or of subchapter IV of the "Motor Vehicle Information and Cost 1686
Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 1687

A true copy of the contract, agreement, or understanding the 1688
applicant has entered into or is about to enter into with the 1689

manufacturer or distributor of the new motor vehicles the 1690
applicant will handle shall be filed with the application. If the 1691
contract, agreement, or understanding is not in writing, a written 1692
statement of all the terms thereof shall be filed. Each such copy 1693
or statement shall bear a certificate signed by each party to the 1694
contract, agreement, or understanding, to the effect that the copy 1695
or statement is true and complete and contains all of the 1696
agreements made or about to be made between the parties. 1697

The application also shall be accompanied by a photograph, as 1698
prescribed by the registrar, of each place of business operated, 1699
or to be operated, by the applicant. 1700

Sec. 4517.09. Each person applying for a salesperson's 1701
license shall ~~annually~~ biennially make out and deliver to the 1702
registrar of motor vehicles, before the first day of July and upon 1703
a blank to be furnished by the registrar for that purpose, an 1704
application for license. The application shall be in the form 1705
prescribed by the registrar, shall be signed and sworn to by the 1706
applicant, and, in addition to any other information required by 1707
the registrar, shall include the following: 1708

(A) Name and post-office address of the applicant; 1709

(B) Name and post-office address of the motor vehicle dealer 1710
~~or manufactured home broker~~ for whom the applicant intends to act 1711
as salesperson; 1712

(C) A statement of the applicant's previous history, record, 1713
and association, that shall be sufficient to establish to the 1714
satisfaction of the registrar the applicant's reputation in 1715
business; 1716

(D) A statement as to whether the applicant intends to engage 1717
in any occupation or business other than that of a motor vehicle 1718
salesperson; 1719

(E) A statement as to whether the applicant has ever had any previous application refused, and whether the applicant has previously had a license revoked or suspended;

(F) A statement as to whether the applicant was an employee of or salesperson for a dealer ~~or manufactured home broker~~ whose license was suspended or revoked;

(G) A statement of the motor vehicle dealer ~~or manufactured home broker~~ named therein, designating the applicant as the dealer's ~~or broker's~~ salesperson.

The statement required by division (C) of this section shall indicate whether the applicant individually, or as an owner, partner, officer, or director of a business entity, has been convicted of, or pleaded guilty to, in a criminal action, or had a judgment rendered against the applicant in a civil action for, a violation of sections 4549.41 to 4549.46 of the Revised Code, of any substantively comparable provisions of the law of any other state, or of subchapter IV of the "Motor Vehicle Information and Cost Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 1981.

Sec. 4517.10. At the time the registrar of motor vehicles grants the application of any person for a license as motor vehicle dealer, motor vehicle leasing dealer, ~~manufactured home broker,~~ distributor, motor vehicle auction owner, or motor vehicle salesperson, the registrar shall issue to the person a license. The registrar shall prescribe different forms for the licenses of motor vehicle dealers, motor vehicle leasing dealers, ~~manufactured home brokers,~~ distributors, motor vehicle auction owners, and motor vehicle salespersons, and all licenses shall include the name and post-office address of the person licensed.

The fee for a dealer's license, and a motor vehicle leasing dealer's license, ~~and a manufactured home broker's license~~ shall be fifty dollars, and the fee for a salesperson's license shall be

ten dollars. The fee for a motor vehicle auction owner's license 1751
shall be one hundred dollars for each location. The fee for a 1752
distributor's license shall be one hundred dollars for each 1753
distributorship. In all cases, the fee shall accompany the 1754
application for license. 1755

The registrar may require each applicant for a license issued 1756
under this chapter to pay an additional fee, which shall be used 1757
by the registrar to pay the costs of obtaining a record of any 1758
arrests and convictions of the applicant from the Ohio bureau of 1759
identification and investigation. The amount of the fee shall be 1760
equal to that paid by the registrar to obtain such record. 1761

If a dealer, or a motor vehicle leasing dealer, ~~or a~~ 1762
~~manufactured home broker,~~ has more than one place of business in 1763
the county, the dealer ~~or the broker~~ shall make application, in 1764
such form as the registrar prescribes, for a certified copy of the 1765
license issued to the dealer ~~or manufactured home broker~~ for each 1766
place of business operated. In the event of the loss, mutilation, 1767
or destruction of a license issued under sections 4517.01 to 1768
4517.65 of the Revised Code, any licensee may make application to 1769
the registrar, in such form as the registrar prescribes, for a 1770
duplicate copy thereof. The fee for a certified or duplicate copy 1771
of a dealer's, motor vehicle leasing dealer's, ~~manufactured home~~ 1772
~~broker's,~~ distributor's, or auction owner's license, is two 1773
dollars, and the fee for a duplicate copy of a salesperson's 1774
license is one dollar. All fees for such copies shall accompany 1775
the applications. 1776

Beginning on ~~the effective date of this amendment~~ September 1777
16, 2004, all dealers' licenses, motor vehicle leasing dealers' 1778
licenses, ~~manufactured home broker's licenses,~~ distributors' 1779
licenses, auction owners' licenses, and all salespersons' licenses 1780
issued or renewed shall expire biennially on a day within the 1781
two-year cycle that is prescribed by the registrar, unless sooner 1782

suspended or revoked. Before the first day after the day 1783
prescribed by the registrar in the year that the license expires, 1784
each licensed dealer, motor vehicle leasing dealer, ~~manufactured~~ 1785
~~home broker~~, distributor, and auction owner and each licensed 1786
salesperson, in the year in which the license will expire, shall 1787
file an application, in such form as the registrar prescribes, for 1788
the renewal of such license. The fee provided in this section for 1789
the original license shall accompany the application. 1790

Any salesperson's license shall be suspended upon the 1791
termination, suspension, or revocation of the license of the motor 1792
vehicle dealer ~~or manufactured home broker~~ for whom the 1793
salesperson is acting, or upon the salesperson leaving the service 1794
of the motor vehicle dealer ~~or manufactured home broker~~; provided 1795
that upon the termination, suspension, or revocation of the 1796
license of the motor vehicle dealer ~~or manufactured home broker~~ 1797
for whom the salesperson is acting, or upon the salesperson 1798
leaving the service of a licensed motor vehicle dealer ~~or~~ 1799
~~manufactured home broker~~, the licensed salesperson, upon entering 1800
the service of any other licensed motor vehicle dealer ~~or~~ 1801
~~manufactured home broker~~, shall make application to the registrar, 1802
in such form as the registrar prescribes, to have the 1803
salesperson's license reinstated, transferred, and registered as a 1804
salesperson for the other dealer ~~or broker~~. If the information 1805
contained in the application is satisfactory to the registrar, the 1806
registrar shall have the salesperson's license reinstated, 1807
transferred, and registered as a salesperson for the other dealer 1808
~~or broker~~. The fee for the reinstatement and transfer of license 1809
shall be two dollars. No license issued to a dealer, motor vehicle 1810
leasing dealer, auction owner, ~~manufactured home broker~~, or 1811
salesperson, under sections 4517.01 to 4517.65 of the Revised Code 1812
shall be transferable to any other person. 1813

Each dealer, motor vehicle leasing dealer, ~~manufactured home~~ 1814

~~broker~~, distributor, and auction owner shall keep the license or a 1815
certified copy thereof and, in the case of a dealer ~~or broker~~, a 1816
current list of the dealer's ~~or the broker's~~ licensed 1817
salespersons, showing the names, addresses, and serial numbers of 1818
their licenses, posted in a conspicuous place in each place of 1819
business. Each salesperson shall carry the salesperson's license 1820
or a certified copy thereof and shall exhibit such license or copy 1821
upon demand to any inspector of the bureau of motor vehicles, 1822
state highway patrol trooper, police officer, or person with whom 1823
the salesperson seeks to transact business as a motor vehicle 1824
salesperson. 1825

The notice of refusal to grant a license shall disclose the 1826
reason for refusal. 1827

Sec. 4517.12. (A) The registrar of motor vehicles shall deny 1828
the application of any person for a license as a motor vehicle 1829
dealer, motor vehicle leasing dealer, ~~manufactured home broker~~, or 1830
motor vehicle auction owner and refuse to issue the license if the 1831
registrar finds that the applicant: 1832

(1) Has made any false statement of a material fact in the 1833
application; 1834

(2) Has not complied with sections 4517.01 to 4517.45 of the 1835
Revised Code; 1836

(3) Is of bad business repute or has habitually defaulted on 1837
financial obligations; 1838

(4) Is engaged or will engage in the business of selling at 1839
retail any new motor vehicles without having written authority 1840
from the manufacturer or distributor thereof to sell new motor 1841
vehicles and to perform repairs under the terms of the 1842
manufacturer's or distributor's new motor vehicle warranty, except 1843
as provided in division (C) of this section and except that a 1844

person who assembles or installs special equipment or accessories 1845
for handicapped persons, as defined in section 4503.44 of the 1846
Revised Code, upon a motor vehicle chassis supplied by a 1847
manufacturer or distributor shall not be denied a license pursuant 1848
to division (A)(4) of this section; 1849

(5) Has been guilty of a fraudulent act in connection with 1850
selling or otherwise dealing in, or leasing, motor vehicles, or in 1851
connection with brokering manufactured homes; 1852

(6) Has entered into or is about to enter into a contract or 1853
agreement with a manufacturer or distributor of motor vehicles 1854
that is contrary to sections 4517.01 to 4517.45 of the Revised 1855
Code; 1856

(7) Is insolvent; 1857

(8) Is of insufficient responsibility to ensure the prompt 1858
payment of any final judgments that might reasonably be entered 1859
against the applicant because of the transaction of business as a 1860
motor vehicle dealer, motor vehicle leasing dealer, ~~manufactured~~ 1861
~~home broker,~~ or motor vehicle auction owner during the period of 1862
the license applied for, or has failed to satisfy any such 1863
judgment; 1864

(9) Has no established place of business that, where 1865
applicable, is used or will be used for the purpose of selling, 1866
displaying, offering for sale, dealing in, or leasing motor 1867
vehicles at the location for which application is made; 1868

(10) Has, less than twelve months prior to making 1869
application, been denied a motor vehicle dealer's, motor vehicle 1870
leasing dealer's, ~~manufactured home broker's,~~ or motor vehicle 1871
auction owner's license, or has any such license revoked. 1872

(B) If the applicant is a corporation or partnership, the 1873
registrar may refuse to issue a license if any officer, director, 1874
or partner of the applicant has been guilty of any act or omission 1875

that would be cause for refusing or revoking a license issued to 1876
such officer, director, or partner as an individual. The 1877
registrar's finding may be based upon facts contained in the 1878
application or upon any other information the registrar may have. 1879
Immediately upon denying an application for any of the reasons in 1880
this section, the registrar shall enter a final order together 1881
with the registrar's findings and certify the same to the motor 1882
vehicle dealers' and salespersons' licensing board. 1883

(C) Notwithstanding division (A)(4) of this section, the 1884
registrar shall not deny the application of any person and refuse 1885
to issue a license if the registrar finds that the applicant is 1886
engaged or will engage in the business of selling at retail any 1887
new motor vehicles and demonstrates all of the following in the 1888
form prescribed by the registrar: 1889

(1) That the applicant has posted a bond, surety, or 1890
certificate of deposit with the registrar in an amount not less 1891
than one hundred thousand dollars for the protection and benefit 1892
of the applicant's customers except that a new motor vehicle 1893
dealer who is not exclusively engaged in the business of selling 1894
remanufactured vehicles shall not be required to post the bond, 1895
surety, or certificate of deposit otherwise required by division 1896
(C)(1) of this section; 1897

~~(2) That, at the time of the sale of the vehicle, each 1898
customer of the applicant will be furnished with a binding 1899
agreement ensuring that the customer has the right to have the 1900
vehicle serviced or repaired by a new motor vehicle dealer who is 1901
licensed to sell and service vehicles of the same line make as the 1902
chassis of the remanufactured vehicle purchased by the customer 1903
and whose service or repair facility is located within either 1904
twenty miles of the applicant's location and place of business or 1905
twenty miles of the customer's residence or place of business. If 1906
there is no such new motor vehicle dealer located within twenty 1907~~

~~miles of the applicant's location and place of business or the 1908
customer's residence or place of business, the binding agreement 1909
furnished to the customer may be with the new motor vehicle dealer 1910
who is franchised to sell and service vehicles of the same 1911
line make as the chassis of the remanufactured vehicle purchased 1912
by the customer and whose service or repair facility is located 1913
nearest to the remanufacturer's location and place of business or 1914
the customer's residence or place of business. 1915~~

~~(3) That, at the time of the sale of the vehicle, each 1916
customer of the applicant will be furnished with a warranty issued 1917
by the remanufacturer for a term of at least one year; 1918~~

~~(4)(3) That the applicant provides and maintains at the 1919
applicant's location and place of business a permanent facility 1920
with all of the following: 1921~~

~~(a) A showroom with space, under roof, for the display of at 1922
least one new motor vehicle; 1923~~

~~(b) A service and parts facility for remanufactured vehicles; 1924~~

~~(c) Full-time service and parts personnel with the proper 1925
training and technical expertise to service the remanufactured 1926
vehicles sold by the applicant. 1927~~

Sec. 4517.13. The registrar of motor vehicles shall deny the 1928
application of any person for a license as a distributor and 1929
refuse to issue the license if the registrar finds that the 1930
applicant: 1931

(A) Has made any false statement of a material fact in the 1932
application; 1933

(B) Has not complied with sections 4517.01 to 4517.45 of the 1934
Revised Code; 1935

(C) Is of bad business repute or has habitually defaulted on 1936
financial obligations; 1937

(D) Is engaged or will engage in the business of distributing any new motor vehicle without having the authority of a contract with the manufacturer of the vehicle;

(E) Has been guilty of a fraudulent act in connection with selling or otherwise dealing in motor vehicles;

(F) Has entered into or is about to enter into a contract or agreement with a manufacturer of motor vehicles that is contrary to sections 4517.01 to 4517.45 of the Revised Code;

(G) Is insolvent;

(H) Is of insufficient responsibility to ensure the prompt payment of any financial judgment that might reasonably be entered against the applicant because of the transaction of business as a distributor during the period of the license applied for, or has failed to satisfy any such judgment;

(I) Has no established place of business that, where applicable, is used or will be used exclusively for the purpose of distributing new motor vehicles at the location for which application is made;

(J) Has, less than twelve months prior to making application, been denied a distributor's, motor vehicle dealer's, motor vehicle leasing dealer's, ~~manufactured home broker's,~~ or motor vehicle auction owner's license, or had any such license revoked.

If the applicant is a corporation or partnership, the registrar may refuse to issue a license if any officer, director, employee, or partner of the applicant has been guilty of any act or omission that would be cause for refusing or revoking a license issued to such officer, director, employee, or partner as an individual. The registrar's finding may be based upon facts contained in the application or upon any other information the registrar may have. Immediately upon denying an application for any of the reasons in this section, the registrar shall enter a

final order together with the registrar's findings and certify the 1969
same to the motor vehicle dealers board. 1970

Sec. 4517.14. The registrar of motor vehicles shall deny the 1971
application of any person for a license as a salesperson and 1972
refuse to issue the license if the registrar finds that the 1973
applicant: 1974

(A) Has made any false statement of a material fact in the 1975
application; 1976

(B) Has not complied with sections 4517.01 to 4517.45 of the 1977
Revised Code; 1978

(C) Is of bad business repute or has habitually defaulted on 1979
financial obligations; 1980

(D) Has been guilty of a fraudulent act in connection with 1981
selling or otherwise dealing in motor vehicles; 1982

(E) Has not been designated to act as salesperson for a motor 1983
vehicle dealer ~~or manufactured home broker~~ licensed to do business 1984
in this state under section 4517.10 of the Revised Code, or 1985
intends to act as salesperson for more than one licensed motor 1986
vehicle dealer ~~or manufactured home broker~~ at the same time, 1987
except that a licensed salesperson may act as a salesperson at any 1988
licensed dealership owned or operated by the same ~~corporation~~ 1989
company, regardless of the county in which the dealership's 1990
facility is located; 1991

(F) Holds a current motor vehicle dealer's ~~or manufactured~~ 1992
~~home broker's~~ license issued under section 4517.10 of the Revised 1993
Code, and intends to act as salesperson for another licensed motor 1994
vehicle dealer ~~or manufactured home broker~~; 1995

(G) Has, less than twelve months prior to making application, 1996
been denied a salesperson's license or had a salesperson's license 1997
revoked. 1998

The registrar may refuse to issue a salesperson's license to an applicant who was salesperson for, or in the employ of, a motor vehicle dealer ~~or manufactured home broker~~ at the time the dealer's ~~or broker's~~ license was revoked. The registrar's finding may be based upon any statement contained in the application or upon any facts within the registrar's knowledge, and, immediately upon refusing to issue a salesperson's license, the registrar shall enter a final order and shall certify the final order together with his findings to the motor vehicle dealers board.

Sec. 4517.23. (A) Any licensed motor vehicle dealer, motor vehicle leasing dealer, ~~manufactured home broker,~~ or distributor shall notify the registrar of motor vehicles concerning any change in status as a dealer, motor vehicle leasing dealer, ~~manufactured home broker,~~ or distributor during the period for which the dealer, ~~broker,~~ or distributor is licensed, if the change of status concerns any of the following:

(1) Personnel of owners, partners, officers, or directors;

(2) Location of office or principal place of business;

(3) In the case of a motor vehicle dealer, any contract or agreement with any manufacturer or distributor; and in the case of a distributor, any contract or agreement with any manufacturer.

(B) The notification required by division (A) of this section shall be made by filing with the registrar, within fifteen days after the change of status, a supplemental statement in a form prescribed by the registrar showing in what respect the status has been changed. If the change involves a change in any contract or agreement between any manufacturer or distributor, and dealer, or any manufacturer and distributor, the supplemental statement shall be accompanied by such copies of contracts, statements, and certificates as would have been required by sections 4517.01 to 4517.45 of the Revised Code if the change had occurred prior to

the licensee's application for license. 2030

The motor vehicle dealers board may adopt a rule exempting 2031
from the notification requirement of division (A)(1) of this 2032
section any dealer if stock in the dealer or its parent company is 2033
publicly traded and if there are public records with state or 2034
federal agencies that provide the information required by division 2035
(A)(1) of this section. 2036

(C) Whoever violates this section is guilty of a misdemeanor 2037
of the fourth degree. 2038

Sec. 4517.24. (A) No two motor vehicle dealers shall engage 2039
in business at the same location, unless they agree to be jointly, 2040
severally, and personally liable for any liability arising from 2041
their engaging in business at the same location. The agreement 2042
shall be filed with the motor vehicle dealers board, and shall 2043
also be made a part of the articles of incorporation of each such 2044
dealer filed with the secretary of state. Whenever the board has 2045
reason to believe that a dealer who has entered into such an 2046
agreement has revoked the agreement but continues to engage in 2047
business at the same location, the board shall revoke the dealer's 2048
license. 2049

~~(B) This section does not apply to two or more motor vehicle 2050
dealers engaged in the business of selling new or used 2051
manufactured or mobile homes in the same manufactured home park. 2052~~

~~(C) Whoever violates this section is guilty of a misdemeanor 2053
of the fourth degree. 2054~~

Sec. 4517.44. (A) No manufacturer or distributor of motor 2055
vehicles, dealer in motor vehicles, ~~or manufactured home broker,~~ 2056
nor any owner, proprietor, person in control, or keeper of any 2057
garage, stable, shop, or other place of business, shall fail to 2058
keep or cause to be kept any record required by law. 2059

(B) Whoever violates this section is guilty of a minor 2060
misdemeanor. 2061

Sec. 4743.05. Except as otherwise provided in sections 2062
4701.20, 4723.062, 4723.082, ~~and~~ 4729.65, and 4781.28 of the 2063
Revised Code, all money collected under Chapters 3773., 4701., 2064
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 2065
4733., 4734., 4736., 4741., 4753., 4755., 4757., 4758., 4759., 2066
4761., 4766., 4771., 4775., 4779., and 4781. of the Revised Code 2067
shall be paid into the state treasury to the credit of the 2068
occupational licensing and regulatory fund, which is hereby 2069
created for use in administering such chapters. 2070

At the end of each quarter, the director of budget and 2071
management shall transfer from the occupational licensing and 2072
regulatory fund to the nurse education assistance fund created in 2073
section 3333.28 of the Revised Code the amount certified to the 2074
director under division (B) of section 4723.08 of the Revised 2075
Code. 2076

At the end of each quarter, the director shall transfer from 2077
the occupational licensing and regulatory fund to the certified 2078
public accountant education assistance fund created in section 2079
4701.26 of the Revised Code the amount certified to the director 2080
under division (H)(2) of section 4701.10 of the Revised Code. 2081

Sec. 4781.01. As used in this chapter: 2082

(A) "Industrialized unit" has the same meaning as in division 2083
(C)(3) of section 3781.06 of the Revised Code. 2084

(B) "Installation" means any of the following: 2085

(1) The temporary or permanent construction of stabilization, 2086
support, and anchoring systems for manufactured housing; 2087

(2) The placement and erection of a manufactured housing unit 2088

or components of a unit on a structural support system; 2089

(3) The supporting, blocking, leveling, securing, anchoring, 2090
underpinning, or adjusting of any section or component of a 2091
manufactured housing unit; 2092

(4) The joining or connecting of all sections or components 2093
of a manufactured housing unit. 2094

(C) "Manufactured home" has the same meaning as in division 2095
(C)(4) of section 3781.06 of the Revised Code. 2096

(D) "Manufactured home park" ~~has the same meaning as in~~ 2097
~~division (A) of section 3733.01 of the Revised Code~~ means any 2098
tract of land upon which three or more manufactured or mobile 2099
homes used for habitation are parked, either free of charge or for 2100
revenue purposes, and includes any roadway, building, structure, 2101
vehicle, or enclosure used or intended for use as a part of the 2102
facilities of the park. "Manufactured home park" does not include 2103
any of the following: 2104

(1) A tract of land used solely for the storage or display 2105
for sale of manufactured or mobile homes or solely as a temporary 2106
park-camp as defined in section 3729.01 of the Revised Code; 2107

(2) A tract of land that is subdivided and the individual 2108
lots are for sale or sold for the purpose of installation of 2109
manufactured or mobile homes used for habitation and the roadways 2110
are dedicated to the local government authority; 2111

(3) A tract of land within an area that is subject to local 2112
zoning authority and subdivision requirements and is subdivided, 2113
and the individual lots are for sale or sold for the purpose of 2114
installation of manufactured or mobile homes for habitation. 2115

(E) "Manufactured housing" means manufactured homes and 2116
mobile homes. 2117

(F) "Manufactured housing installer" means an individual who 2118

installs manufactured housing.	2119
(G) "Mobile home" has the same meaning as in division (O) of section 4501.01 of the Revised Code.	2120 2121
(H) "Model standards" means the federal manufactured home installation standards established pursuant to 42 U.S.C. 5404.	2122 2123
(I) "Permanent foundation" has the same meaning as in division (C)(5) of section 3781.06 of the Revised Code.	2124 2125
(J) "Business" includes any activities engaged in by any person for the object of gain, benefit, or advantage either direct or indirect.	2126 2127 2128
(K) "Casual sale" means any transfer of a manufactured home or mobile home by a person other than a manufactured housing dealer, manufactured housing salesperson, or manufacturer to an ultimate consumer or a person who purchases the home for use as a residence.	2129 2130 2131 2132 2133
(L) "Engaging in business" means commencing, conducting, or continuing in business, or liquidating a business when the liquidator thereof holds self out to be conducting such business; making a casual sale or otherwise making transfers in the ordinary course of business when the transfers are made in connection with the disposition of all or substantially all of the transferor's assets is not engaging in business.	2134 2135 2136 2137 2138 2139 2140
(M) "Manufactured home park operator" has the same meaning as "operator" in section 3733.01 of the Revised Code <u>means the person who has responsible charge of a manufactured home park and who is licensed under sections 4781.26 to 4781.35 of the Revised Code.</u>	2141 2142 2143 2144
(N) "Manufactured housing broker" means any person acting as a selling agent on behalf of an owner of a manufactured home or mobile home that is subject to taxation under section 4503.06 of the Revised Code.	2145 2146 2147 2148

(O) "Manufactured housing dealer" means any person engaged in the business of selling at retail, displaying, offering for sale, or dealing in manufactured homes or mobile homes.

(P) "Manufacturer" means a person who manufactures, assembles, or imports manufactured homes or mobile homes.

(Q) "Retail sale" or "sale at retail" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a manufactured home or mobile home to an ultimate purchaser for use as a residence.

(R) "Salesperson" means any individual employed by a manufactured housing dealer or manufactured housing broker to sell, display, and offer for sale, or deal in manufactured homes or mobile homes for a commission, compensation, or other valuable consideration, but does not mean any public officer performing official duties.

(S) "Ultimate purchaser" means, with respect to any new manufactured home, the first person, other than a manufactured housing dealer purchasing in the capacity of a manufactured housing dealer, who purchases such new manufactured home for purposes other than resale.

(T) "Tenant" means a person who is entitled under a rental agreement with a manufactured home park operator to occupy a manufactured home park lot and who does not own the home occupying the lot.

(U) "Owner" means a person who is entitled under a rental agreement with a manufactured home park operator to occupy a manufactured home park lot and who owns the home occupying the lot.

(V) "Resident" means a person entitled under a rental agreement to the use and occupancy of residential premises to the exclusion of others. "Resident" includes both tenants and owners.

<u>(W) "Park operator" means a manufactured home park operator.</u>	2180
<u>(X) "Residential premises" means a lot located within a</u>	2181
<u>manufactured home park and the grounds, areas, and facilities</u>	2182
<u>contained within the manufactured home park for the use of</u>	2183
<u>residents generally or the use of which is promised to a resident.</u>	2184
<u>(Y) "Rental agreement" means any agreement or lease, written</u>	2185
<u>or oral, that establishes or modifies the terms, conditions,</u>	2186
<u>rules, or any other provisions concerning the use and occupancy of</u>	2187
<u>residential premises by one of the parties.</u>	2188
<u>(Z) "Security deposit" means any deposit of money or property</u>	2189
<u>to secure performance by the resident under a rental agreement.</u>	2190
<u>(AA) "Development" means any artificial change to improved or</u>	2191
<u>unimproved real estate, including, without limitation, buildings</u>	2192
<u>or structures, dredging, filling, grading, paving, excavation or</u>	2193
<u>drilling operations, or storage of equipment or materials, and the</u>	2194
<u>construction, expansion, or substantial alteration of a</u>	2195
<u>manufactured home park, for which plan review is required under</u>	2196
<u>division (A) of section 4781.31 of the Revised Code. "Development"</u>	2197
<u>does not include the building, construction, erection, or</u>	2198
<u>manufacture of any building to which section 3781.06 of the</u>	2199
<u>Revised Code is applicable.</u>	2200
<u>(BB) "Flood" or "flooding" means either of the following:</u>	2201
<u>(1) A general and temporary condition of partial or complete</u>	2202
<u>inundation of normally dry land areas from any of the following:</u>	2203
<u>(a) The overflow of inland or tidal waters;</u>	2204
<u>(b) The unusual and rapid accumulation or runoff of surface</u>	2205
<u>waters from any source;</u>	2206
<u>(c) Mudslides that are proximately caused by flooding as</u>	2207
<u>defined in division (M)(1)(b) of this section and that are akin to</u>	2208
<u>a river of liquid and flowing mud on the surface of normally dry</u>	2209

land areas, as when earth is carried by a current of water and 2210
deposited along the path of the current. 2211

(2) The collapse or subsidence of land along the shore of a 2212
lake or other body of water as a result of erosion or undermining 2213
that is caused by waves or currents of water exceeding anticipated 2214
cyclical levels or that is suddenly caused by an unusually high 2215
water level in a natural body of water, and that is accompanied by 2216
a severe storm, by an unanticipated force of nature, such as a 2217
flash flood, by an abnormal tidal surge, or by some similarly 2218
unusual and unforeseeable event, that results in flooding as 2219
defined in division (M)(1)(a) of this section. 2220

(CC) "Flood plain" means the area adjoining any river, 2221
stream, watercourse, or lake that has been or may be covered by 2222
flood water. 2223

(DD) "One-hundred-year flood" means a flood having a one per 2224
cent chance of being equaled or exceeded in any given year. 2225

(EE) "One-hundred-year flood plain" means that portion of a 2226
flood plain inundated by a one-hundred-year flood. 2227

(FF) "Person" has the same meaning as in section 1.59 of the 2228
Revised Code and also includes this state, any political 2229
subdivision of this state, and any other state or local body of 2230
this state. 2231

(GG) "Substantial damage" means damage of any origin 2232
sustained by a manufactured or mobile home that is situated in a 2233
manufactured home park located in a flood plain when the cost of 2234
restoring the home to its condition before the damage occurred 2235
will equal or exceed fifty per cent of the market value of the 2236
home before the damage occurred. 2237

(HH) "Substantially alter" means a change in the layout or 2238
design of a manufactured home park, including, without limitation, 2239
the movement of utilities or changes in established streets, lots, 2240

or sites or in other facilities. In the case of manufactured home 2241
parks located within a one-hundred-year flood plain, 2242
"substantially alter" also includes changes in elevation resulting 2243
from the addition of fill, grading, or excavation that may affect 2244
flood plain management. 2245

(II) "Tract" means a contiguous area of land that consists of 2246
one or more parcels, lots, or sites that have been separately 2247
surveyed regardless of whether the individual parcels, lots, or 2248
sites have been recorded and regardless of whether the one or more 2249
parcels, lots, or sites are under common or different ownership. 2250

Sec. 4781.02. (A) There is hereby created the manufactured 2251
homes commission which consists of nine members, with three 2252
members appointed by the governor, three members appointed by the 2253
president of the senate, and three members appointed by the 2254
speaker of the house of representatives. 2255

(B)(1) Commission members shall be residents of this state, 2256
except for members appointed pursuant to divisions (B)(3)(b) and 2257
(B)(4)(a) of this section. Members shall be selected from a list 2258
of persons the Ohio manufactured homes association, or any 2259
successor entity, recommends, except for appointments made 2260
pursuant to division (B)(2) of this section. 2261

(2) The governor shall appoint the following members: 2262

(a) One member to represent the board of building standards, 2263
who may be a member of the board or a board employee not in the 2264
classified civil service, with an initial term ending December 31, 2265
2007; 2266

~~(b) One member to represent the department of health, who may~~ 2267
~~be a department employee not in the classified civil service, with~~ 2268
~~an initial term ending December 31, 2005~~ who is registered as a 2269
sanitarian in accordance with Chapter 4736. of the Revised Code, 2270

has experience with the regulation of manufactured homes, and is 2271
an employee of a health district described in section 3709.01 of 2272
the Revised Code; 2273

(c) One member whose primary residence is a manufactured 2274
home, with an initial term ending December 31, 2006. 2275

(3) The president of the senate shall appoint the following 2276
members: 2277

(a) Two members who are manufactured housing installers who 2278
have been actively engaged in the installation of manufactured 2279
housing for the five years immediately prior to appointment, with 2280
the initial term of one installer ending December 31, 2007, and 2281
the initial term of the other installer ending December 31, 2005. 2282

(b) One member who manufactures manufactured homes in this 2283
state or who manufactures manufactured homes in another state and 2284
ships homes into this state, to represent manufactured home 2285
manufacturers, with an initial term ending December 31, 2006. 2286

(4) The speaker of the house of representatives shall appoint 2287
the following members: 2288

(a) One member who operates a manufactured or mobile home 2289
retail business in this state to represent manufactured housing 2290
dealers, with an initial term ending December 31, 2007; 2291

(b) One member who is a manufactured home park operator or is 2292
employed by an operator, with an initial term ending December 31, 2293
2005; 2294

(c) One member to represent the Ohio manufactured home 2295
association, or any successor entity, who may be the president or 2296
executive director of the association or the successor entity, 2297
with an initial term ending December 31, 2006. 2298

(C)(1) After the initial term, each term of office is for 2299
four years ending on the thirty-first day of December. A member 2300

holds office from the date of appointment until the end of the 2301
term. No member may serve more than two consecutive four-year 2302
terms. 2303

(2) Any member appointed to fill a vacancy that occurs prior 2304
to the expiration of a term continues in office for the remainder 2305
of that term. Any member continues in office subsequent to the 2306
expiration date of the term until the member's successor takes 2307
office or until sixty days have elapsed, which ever occurs first. 2308

(3) A vacancy on the commission does not impair the authority 2309
of the remaining members to exercise all of the commission's 2310
powers. 2311

(D)(1) The governor may remove any member from office for 2312
incompetence, neglect of duty, misfeasance, nonfeasance, 2313
malfeasance, or unprofessional conduct in office. 2314

(2) Vacancies shall be filled in the manner of the original 2315
appointment. 2316

Sec. 4781.04. (A) The manufactured homes commission shall 2317
adopt rules pursuant to Chapter 119. of the Revised Code to do all 2318
of the following: 2319

(1) Establish uniform standards that govern the installation 2320
of manufactured housing. Not later than one hundred eighty days 2321
after the secretary of the United States department of housing and 2322
urban development adopts model standards for the installation of 2323
manufactured housing or amends those standards, the commission 2324
shall amend its standards as necessary to be consistent with, and 2325
not less stringent than, the model standards for the design and 2326
installation of manufactured housing the secretary adopts or any 2327
manufacturers' standards that the secretary determines are equal 2328
to or not less stringent than the model standards. 2329

(2) Govern the inspection of the installation of manufactured 2330

housing. The rules shall specify that the commission, any building 2331
department or personnel of any department, ~~any licensor or~~ 2332
~~personnel of any licensor,~~ or any private third party, certified 2333
pursuant to section 4781.07 of the Revised Code shall conduct all 2334
inspections of the installation of manufactured housing located in 2335
manufactured home parks to determine compliance with the uniform 2336
installation standards the commission establishes pursuant to this 2337
section. 2338

~~As used in division (A)(2) of this section, "licensor" has~~ 2339
~~the same meaning as in section 3733.01 of the Revised Code.~~ 2340

(3) Govern the design, construction, installation, approval, 2341
and inspection of foundations and the base support systems for 2342
manufactured housing. The rules shall specify that the commission, 2343
any building department or personnel of any department, ~~any~~ 2344
~~licensor or personnel of any licensor,~~ or any private third party, 2345
certified pursuant to section 4781.07 of the Revised Code shall 2346
conduct all inspections of the installation, foundations, and base 2347
support systems of manufactured housing located in manufactured 2348
home parks to determine compliance with the uniform installation 2349
standards and foundation and base support system design the 2350
commission establishes pursuant to this section. 2351

~~As used in division (A)(3) of this section, "licensor" has~~ 2352
~~the same meaning as in section 3733.01 of the Revised Code.~~ 2353

(4) Govern the training, experience, and education 2354
requirements for manufactured housing installers, manufactured 2355
housing dealers, manufactured housing brokers, and manufactured 2356
housing salespersons; 2357

(5) Establish a code of ethics for manufactured housing 2358
installers; 2359

(6) Govern the issuance, revocation, and suspension of 2360
licenses to manufactured housing installers; 2361

(7) Establish fees for the issuance and renewal of licenses,	2362
for conducting inspections to determine an applicant's compliance	2363
with this chapter and the rules adopted pursuant to it, and for	2364
the commission's expenses incurred in implementing this chapter;	2365
(8) Establish conditions under which a licensee may enter	2366
into contracts to fulfill the licensee's responsibilities;	2367
(9) Govern the investigation of complaints concerning any	2368
violation of this chapter or the rules adopted pursuant to it or	2369
complaints involving the conduct of any licensed manufactured	2370
housing installer or person installing manufactured housing	2371
without a license, licensed manufactured housing dealer, licensed	2372
manufactured housing broker, or manufactured housing salesperson;	2373
(10) Establish a dispute resolution program for the timely	2374
resolution of warranty issues involving new manufactured homes,	2375
disputes regarding responsibility for the correction or repair of	2376
defects in manufactured housing, and the installation of	2377
manufactured housing. The rules shall provide for the timely	2378
resolution of disputes between manufacturers, manufactured housing	2379
dealers, and installers regarding the correction or repair of	2380
defects in manufactured housing that are reported by the purchaser	2381
of the home during the one-year period beginning on the date of	2382
installation of the home. The rules also shall provide that	2383
decisions made regarding the dispute under the program are not	2384
binding upon the purchaser of the home or the other parties	2385
involved in the dispute unless the purchaser so agrees in a	2386
written acknowledgement that the purchaser signs and delivers to	2387
the program within ten business days after the decision is issued.	2388
(11) Establish the requirements and procedures for the	2389
certification of building departments and building department	2390
personnel pursuant to section 4781.07 of the Revised Code;	2391
(12) Establish fees to be charged to building departments and	2392

building department personnel applying for certification and	2393
renewal of certification pursuant to section 4781.07 of the	2394
Revised Code;	2395
(13) <u>Develop a policy regarding the maintenance of records</u>	2396
<u>for any inspection authorized or conducted pursuant to this</u>	2397
<u>chapter, and any such record shall be a public record under</u>	2398
<u>section 149.43 of the Revised Code;</u>	2399
(14) Carry out any other provision of this chapter.	2400
(B) The manufactured homes commission shall do all of the	2401
following:	2402
(1) Prepare and administer a licensure examination to	2403
determine an applicant's knowledge of manufactured housing	2404
installation and other aspects of installation the commission	2405
determines appropriate;	2406
(2) Select, provide, or procure appropriate examination	2407
questions and answers for the licensure examination and establish	2408
the criteria for successful completion of the examination;	2409
(3) Prepare and distribute any application form this chapter	2410
requires;	2411
(4) Receive applications for licenses and renewal of licenses	2412
and issue licenses to qualified applicants;	2413
(5) Establish procedures for processing, approving, and	2414
disapproving applications for licensure;	2415
(6) Retain records of applications for licensure, including	2416
all application materials submitted and a written record of the	2417
action taken on each application;	2418
(7) Review the design and plans for manufactured housing	2419
installations, foundations, and support systems;	2420
(8) Inspect a sample of homes at a percentage the commission	2421
determines to evaluate the construction and installation of	2422

manufactured housing installations, foundations, and support 2423
systems to determine compliance with the standards the commission 2424
adopts; 2425

(9) Investigate complaints concerning violations of this 2426
chapter or the rules adopted pursuant to it, or the conduct of any 2427
manufactured housing installer, manufactured housing dealer, 2428
manufactured housing broker, or manufactured housing salesperson; 2429

(10) Determine appropriate disciplinary actions for 2430
violations of this chapter; 2431

(11) Conduct audits and inquiries of manufactured housing 2432
installers, manufactured housing dealers, and manufactured housing 2433
brokers as appropriate for the enforcement of this chapter. The 2434
commission, or any person the commission employs for the purpose, 2435
may review and audit the business records of any manufactured 2436
housing installer, dealer, or broker during normal business hours. 2437

(12) Approve an installation training course, which may be 2438
offered by the Ohio manufactured homes association or other 2439
entity; 2440

(13) Perform any function or duty necessary to administer 2441
this chapter and the rules adopted pursuant to it. 2442

(C) Nothing in this section shall be construed to limit the 2443
authority of a board of health to enforce section 3701.344 and 2444
Chapters 3703., 3718., and 3781. of the Revised Code. 2445

Sec. 4781.07. (A) Pursuant to rules the manufactured homes 2446
commission adopts, the commission may certify municipal, township, 2447
and county building departments and the personnel of those 2448
departments, ~~licensors as defined in section 3733.01 of the~~ 2449
~~Revised Code and the personnel of those licensors,~~ or any private 2450
third party, to exercise the commission's enforcement authority, 2451
accept and approve plans and specifications for foundations, 2452

support systems and installations, and inspect manufactured 2453
housing foundations, support systems, and manufactured housing 2454
installations. Any certification is effective for three years. 2455

(B) Following an investigation and finding of facts that 2456
support its action, the commission may revoke or suspend 2457
certification. The commission may initiate an investigation on its 2458
own motion or the petition of a person affected by the enforcement 2459
or approval of plans. 2460

Sec. 4781.10. (A)(1) The manufactured homes commission may 2461
establish programs and requirements for continuing education for 2462
manufactured housing installers. The commission shall not require 2463
licensees to complete more than eight credit hours of continuing 2464
education during each license period. If the commission 2465
establishes a program of continuing education, it shall require 2466
that only courses that the commission preapproves be accepted for 2467
licensure credit, and unless an extension is granted pursuant to 2468
division (D) of this section, that all credit hours be 2469
successfully completed prior to the expiration of the installer's 2470
license. 2471

(2) The manufactured homes commission shall establish by rule 2472
programs of continuing education for manufactured home park 2473
operators and shall approve by rule any courses offered through 2474
those programs. The rules the commission adopts shall specify that 2475
the courses shall be developed by the Ohio manufactured homes 2476
association in consultation with the association of manufactured 2477
home residents of Ohio, or any other entity the commission 2478
designates by rule. The courses shall be designed to fulfill the 2479
license renewal requirements of section 3733.03 of the Revised 2480
Code of eight hours of continuing education and shall be presented 2481
by the Ohio manufactured homes association, or any other entity 2482
the commission designates by rule, as the course provider. 2483

<u>Certified completion of the course shall fulfill the continuing</u>	2484
<u>education requirement of license renewal.</u>	2485
(B) To provide the resources to administer continuing	2486
education programs, the commission may establish nonrefundable	2487
fees, including any of the following:	2488
(1) An application fee not to exceed one hundred fifty	2489
dollars charged to the sponsor of each proposed course;	2490
(2) A renewal fee not to exceed seventy-five dollars, charged	2491
to the sponsor of each course, for the annual renewal of course	2492
approval;	2493
(3) A course fee charged to the sponsor of each course	2494
offered, not to exceed five dollars per credit hour, for each	2495
person completing an approved course;	2496
(4) A student fee charged to licensees, not to exceed fifty	2497
dollars, for each course or activity a student submits to the	2498
commission for approval.	2499
(C) The commission may adopt reasonable rules not	2500
inconsistent with this chapter to carry out any continuing	2501
education program, including rules that govern the following:	2502
(1) The content and subject matter of continuing education	2503
courses;	2504
(2) The criteria, standards, and procedures for the approval	2505
of courses, course sponsors, and course instructors;	2506
(3) The methods of instruction;	2507
(4) The computation of course credit;	2508
(5) The ability to carry forward course credit from one year	2509
to another;	2510
(6) Conditions under which the commission may grant a waiver	2511
or variance from continuing education requirements on the basis of	2512

hardship or other reasons; 2513

(7) Procedures for compliance with the continuing education 2514
requirements and sanctions for noncompliance. 2515

(D) The commission shall not renew the license of any person 2516
who fails to satisfy any continuing education requirement that the 2517
commission establishes. The commission may, for good cause, grant 2518
an extension of time to comply with the continuing education 2519
requirements. Any installer who is granted an extension and 2520
completes the continuing education requirements within the time 2521
the commission establishes is deemed in compliance with the 2522
education requirements. The license of any person who is granted 2523
an extension shall remain in effect during the period of the 2524
extension. 2525

Sec. 4781.121. (A) The manufactured homes commission, 2526
pursuant to section 4781.04 of the Revised Code, may investigate 2527
any person who allegedly has committed a violation. If, after an 2528
investigation the commission determines that reasonable evidence 2529
exists that a person has committed a violation, within seven days 2530
after that determination, the commission shall send a written 2531
notice to that person in the same manner as prescribed in section 2532
119.07 of the Revised Code for licensees, except that the notice 2533
shall specify that a hearing will be held and specify the date, 2534
time, and place of the hearing. 2535

(B) The commission shall hold a hearing regarding the alleged 2536
violation in the same manner prescribed for an adjudication 2537
hearing under section 119.09 of the Revised Code. If the 2538
commission, after the hearing, determines that a violation has 2539
occurred, the commission, upon an affirmative vote of five of its 2540
members, may impose a fine not exceeding one thousand dollars per 2541
violation per day. The commission's determination is an order that 2542
the person may appeal in accordance with section 119.12 of the 2543

Revised Code. 2544

(C) If the person who allegedly committed a violation fails to appear for a hearing, the commission may request the court of common pleas of the county where the alleged violation occurred to compel the person to appear before the commission for a hearing. 2545
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(D) If the commission assesses a person a civil penalty for a violation and the person fails to pay that civil penalty within the time period prescribed by the commission pursuant to section 131.02 of the Revised Code, the commission shall forward to the attorney general the name of the person and the amount of the civil penalty for the purpose of collecting that civil penalty. In addition to the civil penalty assessed pursuant to this section, the person also shall pay any fee assessed by the attorney general for collection of the civil penalty. 2549
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(E) The authority provided to the commission pursuant to this section, and any fine imposed under this section, shall be in addition to, and not in lieu of, all penalties and other remedies provided in this chapter. Any fines collected pursuant to this section shall be used solely to administer and enforce this chapter and rules adopted under it. 2558
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(F) As used in this section, "violation" means a violation of section 4781.11, 4781.16, or 4781.27, or any rule adopted pursuant to section 4781.04, of the Revised Code. 2564
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Sec. 4781.14. ~~(A) Except as provided in division (A)(3) of section 3733.02 of the Revised Code, the state, through the~~ The 2567
~~manufactured homes commission,~~ has exclusive authority to regulate 2568
manufactured home installers, the installation of manufactured 2569
housing, and manufactured housing foundations and support systems 2570
in ~~the~~ this state. By enacting this chapter, it is the intent of 2571
the general assembly to preempt municipal corporations and other 2572
political subdivisions from regulating and licensing manufactured 2573
2574

housing installers and regulating and inspecting the installation 2575
of manufactured housing and manufactured housing foundations and 2576
support systems. 2577

(B) ~~Except as provided in division (A)(3) of section 3733.02~~ 2578
~~of the Revised Code, the~~ The manufactured homes commission has 2579
exclusive power to adopt rules of uniform application throughout 2580
the state governing installation of manufactured housing, the 2581
inspection of manufactured housing foundations and support 2582
systems, the inspection of the installation of manufactured 2583
housing, the training and licensing of manufactured housing 2584
installers, and the investigation of complaints concerning 2585
manufactured housing installers. 2586

(C) ~~Except as provided in division (A)(3) of section 3733.02~~ 2587
~~of the Revised Code, the~~ The rules the commission adopts pursuant 2588
to this chapter are the exclusive rules governing the installation 2589
of manufactured housing, the design, construction, and approval of 2590
foundations for manufactured housing, the licensure of 2591
manufactured home installers, and the fees charged for licensure 2592
of manufactured home installers. No political subdivision of the 2593
state or any department or agency of the state may establish any 2594
other standards governing the installation of manufactured 2595
housing, manufactured housing foundations and support systems, the 2596
licensure of manufactured housing installers, or fees charged for 2597
the licensure of manufactured housing installers. 2598

(D) Nothing in this section limits the authority of the 2599
attorney general to enforce Chapter 1345. of the Revised Code or 2600
to take any action permitted by the Revised Code against 2601
manufactured housing installers, retailers, or manufacturers. 2602

Sec. 4781.15. The remedies in ~~sections 4781.01 to 4781.14 of~~ 2603
~~the Revised Code~~ this chapter are in addition to remedies 2604

otherwise available for the same conduct under state or local law. 2605

Sec. ~~3733.02~~ 4781.26. (A)~~(1)~~ The ~~public health council~~ 2606
manufactured homes commission, subject to Chapter 119. of the 2607
Revised Code, shall adopt, and has the exclusive power to adopt, 2608
rules of uniform application throughout the state governing the 2609
review of plans, issuance of flood plain management permits, and 2610
issuance of licenses for manufactured home parks; the location, 2611
layout, density, construction, drainage, sanitation, safety, and 2612
operation of those parks; and notices of flood events concerning, 2613
and flood protection at, those parks. The rules pertaining to 2614
flood plain management shall be consistent with and not less 2615
stringent than the flood plain management criteria of the national 2616
flood insurance program adopted under the "National Flood 2617
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as 2618
amended. The rules shall not apply to the construction, erection, 2619
or manufacture of any building to which section 3781.06 of the 2620
Revised Code is applicable. 2621

~~(2)~~(B) The rules pertaining to manufactured home parks 2622
constructed after June 30, 1971, shall specify that each home must 2623
be placed on its lot to provide not less than fifteen feet between 2624
the side of one home and the side of another home, ten feet 2625
between the end of one home and the side of another home, and five 2626
feet between the ends of two homes placed end to end. 2627

~~(3)~~(C) The manufactured homes commission shall determine 2628
compliance with the installation, blocking, tiedown, foundation, 2629
and base support system standards for manufactured housing located 2630
in manufactured home parks adopted by the commission pursuant to 2631
section 4781.04 of the Revised Code. All inspections of the 2632
installation, blocking, tiedown, foundation, and base support 2633
systems of manufactured housing in a manufactured home park that 2634
the ~~department of health or a licenser~~ commission conducts shall 2635

be conducted by a person ~~who has completed an installation~~ 2636
~~training course approved by~~ the manufactured homes commission 2637
certifies pursuant to ~~division (B)(12) of~~ section ~~4781.04~~ 4781.07 2638
of the Revised Code. 2639

~~As used in division (A)(3) of this section, "manufactured~~ 2640
~~housing" has the same meaning as in section 4781.01 of the Revised~~ 2641
~~Code.~~ 2642

~~(B) The public health council, in accordance with Chapter~~ 2643
~~119. of the Revised Code, shall adopt rules of uniform application~~ 2644
~~throughout the state establishing requirements and procedures in~~ 2645
~~accordance with which the director of health may authorize~~ 2646
~~licensors for the purposes of sections 3733.022 and 3733.025 of~~ 2647
~~the Revised Code. The rules shall include at least provisions~~ 2648
~~under which a licensor may enter into contracts for the purpose of~~ 2649
~~fulfilling the licensor's responsibilities under either or both of~~ 2650
~~those sections.~~ 2651

Sec. ~~3733.03~~ 4781.27. (A)(1) On or after the first day of 2652
December, but before the first day of January of the next year, 2653
every person who intends to operate a manufactured home park shall 2654
procure a license to operate the park for the next year from the 2655
~~licensor~~ manufactured homes commission. If the applicable license 2656
fee prescribed under section ~~3733.04~~ 4781.28 of the Revised Code 2657
is not received by the ~~licensor~~ commission by the close of 2658
business on the last day of December, the applicant for the 2659
license shall pay a penalty equal to twenty-five per cent of the 2660
applicable license fee. The penalty shall accompany the license 2661
fee. If the last day of December is not a business day, the 2662
penalty attaches upon the close of business on the next business 2663
day. 2664

(2) No manufactured home park shall be maintained or operated 2665
in this state without a license. 2666

(3) No person who has received a license, upon the sale or disposition of the manufactured home park, may have the license transferred to the new operator. A person shall obtain a separate license to operate each manufactured home park.

(B) Before a license is initially issued and annually thereafter, or more often if necessary, the ~~licensor~~ commission shall cause each manufactured home park to be inspected ~~relative~~ to ~~for~~ compliance with sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 4781.35 of the Revised Code and the rules adopted under those sections. A record shall be made of each inspection on a form prescribed by the ~~director of health~~ commission.

(C) Each person applying for an initial license to operate a manufactured home park shall provide acceptable proof to the ~~director~~ commission that adequate fire protection will be provided and that applicable fire codes will be adhered to in the construction and operation of the park.

(D) The commission shall not renew a license to operate a manufactured home park unless the licensee has completed an average of at least eight hours of continuing education courses per year since the prior renewal or, if an initial license is being renewed, since the issuance of that license. The commission shall not accept any course in fulfillment of this requirement unless the manufactured homes commission has approved that course for credit under section 4781.10 of the Revised Code.

Sec. ~~3733.04~~ 4781.28. The ~~licensor of a manufactured home park~~ manufactured homes commission may charge a fee for an annual license to operate ~~such a~~ manufactured home park. The fee for a license shall be determined in accordance with section ~~3709.09~~ 4781.26 of the Revised Code and shall include the cost of licensing and all inspections.

~~The fee also shall include any additional amount determined~~

~~by rule of the public health council, which shall be collected and~~ 2698
~~transmitted by the board of health to the director of health~~ 2699
~~pursuant to section 3709.092 of the Revised Code and used only for~~ 2700
~~the purpose of administering and enforcing sections 3733.01 to~~ 2701
~~3733.08 of the Revised Code and the rules adopted under those~~ 2702
~~sections. The portion of any fee retained by the board of health~~ 2703
Any fees collected shall be paid into a special fund transmitted 2704
to the treasurer of state and shall be credited to the 2705
manufactured homes commission regulatory fund created in section 2706
4781.54 of the Revised Code and used only for the purpose of 2707
~~administering and enforcing sections 3733.01 4781.26 to 3733.08~~ 2708
4781.35 of the Revised Code and the rules adopted thereunder. 2709

Sec. ~~3733.05~~ 4781.29. ~~The licenser of the health district in~~ 2710
~~which a manufactured home park is or is to be located, in~~ 2711
~~accordance with Chapter 119. of the Revised Code, manufactured~~ 2712
homes commission may refuse to grant, may suspend, or may revoke 2713
any license granted to any person for failure to comply with 2714
sections ~~3733.01 4781.26 to 3733.08~~ 4781.35 of the Revised Code or 2715
with any rule adopted ~~by the public health council~~ under section 2716
~~3733.02~~ 4781.26 of the Revised Code. 2717

Sec. ~~3733.06~~ 4781.30. (A) Upon a license being issued under 2718
sections ~~3733.03 4781.27 to 3733.05~~ 4781.29 of the Revised Code, 2719
any operator shall have the right to rent or use each lot for the 2720
parking or placement of a manufactured home or mobile home to be 2721
used for human habitation without interruption for any period 2722
coextensive with any license or consecutive licenses issued under 2723
sections ~~3733.03 4781.27 to 3733.05~~ 4781.29 of the Revised Code. 2724

(B) No operator of a manufactured home park shall sell 2725
individual lots in a park for eight years following the issuance 2726
of the initial license for the park unless, at the time of sale, 2727
the park fulfills all platting and subdivision requirements 2728

established by the political subdivision in which the park is 2729
located, or the political subdivision has entered into an 2730
agreement with the operator regarding platting and subdivision 2731
requirements and the operator has fulfilled the terms of that 2732
agreement. 2733

Sec. ~~3733.021~~ 4781.31. (A) No person shall cause development 2734
to occur within any portion of a manufactured home park until the 2735
plans for the development have been submitted to and reviewed and 2736
approved by the ~~director of health~~ manufactured homes commission. 2737
This division does not require that plans be submitted to the 2738
~~director~~ commission for approval for the replacement of 2739
manufactured or mobile homes on previously approved lots in a 2740
manufactured home park when no development is to occur in 2741
connection with the replacement. Within thirty days after receipt 2742
of the plans, all supporting documents and materials required to 2743
complete the review, and the applicable plan review fee 2744
established under division (D) of this section, the ~~director~~ 2745
commission shall approve or disapprove the plans. 2746

(B) Any person aggrieved by the ~~director's~~ commission's 2747
disapproval of a set of plans under division (A) of this section 2748
may request a hearing on the matter within thirty days after 2749
receipt of the ~~director's~~ commission's notice of the disapproval. 2750
The hearing shall be held in accordance with Chapter 119. of the 2751
Revised Code. Thereafter, the disapproval may be appealed in the 2752
manner provided in section 119.12 of the Revised Code. 2753

(C) The ~~director~~ commission shall establish a system by which 2754
development occurring within a manufactured home park is inspected 2755
or verified in accordance with rules adopted under ~~division (A) of~~ 2756
section ~~3733.02~~ 4781.26 of the Revised Code to ensure that the 2757
development complies with the plans approved under division (A) of 2758
this section. 2759

(D) The ~~public health council~~ commission shall establish fees 2760
for reviewing plans under division (A) of this section and 2761
conducting inspections under division (C) of this section. 2762

(E) The ~~director~~ commission shall charge the appropriate fees 2763
established under division (D) of this section for reviewing plans 2764
under division (A) of this section and conducting inspections 2765
under division (C) of this section. All such plan review and 2766
inspection fees received by the ~~director~~ commission shall be 2767
transmitted to the treasurer of state and shall be credited to the 2768
~~general operations~~ occupational licensing and regulatory fund 2769
created in section ~~3701.83~~ 4743.05 of the Revised Code. Moneys so 2770
credited to the fund shall be used only for the purpose of 2771
administering and enforcing sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 2772
4781.35 of the Revised Code and rules adopted under those 2773
sections. 2774

(F) Plan approvals issued under this section do not 2775
constitute an exemption from the land use and building 2776
requirements of the political subdivision in which the 2777
manufactured home park is or is to be located. 2778

Sec. ~~3733.022~~ 4781.32. (A) No person shall cause development 2779
to occur or cause the replacement of a mobile or manufactured home 2780
within any portion of a manufactured home park that is located 2781
within a one-hundred-year flood plain unless the person first 2782
obtains a permit from the ~~director of health or a licenser~~ 2783
~~authorized by the director~~ manufactured homes commission. If the 2784
development for which a permit is required under this division is 2785
to occur on a lot where a mobile or manufactured home is or is to 2786
be located, the owner of the home and the operator of the 2787
manufactured home park shall jointly obtain the permit. Each of 2788
the persons to whom a permit is jointly issued is responsible for 2789
compliance with the provisions of the approved permit that are 2790

applicable to that person. 2791

The ~~director or a licensor authorized by the director~~ 2792
commission shall disapprove an application for a permit required 2793
under this division unless the ~~director or the licensor~~ commission 2794
finds that the proposed development or replacement of a mobile or 2795
manufactured home complies with the rules adopted under ~~division~~ 2796
~~(A) of section 3733.02~~ 4781.26 of the Revised Code. No permit is 2797
required under this division for the construction, erection, or 2798
manufacture of any building to which section 3781.06 of the 2799
Revised Code applies. 2800

The ~~director or a licensor authorized by the director~~ 2801
commission may suspend or revoke a permit issued under this 2802
division for failure to comply with the rules adopted under 2803
~~division (A) of section 3733.02~~ 4781.26 of the Revised Code 2804
pertaining to flood plain management or for failure to comply with 2805
the approved permit. 2806

Any person aggrieved by the disapproval, suspension, or 2807
revocation of a permit under this division by the ~~director or by a~~ 2808
~~licensor authorized by the director~~ commission may request a 2809
hearing on the matter within thirty days after receipt of the 2810
notice of the disapproval, suspension, or revocation. The hearing 2811
shall be held in accordance with Chapter 119. of the Revised Code. 2812
Thereafter, an appeal of the disapproval, suspension, or 2813
revocation may be taken in the manner provided in section 119.12 2814
of the Revised Code. 2815

(B) The ~~public health council~~ commission shall establish fees 2816
for the issuance of permits under division (A) of this section and 2817
for necessary inspections conducted to determine compliance with 2818
those permits. 2819

(C) The ~~director or a licensor authorized by the director~~ 2820
commission shall charge the appropriate fee established under 2821

division (B) of this section for the issuance of a permit under 2822
division (A) of this section or for conducting any necessary 2823
inspection to determine compliance with the permit. If the 2824
~~director~~ commission issues such a permit or conducts such an 2825
inspection, the fee for the permit or inspection shall be 2826
transmitted to the treasurer of state and shall be credited to the 2827
~~general operations~~ occupational licensing and regulatory fund 2828
created in section ~~3701.83~~ 4743.05 of the Revised Code. Moneys so 2829
credited to the fund shall be used ~~by the director~~ only for the 2830
purpose of administering and enforcing sections ~~3733.01~~ 4781.26 to 2831
~~3733.08~~ 4781.35 of the Revised Code and rules adopted under those 2832
sections. ~~If the licensor is a board of health, the permit or~~ 2833
~~inspection fee shall be deposited to the credit of the special~~ 2834
~~fund of the health district created in section 3733.04 of the~~ 2835
~~Revised Code and shall be used only for the purpose set forth in~~ 2836
~~that section.~~ 2837

Sec. ~~3733.024~~ 4781.33. (A) When a flood event affects a 2838
manufactured home park, the operator of the manufactured home 2839
park, in accordance with rules adopted under ~~division (A) of~~ 2840
section ~~3733.02~~ 4781.26 of the Revised Code, shall notify the 2841
~~licensor having jurisdiction of the occurrence of~~ manufactured 2842
homes commission and the board of health having jurisdiction where 2843
the flood event occurred within forty-eight hours after the end of 2844
the flood event. The commission, after receiving notification, 2845
shall immediately notify the board of health. 2846

~~No person shall fail to comply with this division.~~ 2847

~~(B) The licensor having jurisdiction where a flood event~~ 2848
~~occurred that affected a manufactured home park shall notify the~~ 2849
~~director of health of the occurrence of the flood event within~~ 2850
~~twenty four hours after being notified of the flood event under~~ 2851
~~division (A) of this section. Within forty eight hours after~~ After 2852

being notified of such a flood event ~~by a licenser~~, the ~~director~~ 2853
board of health shall cause an inspection to be made of the 2854
manufactured home park named in the notice. 2855

Sec. ~~3733.025~~ 4781.34. (A) If a mobile or manufactured home 2856
that is located in a flood plain is substantially damaged, the 2857
owner of the home shall make all alterations, repairs, or changes 2858
to the home, and the operator of the manufactured home park shall 2859
make all alterations, repairs, or changes to the lot on which the 2860
home is located, that are necessary to ensure compliance with the 2861
flood plain management rules adopted under ~~division (A) of~~ section 2862
~~3733.02~~ 4781.26 of the Revised Code. Such alterations, repairs, or 2863
changes may include, without limitation, removal of the home or 2864
other structures. 2865

No person shall fail to comply with this division. 2866

(B) No person shall cause to be performed any alteration, 2867
repair, or change required by division (A) of this section unless 2868
the person first obtains a permit from the ~~director of health or a~~ 2869
~~licenser authorized by the director~~ manufactured homes commission. 2870
~~The owner of the home and the operator of the manufactured home~~ 2871
~~park shall jointly obtain the permit required by this division.~~ 2872
~~Each of the persons to whom a permit is jointly issued is~~ 2873
~~responsible for compliance with the provisions of the approved~~ 2874
~~permit that are applicable to that person.~~ 2875

~~The director or a licenser authorized by the director~~ 2876
commission shall disapprove an application for a permit required 2877
under this division unless the ~~director or the licenser~~ commission 2878
finds that the proposed alteration, repair, or change complies 2879
with the rules adopted under ~~division (A) of~~ section ~~3733.02~~ 2880
4781.26 of the Revised Code. No permit is required under this 2881
division for the construction, erection, or manufacture of any 2882
building to which section 3781.06 of the Revised Code applies. 2883

The ~~director or a licenser authorized by the director~~ commission may suspend or revoke a permit issued under this division for failure to comply with the rules adopted under ~~division (A) of section 3733.02~~ 4781.26 of the Revised Code pertaining to flood plain management or for failure to comply with the approved permit.

Any person aggrieved by the disapproval, suspension, or revocation of a permit under this division by the ~~director or by a licenser authorized by the director~~ commission may request a hearing on the matter within thirty days after receipt of the notice of the disapproval, suspension, or revocation. The hearing shall be held in accordance with Chapter 119. of the Revised Code. Thereafter, an appeal of the disapproval, suspension, or revocation may be taken in the manner provided in section 119.12 of the Revised Code and for necessary inspections conducted to determine compliance with those permits.

(C) The ~~public health council~~ commission shall establish fees for the issuance of permits under division (B) of this section and for necessary inspections conducted to determine compliance with those permits.

(D) The ~~director or a licenser authorized by the director~~ commission shall charge the appropriate fee established under division (C) of this section for the issuance of a permit under division (B) of this section or for conducting any necessary inspection to determine compliance with the permit. If the ~~director~~ commission issues such a permit or conducts such an inspection, the fee for the permit or inspection shall be transmitted to the treasurer of state and shall be credited to the ~~general operations~~ occupational licensing and regulatory fund created in section ~~3701.83~~ 4743.05 of the Revised Code. Moneys so credited to the fund shall be used ~~by the director~~ only for the purpose of administering and enforcing sections ~~3733.01~~ 4781.26 to

~~3733.08 4781.35~~ of the Revised Code and rules adopted under those 2916
sections. ~~If the licenser is a board of health, the permit or~~ 2917
~~inspection fee shall be deposited to the credit of the special~~ 2918
~~fund of the health district created in section 3733.04 of the~~ 2919
~~Revised Code and shall be used only for the purpose set forth in~~ 2920
~~that section.~~ 2921

Sec. ~~3733.08~~ 4781.35. (A) No person shall violate sections 2922
~~3733.01 4781.26~~ to ~~3733.08 4781.35~~ of the Revised Code or the 2923
rules adopted thereunder. 2924

(B) The prosecuting attorney of the county, the city director 2925
of law, or the attorney general, upon complaint of the ~~licenser or~~ 2926
~~the director of health~~ manufactured homes commission, shall 2927
prosecute to termination or bring an action for injunction against 2928
any person violating sections ~~3733.01 4781.26~~ to ~~3733.08 4781.35~~ 2929
of the Revised Code or the rules adopted thereunder. 2930

Sec. ~~3733.09~~ 4781.36. (A) Subject to section ~~3733.091 4781.37~~ 2931
of the Revised Code, a park operator shall not retaliate against a 2932
resident by increasing the resident's rent, decreasing services 2933
that are due to the resident, refusing to renew or threatening to 2934
refuse to renew the rental agreement with the resident, or 2935
bringing or threatening to bring an action for possession of the 2936
resident's premises because: 2937

(1) The resident has complained to an appropriate 2938
governmental agency of a violation of a building, housing, health, 2939
or safety code that is applicable to the premises, and the 2940
violation materially affects health and safety; 2941

(2) The resident has complained to the park operator of any 2942
violation of section ~~3733.10 4781.38~~ of the Revised Code; 2943

(3) The resident joined with other residents for the purpose 2944
of negotiating or dealing collectively with the park operator on 2945

any of the terms and conditions of a rental agreement. 2946

(B) If a park operator acts in violation of division (A) of 2947
this section, the resident may: 2948

(1) Use the retaliatory action of the park operator as a 2949
defense to an action by the park operator to recover possession of 2950
the premises; 2951

(2) Recover possession of the premises; 2952

(3) Terminate the rental agreement. 2953

In addition, the resident may recover from the park operator 2954
any actual damages together with reasonable attorneys fees. 2955

(C) Nothing in division (A) of this section prohibits a park 2956
operator from increasing the rent to reflect the cost of 2957
improvements installed by the park operator in or about the 2958
premises or to reflect an increase in other costs of operation of 2959
the premises. 2960

Sec. ~~3733.091~~ 4781.37. (A) Notwithstanding section ~~3733.09~~ 2961
~~4781.36~~ of the Revised Code, a park operator may bring an action 2962
under Chapter 1923. of the Revised Code for possession of the 2963
premises if any of the following applies: 2964

(1) The resident is in default in the payment of rent. 2965

(2) The violation of the applicable building, housing, 2966
health, or safety code that the resident complained of was 2967
primarily caused by any act or lack of reasonable care by the 2968
resident, by any other person in the resident's household, or by 2969
anyone on the premises with the consent of the resident. 2970

(3) The resident is holding over the resident's term. 2971

(4) The resident is in violation of rules of the ~~public~~ 2972
~~health council~~ manufactured homes commission adopted pursuant to 2973
section ~~3733.02~~ 4781.26 of the Revised Code or rules of the 2974

manufactured home park adopted pursuant to the rules of the ~~public~~ 2975
~~health council~~ manufactured homes commission. 2976

(5) The resident has been absent from the manufactured home 2977
park for a period of thirty consecutive days prior to the 2978
commencement of the action, and the resident's manufactured home, 2979
mobile home, or recreational vehicle parked in the manufactured 2980
home park has been left unoccupied for that thirty-day period, 2981
without notice to the park operator and without payment of rent 2982
due under the rental agreement. 2983

(B) The maintenance of an action by the park operator under 2984
this section does not prevent the resident from recovering damages 2985
for any violation by the park operator of the rental agreement or 2986
of section ~~3733.10~~ 4781.38 of the Revised Code. 2987

Sec. ~~3733.10~~ 4781.38. (A) A park operator who is a party to a 2988
rental agreement shall: 2989

(1) Comply with the requirements of all applicable building, 2990
housing, health, and safety codes which materially affect health 2991
and safety, and comply with rules of the ~~public health council~~ 2992
manufactured homes commission; 2993

(2) Make all repairs and do whatever is reasonably necessary 2994
to put and keep the premises in a fit and habitable condition; 2995

(3) Keep all common areas of the premises in a safe and 2996
sanitary condition; 2997

(4) Maintain in good and safe working order and condition all 2998
electrical and plumbing fixtures and appliances, and septic 2999
systems, sanitary and storm sewers, refuse receptacles, and well 3000
and water systems that are supplied or required to be supplied by 3001
~~him~~ the park operator; 3002

(5) Not abuse the right of access conferred by division (B) 3003
of section ~~3733.101~~ 4781.39 of the Revised Code; 3004

(6) Except in the case of emergency or if it is impracticable to do so, give the resident reasonable notice of ~~his~~ the park operator's intent to enter onto the residential premises and enter only at reasonable times. Twenty-four hours' notice shall be presumed to be a reasonable notice in the absence of evidence to the contrary.

(B) If the park operator violates any provision of this section, makes a lawful entry onto the residential premises in an unreasonable manner, or makes repeated demands for entry otherwise lawful which demands have the effect of harassing the resident, the resident may recover actual damages resulting from the violation, entry, or demands and injunctive relief to prevent the recurrence of the conduct, and if ~~he~~ the resident obtains a judgment, reasonable attorneys' fees, or terminate the rental agreement.

Sec. ~~3733.101~~ 4781.39. (A) A resident who is a party to a rental agreement shall:

(1) Keep that part of the premises that the resident occupies and uses safe and sanitary;

(2) Dispose of all rubbish, garbage, and other waste in a clean, safe, and sanitary manner;

(3) Comply with the requirements imposed on residents by all applicable state and local housing, health, and safety codes, rules of the ~~public health council~~ manufactured homes commission, and rules of the manufactured home park;

(4) Personally refrain, and forbid any other person who is on the premises with the resident's permission, from intentionally or negligently destroying, defacing, damaging, or removing any fixture, appliance, or other part of the residential premises;

(5) Conduct self and require other persons on the premises

with the resident's consent to conduct themselves in a manner that 3035
will not disturb the resident's neighbors' peaceful enjoyment of 3036
the manufactured home park. 3037

(B) The resident shall not unreasonably withhold consent for 3038
the park operator to enter the home to inspect utility 3039
connections, or enter onto the premises in order to inspect the 3040
premises, make ordinary, necessary, or agreed repairs, 3041
decorations, alterations, or improvements, deliver parcels which 3042
are too large for the resident's mail facilities, or supply 3043
necessary or agreed services. 3044

(C) If the resident violates any provision of this section, 3045
the park operator may recover any actual damages which result from 3046
the violation and reasonable attorneys' fees. This remedy is in 3047
addition to any right of the park operator to terminate the rental 3048
agreement, to maintain an action for the possession of the 3049
premises, or injunctive relief to compel access under division (B) 3050
of this section. 3051

Sec. ~~3733.12~~ 4781.41. (A) If a park operator fails to fulfill 3052
any obligation imposed upon ~~him~~ the park operator by section 3053
~~3733.10~~ 4781.38 of the Revised Code or by the rental agreement, or 3054
the conditions of the premises are such that the resident 3055
reasonably believes that a park operator has failed to fulfill any 3056
such obligations, or a governmental agency has found that the 3057
premises are not in compliance with building, housing, health, or 3058
safety codes which apply to any condition of the residential 3059
premises that could materially affect the health and safety of an 3060
occupant, the resident may give notice in writing to the park 3061
operator specifying the acts, omissions, or code violations that 3062
constitute noncompliance with such provisions. The notice shall be 3063
sent to the person or place where rent is normally paid. 3064
3065

(B) If a park operator receives the notice described in 3066
division (A) of this section and after receipt of the notice fails 3067
to remedy the condition within a reasonable time, considering the 3068
severity of the condition and the time necessary to remedy such 3069
condition, or within thirty days, whichever is sooner, and if the 3070
resident is current in rent payments due under the rental 3071
agreement, the resident may do one of the following: 3072

(1) Deposit all rent that is due and thereafter becomes due 3073
the park operator with the clerk of court of the municipal or 3074
county court having jurisdiction in the territory in which the 3075
residential premises are located; 3076

(2) Apply to the court for an order directing the park 3077
operator to remedy the condition. As part thereof, the resident 3078
may deposit rent pursuant to division (B)(1) of this section, and 3079
may apply for an order reducing the periodic rent due the park 3080
operator until such time as the park operator does remedy the 3081
condition, and may apply for an order to use the rent deposited to 3082
remedy the condition. In any order issued pursuant to this 3083
division, the court may require the resident to deposit rent with 3084
the clerk of court as provided in division (B)(1) of this section. 3085

Sec. ~~3733.121~~ 4781.42. (A) Whenever a resident deposits rent 3086
with the clerk of a court as provided in section ~~3733.12~~ 4781.41 3087
of the Revised Code, the clerk shall give written notice of this 3088
fact to the park operator and to ~~his~~ the park operator's agent, if 3089
any. 3090

(B) The clerk shall place all rent deposited with ~~him~~ the 3091
clerk in a separate rent escrow account in the name of the clerk 3092
in a bank or building and loan association domiciled in this 3093
state. 3094

(C) The clerk shall keep in a separate docket an account of 3095
each deposit, with the name and address of the resident, and the 3096

name and address of the park operator and of ~~his~~ the park
operator's agent, if any. 3097
3098

(D) For ~~his~~ the clerk's costs, the clerk may charge a fee of 3099
one per cent of the amount of the rent deposited, which shall be 3100
assessed as court costs. 3101

(E) All interest that has accrued on the rent deposited by 3102
the clerk of a county court under division (B) of this section 3103
shall be paid into the treasury of the political subdivision for 3104
which the clerk performs ~~his~~ the clerk's duties. All interest that 3105
has accrued on the rent deposited by the clerk of a municipal 3106
court under division (B) of this section shall be paid into the 3107
city treasury as defined in division (B) of section 1901.03 of the 3108
Revised Code. 3109

Sec. ~~3733.122~~ 4781.43. (A) A park operator who receives 3110
notice that rent due ~~him~~ the park operator has been deposited with 3111
a clerk of court pursuant to section ~~3733.12~~ 4781.41 of the 3112
Revised Code, may: 3113

(1) Apply to the clerk of court for release of the rent on 3114
the ground that the condition contained in the notice given 3115
pursuant to division (A) of section ~~3733.12~~ 4781.41 of the Revised 3116
Code has been remedied. The clerk shall forthwith release the 3117
rent, less costs, to the park operator if the resident gives 3118
written notice to the clerk that the condition has been remedied. 3119

(2) Apply to the court for release of the rent on the grounds 3120
that the resident did not comply with the notice requirement of 3121
division (A) of section ~~3733.12~~ 4781.41 of the Revised Code, or 3122
that the resident was not current in rent payments due under the 3123
rental agreement at the time the resident initiated rent deposits 3124
with the clerk of courts under division (B)(1) of section ~~3733.12~~ 3125
4781.41 of the Revised Code; 3126

(3) Apply to the court for release of the rent on the grounds 3127
that there was no violation of any obligation imposed upon the 3128
park operator by section ~~3733.10~~ 4781.38 of the Revised Code or by 3129
the rental agreement, or by any building, housing, health, or 3130
safety code, or that the condition contained in the notice given 3131
pursuant to division (A) of section ~~3733.12~~ 4781.41 of the Revised 3132
Code has been remedied. 3133

(B) The resident shall be named as a party to any action 3134
filed by the park operator under this section, and shall have the 3135
right to file an answer and counterclaim, as in other civil cases. 3136
A trial shall be held within sixty days of the date of filing of 3137
the park operator's complaint, unless for good cause shown the 3138
court grants a continuance. 3139

(C) If the court finds that there was no violation of any 3140
obligation imposed upon the park operator by section ~~3733.10~~ 3141
4781.38 of the Revised Code or by the rental agreement, or by any 3142
building, housing, health, or safety code, or that the condition 3143
contained in the notice given pursuant to division (A) of section 3144
~~3733.12~~ 4781.41 of the Revised Code has been remedied, or that the 3145
resident did not comply with the notice requirement of division 3146
(A) of section ~~3733.12~~ 4781.41 of the Revised Code, or that the 3147
resident was not current in rent payments at the time the resident 3148
initiated rent deposits with the clerk of court under division 3149
(B)(1) of section ~~3733.12~~ 4781.41 of the Revised Code, the court 3150
shall order the release to the park operator of rent on deposit 3151
with the clerk, less costs. 3152

(D) If the court finds that the condition contained in the 3153
notice given pursuant to division (A) of section ~~3733.12~~ 4781.41 3154
of the Revised Code was the result of an act or omission of the 3155
resident, or that the resident intentionally acted in bad faith in 3156
proceeding under section ~~3733.12~~ 4781.41 of the Revised Code, the 3157
resident shall be liable for damages caused to the park operator, 3158

and for costs, together with reasonable attorneys' fees if the 3159
resident intentionally acted in bad faith. 3160

Sec. ~~3733.123~~ 4781.44. (A) If a park operator brings an 3161
action for the release of rent deposited with a clerk of court, 3162
the court may, during the pendency of the action, upon application 3163
of the park operator, release part of the rent on deposit for 3164
payment of the periodic interest on a mortgage on the premises, 3165
the periodic principal payments on a mortgage on the premises, the 3166
insurance premiums for the premises, real estate taxes on the 3167
premises, utility services, repairs, and other customary and usual 3168
costs of operating the premises. 3169

(B) In determining whether to release rent for the payments 3170
described in division (A) of this section, the court shall 3171
consider the amount of rent the park operator receives from other 3172
lots, the cost of operating these lots, and the costs which may be 3173
required to remedy the condition contained in the notice given 3174
pursuant to division (A) of section ~~3733.12~~ 4781.41 of the Revised 3175
Code. 3176

Sec. ~~3733.13~~ 4781.45. If a resident commits a material 3177
violation of the rules of the manufactured home park, of the 3178
~~public health council~~ manufactured homes commission, or of 3179
applicable state and local health and safety codes, the park 3180
operator may deliver a written notification of the violation to 3181
the resident. The notification shall contain all of the following: 3182

(A) A description of the violation; 3183

(B) A statement that the rental agreement will terminate upon 3184
a date specified in the written notice not less than thirty days 3185
after receipt of the notice unless the resident remedies the 3186
violation; 3187

(C) A statement that the violation was material and that if a 3188

second material violation of any park or ~~public health council~~ 3189
commission rule, or any health and safety code, occurs within six 3190
months after the date of this notice, the rental agreement will 3191
terminate immediately; 3192

(D) A statement that a defense available to termination of 3193
the rental agreement for two material violations of park or ~~public~~ 3194
~~health council~~ commission rules, or of health and safety codes, is 3195
that the park rule is unreasonable, or that the park or ~~public~~ 3196
~~health council~~ rule commission, or health or safety code, is not 3197
being enforced against other manufactured home park residents, or 3198
that the two violations were not willful and not committed in bad 3199
faith. 3200

If the resident remedies the condition described in the 3201
notice, whether by repair, the payment of damages, or otherwise, 3202
the rental agreement shall not terminate. The park operator may 3203
terminate the rental agreement immediately if the resident commits 3204
a second material violation of the park or ~~public health council~~ 3205
commission rules, or of applicable state and local health and 3206
safety codes, subject to the defense that the park rule is 3207
unreasonable, that the park or ~~public health council~~ commission 3208
rule, or health or safety code, is not being enforced against 3209
other manufactured home park residents, or that the two violations 3210
were not willful and not committed in bad faith. 3211

Sec. ~~3733.14~~ 4781.46. In any action under sections ~~3733.09~~ 3212
~~4781.36~~ to ~~3733.20~~ 4781.52 of the Revised Code, any party may 3213
recover damages for the breach of contract or the breach of any 3214
duty that is imposed by law. 3215

Sec. ~~3733.15~~ 4781.47. (A) No provision of sections ~~3733.09~~ 3216
~~4781.36~~ to ~~3733.20~~ 4781.52 of the Revised Code may be modified or 3217
waived by any oral or written agreement except as provided in 3218

division (F) of this section. 3219

(B) No warrant of attorney to confess judgment shall be 3220
recognized in any rental agreement or in any other agreement 3221
between a park operator and resident for the recovery of rent or 3222
damages to the residential premises. 3223

(C) No agreement to pay the park operator's or resident's 3224
attorney fees shall be recognized in any rental agreement for 3225
residential premises or in any other agreement between a park 3226
operator and resident. 3227

(D) No agreement by a resident to the exculpation or 3228
limitation of any liability of the park operator arising under law 3229
or to indemnify the park operator for that liability or its 3230
related costs shall be recognized in any rental agreement or in 3231
any other agreement between a park operator and resident. 3232

(E) A rental agreement, or the assignment, conveyance, trust 3233
deed, or security instrument of the park operator's interest in 3234
the rental agreement may not permit the receipt of rent free of 3235
the obligation to comply with section ~~3733.10~~ 4781.38 of the 3236
Revised Code. 3237

(F) The park operator may agree to assume responsibility for 3238
fulfilling any duty or obligation imposed on a resident by section 3239
~~3733.101~~ 4781.39 of the Revised Code. 3240

Sec. ~~3733.16~~ 4781.48. (A) If the court as a matter of law 3241
finds a rental agreement, or any clause of it, to have been 3242
unconscionable at the time it was made, it may refuse to enforce 3243
the rental agreement or it may enforce the remainder of the rental 3244
agreement without the unconscionable clause, or it may so limit 3245
the application of any unconscionable clause as to avoid any 3246
unconscionable result. 3247

(B) When it is claimed or appears to the court that the 3248

rental agreement, or any clause of it, may be unconscionable, the 3249
parties shall be afforded a reasonable opportunity to present 3250
evidence as to its setting, purpose, and effect to aid the court 3251
in making the determination. 3252

Sec. ~~3733.17~~ 4781.49. (A) No park operator of residential 3253
premises shall initiate any act, including termination of 3254
utilities or services, exclusion from the premises, or threat of 3255
any unlawful act, against a resident, or a resident whose right to 3256
possession has terminated, for the purpose of recovering 3257
possession of residential premises, other than as provided in 3258
Chapters 1923., ~~3733.~~ 4781., and 5303. of the Revised Code. 3259

(B) No park operator of residential premises shall seize the 3260
furnishings or possessions of a resident, or of a resident whose 3261
right to possession was terminated, for the purpose of recovering 3262
rent payments, other than in accordance with an order issued by a 3263
court of competent jurisdiction. 3264

(C) A park operator who violates this section is liable in a 3265
civil action for all damages caused to a resident, or to a 3266
resident whose right to possession has terminated, together with 3267
reasonable attorneys' fees. 3268

Sec. ~~3733.18~~ 4781.50. (A) Any security deposit in excess of 3269
fifty dollars or one month's periodic rent, whichever is greater, 3270
shall bear interest on the excess at the rate of five per cent per 3271
annum if the resident remains in possession of the premises for 3272
six months or more, and shall be computed and paid annually by the 3273
park operator to the resident. 3274

(B) Upon termination of the rental agreement any property or 3275
money held by the park operator as a security deposit may be 3276
applied to the payment of past due rent and to the payment of the 3277
amount of damages that the park operator has suffered by reason of 3278

the resident's noncompliance with section ~~3733.101~~ 4781.39 of the Revised Code or the rental agreement. Any deduction from the security deposit shall be itemized and identified by the park operator in a written notice delivered to the resident together with the amount due, within thirty days after termination of the rental agreement and delivery of possession. The resident shall provide the park operator in writing with a forwarding address or new address to which the written notice and amount due from the park operator may be sent. If the resident fails to provide the park operator with the forwarding or new address as required, the resident shall not be entitled to damages or attorneys' fees under division (C) of this section.

(C) If the park operator fails to comply with division (B) of this section, the resident may recover the property and money due ~~him~~ the resident, together with damages in an amount equal to the amount wrongfully withheld, and reasonable attorneys' fees.

Sec. ~~3733.19~~ 4781.51. (A) Every written rental agreement for residential premises shall contain the name and address of the owner of the residential premises and the name and address of the owner's agent, if any. If the owner or the owner's agent is a corporation, partnership, limited partnership, association, trust, or other entity, the address shall be the principal place of business in the county in which the residential premises are situated or if there is no place of business in such county then its principal place of business in this state, and shall include the name of the person in charge thereof.

(B) If the rental agreement is oral, the park operator, at the commencement of the term of occupancy, shall deliver to the resident a written notice containing the information required in division (A) of this section.

(C) If the park operator fails to provide the notice of the

name and address of the owner and owner's agent, if any, as 3310
required under division (A) or (B) of this section, the notices to 3311
the park operator required under division (A) of sections ~~3733.12~~ 3312
4781.41 and ~~3733.121~~ 4781.42 of the Revised Code are waived by the 3313
park operator and the operator's agent. 3314

(D) Every written rental agreement for residential premises 3315
shall contain the following notice in ten-point boldface type: 3316

"YOUR RIGHTS AS A RESIDENT AND YOUR MANUFACTURED HOME PARK 3317
OPERATOR'S RIGHTS ARE PROTECTED BY SECTIONS ~~3733.09~~ 4781.36 TO 3318
~~3733.20~~ 4781.52 OF THE REVISED CODE, WHICH REGULATE RENTAL 3319
AGREEMENTS IN MANUFACTURED HOME PARKS." 3320

If the rental agreement is oral, the park operator, at the 3321
commencement of the term of occupancy, shall deliver the notice to 3322
the resident in writing. 3323

Sec. ~~3733.20~~ 4781.52. No municipal corporation may adopt or 3324
continue in existence any ordinance and no township may adopt or 3325
continue in existence any resolution that is in conflict with 3326
sections ~~3733.09~~ 4781.36 to ~~3733.20~~ 4781.52 of the Revised Code, 3327
or that regulates those rights and obligations of parties to a 3328
rental agreement that are regulated by sections ~~3733.09~~ 4781.36 to 3329
~~3733.20~~ 4781.52 of the Revised Code. Sections ~~3733.09~~ 4781.36 to 3330
~~3733.20~~ 4781.52 of the Revised Code do not preempt any housing, 3331
building, health, or safety codes of any municipal corporation or 3332
township. 3333

Sec. 4781.54. There is hereby created in the state treasury 3334
the manufactured homes commission regulatory fund. The fund shall 3335
consist of fees paid under section 4781.28 of the Revised Code and 3336
shall be used for the purposes described in that section. 3337

Sec. 4781.60. (A) The manufactured homes commission shall 3338

develop a list comprised of organizations that have an interest in 3339
the sale or purchase of parks and persons that assist in the 3340
financing of manufactured home parks. The list shall include the 3341
Ohio manufactured homes association, the association of 3342
manufactured home residents of Ohio, and any other entity that the 3343
commission identifies as appropriate for inclusion on that list or 3344
that requests inclusion on that list. The commission shall contact 3345
persons on that list when a manufactured home park is offered for 3346
sale, and at any other time at the commission's discretion. 3347

(B) The commission shall adopt rules that establish 3348
relocation expenses that a manufactured home park operator shall 3349
provide to an owner when a manufactured home park is converted or 3350
sold for a use other than as a manufactured home park. The rules 3351
shall specify that the amount of reimbursement shall be the 3352
greater of the actual cost of relocating a home or three thousand 3353
dollars to the owner of a single-wide manufactured or mobile home 3354
or five thousand dollars to the owner of a double-wide or larger 3355
manufactured or mobile home. 3356

Sec. 4781.99. (A) Whoever violates division (A) of section 3357
4781.16 of the Revised Code is guilty of a minor misdemeanor on a 3358
first offense and shall be subject to a mandatory fine of one 3359
hundred dollars. On a second offense, the person is guilty of a 3360
misdemeanor of the first degree and shall be subject to a 3361
mandatory fine of one thousand dollars. 3362

(B) Whoever violates section 4781.20 of the Revised Code is 3363
guilty of a minor misdemeanor. 3364

(C) Whoever violates any of the following is guilty of a 3365
misdemeanor of the fourth degree: 3366

(1) Division (B) or (C) of section 4781.16 of the Revised 3367
Code; 3368

(2) Section 4781.22 of the Revised Code;	3369
(3) Section 4781.23 of the Revised Code;	3370
(4) Division (A) of section 4781.24 of the Revised Code;	3371
(5) Section 4781.25 of the Revised Code;	3372
<u>(6) Division (A) of section 4781.35 of the Revised Code.</u>	3373
Sec. 4905.90. As used in sections 4905.90 to 4905.96 of the Revised Code:	3374
	3375
(A) "Contiguous property" includes, but is not limited to, a manufactured home park as defined in section 3733.01 <u>4781.01</u> of the Revised Code; a public or publicly subsidized housing project; an apartment complex; a condominium complex; a college or university; an office complex; a shopping center; a hotel; an industrial park; and a race track.	3376
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	3381
(B) "Gas" means natural gas, flammable gas, or gas which is toxic or corrosive.	3382
	3383
(C) "Gathering lines" and the "gathering of gas" have the same meaning as in the Natural Gas Pipeline Safety Act and the rules adopted by the United States department of transportation pursuant to the Natural Gas Pipeline Safety Act, including 49 C.F.R. part 192, as amended.	3384
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(D) "Intrastate pipe-line transportation" has the same meaning as in 82 Stat. 720 (1968), 49 U.S.C.A. App. 1671, as amended, but excludes the gathering of gas exempted by the Natural Gas Pipeline Safety Act.	3389
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	3391
	3392
(E) "Master-meter system" means a pipe-line system that distributes gas within a contiguous property for which the system operator purchases gas for resale to consumers, including tenants. Such pipe-line system supplies consumers who purchase the gas directly through a meter, or by paying rent, or by other means.	3393
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The term includes a master-meter system as defined in 49 C.F.R. 3398
191.3, as amended. The term excludes a pipeline within a 3399
manufactured home, mobile home, or a building. 3400

(F) "Natural Gas Pipeline Safety Act" means the "Natural Gas 3401
Pipeline Safety Act of 1968," 82 Stat. 720, 49 U.S.C.A. App. 1671 3402
et seq., as amended. 3403

(G) "Operator" means any of the following: 3404

(1) A gas company or natural gas company as defined in 3405
section 4905.03 of the Revised Code, except that division (A)(6) 3406
of that section does not authorize the public utilities commission 3407
to relieve any producer of gas, as a gas company or natural gas 3408
company, of compliance with sections 4905.90 to 4905.96 of the 3409
Revised Code or the pipe-line safety code created under section 3410
4905.91 of the Revised Code; 3411

(2) A pipe-line company, as defined in section 4905.03 of the 3412
Revised Code, when engaged in the business of transporting gas by 3413
pipeline; 3414

(3) A public utility that is excepted from the definition of 3415
"public utility" under division (B) or (C) of section 4905.02 of 3416
the Revised Code, when engaged in supplying or transporting gas by 3417
pipeline within this state; 3418

(4) Any person that owns, operates, manages, controls, or 3419
leases any of the following: 3420

(a) Intrastate pipe-line transportation facilities within 3421
this state; 3422

(b) Gas gathering lines within this state which are not 3423
exempted by the Natural Gas Pipeline Safety Act; 3424

(c) A master-meter system within this state. 3425

"Operator" does not include an ultimate consumer who owns a 3426
service line, as defined in 49 C.F.R. 192.3, as amended, on the 3427

real property of that ultimate consumer. 3428

(H) "Operator of a master-meter system" means a person 3429
described under division (F)(4)(c) of this section. An operator of 3430
a master-meter system is not a public utility under section 3431
4905.02 or a gas or natural gas company under section 4905.03 of 3432
the Revised Code. 3433

(I) "Person" means: 3434

(1) In addition to those defined in division (C) of section 3435
1.59 of the Revised Code, a joint venture or a municipal 3436
corporation; 3437

(2) Any trustee, receiver, assignee, or personal 3438
representative of persons defined in division (H)(1) of this 3439
section. 3440

(J) "Safety audit" means the public utilities commission's 3441
audit of the premises, pipe-line facilities, and the records, 3442
maps, and other relevant documents of a master-meter system to 3443
determine the operator's compliance with sections 4905.90 to 3444
4905.96 of the Revised Code and the pipe-line safety code. 3445

(K) "Safety inspection" means any inspection, survey, or 3446
testing of a master-meter system which is authorized or required 3447
by sections 4905.90 to 4905.96 of the Revised Code and the 3448
pipe-line safety code. The term includes, but is not limited to, 3449
leak surveys, inspection of regulators and critical valves, and 3450
monitoring of cathodic protection systems, where applicable. 3451

(L) "Safety-related condition" means any safety-related 3452
condition defined in 49 C.F.R. 191.23, as amended. 3453

(M) "Total Mcfs of gas it supplied or delivered" means the 3454
sum of the following volumes of gas that an operator supplied or 3455
delivered, measured in units per one thousand cubic feet: 3456

(1) Residential sales; 3457

- (2) Commercial and industrial sales; 3458
- (3) Other sales to public authorities; 3459
- (4) Interdepartmental sales; 3460
- (5) Sales for resale; 3461
- (6) Transportation of gas. 3462

Sec. 6111.46. (A) The environmental protection agency shall 3463
exercise general supervision of the treatment and disposal of 3464
sewage and industrial wastes and the operation and maintenance of 3465
works or means installed for the collection, treatment, and 3466
disposal of sewage and industrial wastes. Such general supervision 3467
shall apply to all features of construction, operation, and 3468
maintenance of the works or means that do or may affect the proper 3469
treatment and disposal of sewage and industrial wastes. 3470

(B)(1) The agency shall investigate the works or means 3471
employed in the collection, treatment, and disposal of sewage and 3472
industrial wastes whenever considered necessary or whenever 3473
requested to do so by local health officials and may issue and 3474
enforce orders and shall adopt rules governing the operation and 3475
maintenance of the works or means of treatment and disposal of 3476
such sewage and industrial wastes. In adopting rules under this 3477
section, the agency shall establish standards governing the 3478
construction, operation, and maintenance of the works or means of 3479
collection, treatment, and disposal of sewage that is generated at 3480
recreational vehicle parks, recreation camps, combined park-camps, 3481
and temporary park-camps that are separate from such standards 3482
relative to manufactured home parks. 3483

(2) As used in division (B)(1) of this section: 3484

(a) "Manufactured home parks" has the same meaning as in 3485
section ~~3733.01~~ 4781.01 of the Revised Code. 3486

(b) "Recreational vehicle parks," "recreation camps," 3487

"combined park-camps," and "temporary park-camps" have the same 3488
meanings as in section 3729.01 of the Revised Code. 3489

(C) The agency may require the submission of records and data 3490
of construction, operation, and maintenance, including plans and 3491
descriptions of existing works or means of treatment and disposal 3492
of such sewage and industrial wastes. When the agency requires the 3493
submission of such records or information, the public officials or 3494
person, firm, or corporation having the works in charge shall 3495
comply promptly with that order. 3496

Section 2. That existing sections 1901.18, 1909.11, 1923.01, 3497
1923.02, 1923.061, 1923.15, 2305.01, 3701.83, 3709.085, 3709.09, 3498
3709.092, 3729.01, 3733.02, 3733.021, 3733.022, 3733.024, 3499
3733.025, 3733.03, 3733.04, 3733.05, 3733.06, 3733.08, 3733.09, 3500
3733.091, 3733.10, 3733.101, 3733.11, 3733.12, 3733.121, 3733.122, 3501
3733.123, 3733.13, 3733.14, 3733.15, 3733.16, 3733.17, 3733.18, 3502
3733.19, 3733.20, 3733.41, 3733.99, 3781.06, 4503.061, 4503.062, 3503
4517.01, 4517.04, 4517.09, 4517.10, 4517.12, 4517.13, 4517.14, 3504
4517.23, 4517.24, 4517.44, 4743.05, 4781.01, 4781.02, 4781.04, 3505
4781.07, 4781.10, 4781.14, 4781.15, 4781.99, 4905.90, and 6111.46, 3506
and sections 3733.01, 3733.031, 3733.07, and 4517.49 of the 3507
Revised Code are hereby repealed. 3508

Section 3. Except as provided in this section, Sections 1 and 3509
2 of this act shall take effect on July 1, 2011. 3510

(A) The amendment by Sections 1 and 2 of this act of sections 3511
3733.11, 4781.10, 4781.14, and 4781.15 of the Revised Code and the 3512
enactment by Section 1 of this act of sections 2323.05, 3733.111, 3513
4781.121, and 4781.60 of the Revised Code take effect on the 3514
ninety-first day after this act is filed with the Secretary of 3515
State. 3516

(B) The amendment by Sections 1 and 2 of this act of sections 3517

4517.01, 4517.04, 4517.09, 4517.10, 4517.12, 4517.13, 4517.14, 3518
4517.23, 4517.24, 4517.44, and 4781.02 of the Revised Code and the 3519
repeal by Section 2 of this act of section 4517.49 of the Revised 3520
Code take effect on the ninety-first day after this act is filed 3521
with the Secretary of State, or on July 1, 2010, whichever is 3522
later. 3523

Section 4. That sections 3733.11 and 4781.10 be amended and 3524
sections 3733.11 (4781.40) and 3733.111 (4781.53) of the Revised 3525
Code be amended for the purpose of adopting a new section number 3526
as indicated in parentheses, to read as follows: 3527

Sec. 4781.10. (A)(1) The manufactured homes commission may 3528
establish programs and requirements for continuing education for 3529
manufactured housing installers. The commission shall not require 3530
licensees to complete more than eight credit hours of continuing 3531
education during each license period. If the commission 3532
establishes a program of continuing education, it shall require 3533
that only courses that the commission preapproves be accepted for 3534
licensure credit, and unless an extension is granted pursuant to 3535
division (D) of this section, that all credit hours be 3536
successfully completed prior to the expiration of the installer's 3537
license. 3538

(2) The manufactured homes commission shall establish by rule 3539
programs of continuing education for manufactured home park 3540
operators and shall approve by rule any courses offered through 3541
those programs. The rules the commission adopts shall specify that 3542
the courses shall be developed by the Ohio manufactured homes 3543
association in consultation with the association of manufactured 3544
home residents of Ohio, or any other entity the commission 3545
designates by rule. The courses shall be designed to fulfill the 3546
license renewal requirements of section ~~3733.03~~ 4781.27 of the 3547
Revised Code of eight hours of continuing education and shall be 3548

presented by the Ohio manufactured homes association, or any other 3549
entity the commission designates by rule, as the course provider. 3550
Certified completion of the course shall fulfill the continuing 3551
education requirement of license renewal. 3552

(B) To provide the resources to administer continuing 3553
education programs, the commission may establish nonrefundable 3554
fees, including any of the following: 3555

(1) An application fee not to exceed one hundred fifty 3556
dollars charged to the sponsor of each proposed course; 3557

(2) A renewal fee not to exceed seventy-five dollars, charged 3558
to the sponsor of each course, for the annual renewal of course 3559
approval; 3560

(3) A course fee charged to the sponsor of each course 3561
offered, not to exceed five dollars per credit hour, for each 3562
person completing an approved course; 3563

(4) A student fee charged to licensees, not to exceed fifty 3564
dollars, for each course or activity a student submits to the 3565
commission for approval. 3566

(C) The commission may adopt reasonable rules not 3567
inconsistent with this chapter to carry out any continuing 3568
education program, including rules that govern the following: 3569

(1) The content and subject matter of continuing education 3570
courses; 3571

(2) The criteria, standards, and procedures for the approval 3572
of courses, course sponsors, and course instructors; 3573

(3) The methods of instruction; 3574

(4) The computation of course credit; 3575

(5) The ability to carry forward course credit from one year 3576
to another; 3577

(6) Conditions under which the commission may grant a waiver 3578
or variance from continuing education requirements on the basis of 3579
hardship or other reasons; 3580

(7) Procedures for compliance with the continuing education 3581
requirements and sanctions for noncompliance. 3582

(D) The commission shall not renew the license of any person 3583
who fails to satisfy any continuing education requirement that the 3584
commission establishes. The commission may, for good cause, grant 3585
an extension of time to comply with the continuing education 3586
requirements. Any installer who is granted an extension and 3587
completes the continuing education requirements within the time 3588
the commission establishes is deemed in compliance with the 3589
education requirements. The license of any person who is granted 3590
an extension shall remain in effect during the period of the 3591
extension. 3592

Sec. ~~3733.11~~ 4781.40. (A)(1) A manufactured home park 3593
operator shall offer each home owner a written rental agreement 3594
for a manufactured home park lot for a term of one year or more 3595
that contains terms essentially the same as any alternative 3596
month-to-month rental agreement offered to current and prospective 3597
tenants and owners. The park operator shall offer the minimum 3598
one-year rental agreement to the owner prior to installation of 3599
the home in the manufactured home park or, if the home is in the 3600
manufactured home park, prior to the expiration of the owner's 3601
existing rental agreement. 3602

(2) The park operator shall deliver the offer to the owner by 3603
certified mail, return receipt requested, or in person. If the 3604
park operator delivers the offer to the owner in person, the owner 3605
shall complete a return showing receipt of the offer. If the owner 3606
does not accept the offer, the park operator is discharged from 3607
any obligation to make any further such offers. If the owner 3608

accepts the offer, the park operator shall, at the expiration of 3609
each successive rental agreement, offer the owner another rental 3610
agreement, for a term that is mutually agreed upon, and that 3611
contains terms essentially the same as the alternative 3612
month-to-month agreement. The park operator shall deliver 3613
subsequent rental offers by ordinary mail or personal delivery. If 3614
the park operator sells the manufactured home park to another 3615
manufactured home park operator, the purchaser is bound by the 3616
rental agreements entered into by the purchaser's predecessor. 3617

(B) A park operator shall fully disclose in writing all fees, 3618
charges, assessments, including rental fees, and rules prior to a 3619
tenant or owner executing a rental agreement and assuming 3620
occupancy in the manufactured home park. No fees, charges, 3621
assessments, or rental fees so disclosed may be increased nor 3622
rules changed by a park operator without specifying the date of 3623
implementation of the changed fees, charges, assessments, rental 3624
fees, or rules, which date shall be not less than thirty days 3625
after written notice of the change and its effective date to all 3626
tenants or owners in the manufactured home park, and no fee, 3627
charge, assessment, or rental fee shall be increased during the 3628
term of any tenant's or owner's rental agreement. Failure on the 3629
part of the park operator to fully disclose all fees, charges, or 3630
assessments shall prevent the park operator from collecting the 3631
undisclosed fees, charges, or assessments. If a tenant or owner 3632
refuses to pay any undisclosed fees, charges, or assessments, the 3633
refusal shall not be used by the park operator as a cause for 3634
eviction in any court. 3635

(C) A park operator shall promulgate rules governing the 3636
rental or occupancy of a lot in the manufactured home park. The 3637
rules shall not be unreasonable, arbitrary, or capricious. A copy 3638
of the rules and any amendments to them shall be delivered by the 3639
park operator to the tenant or owner prior to signing the rental 3640

agreement. A copy of the rules and any amendments to them shall be 3641
posted in a conspicuous place upon the manufactured home park 3642
grounds. 3643

(D) No park operator shall require an owner to purchase from 3644
the park operator any personal property. The park operator may 3645
determine by rule the style or quality of skirting, equipment for 3646
tying down homes, manufactured or mobile home accessories, or 3647
other equipment to be purchased by an owner from a vendor of the 3648
owner's choosing, provided that the equipment is readily available 3649
to the owner. Any such equipment shall be installed in accordance 3650
with the manufactured home park rules. 3651

(E) No park operator shall charge any owner who chooses to 3652
install an electric or gas appliance in a home an additional fee 3653
solely on the basis of the installation, unless the installation 3654
is performed by the park operator at the request of the owner, nor 3655
shall the park operator restrict the installation, service, or 3656
maintenance of the appliance, restrict the ingress or egress of 3657
repairpersons to the manufactured home park for the purpose of 3658
installation, service, or maintenance of the appliance, nor 3659
restrict the making of any interior improvement in a home, if the 3660
installation or improvement is in compliance with applicable 3661
building codes and other provisions of law and if adequate utility 3662
services are available for the installation or improvement. 3663

(F) No park operator shall require a tenant to lease or an 3664
owner to purchase a manufactured or mobile home from the park 3665
operator or any specific person as a condition of or prerequisite 3666
to entering into a rental agreement. 3667

(G) No park operator shall require an owner to use the 3668
services of the park operator or any other specific person for 3669
installation of the manufactured or mobile home on the residential 3670
premises or for the performance of any service. 3671

(H) No park operator shall: 3672

(1) Deny any owner the right to sell the owner's manufactured 3673
home within the manufactured home park if the owner gives the park 3674
operator ten days' notice of the intention to sell the home; 3675

(2) Require the owner to remove the home from the 3676
manufactured home park solely on the basis of the sale of the 3677
home; 3678

(3) Unreasonably refuse to enter into a rental agreement with 3679
a purchaser of a home located within the operator's manufactured 3680
home park; 3681

(4) Charge any tenant or owner any fee, charge, or 3682
assessment, including a rental fee, that is not set forth in the 3683
rental agreement or, if the rental agreement is oral, is not set 3684
forth in a written disclosure given to the tenant or owner prior 3685
to the tenant or owner entering into a rental agreement; 3686

(5) Charge any owner any fee, charge, or assessment because 3687
of the transfer of ownership of a home or because a home is moved 3688
out of or into the manufactured home park, except a charge for the 3689
actual costs and expenses that are incurred by the park operator 3690
in moving the home out of or into the manufactured home park, or 3691
in installing the home in the manufactured home park and that have 3692
not been reimbursed by another tenant or owner. 3693

(6) Prohibit the indoor or outdoor display either of a for 3694
sale sign by an owner on that owner's lot, including a sign that 3695
indicates the owner is offering the property for sale by owner, or 3696
of a political sign by a tenant or owner on that tenant's or 3697
owner's lot, if the tenant or owner displaying the sign complies 3698
with all applicable sections of the Revised Code and all 3699
applicable municipal and county ordinance and resolutions 3700
regulating the display of such a sign. As used in this section, 3701
"political sign" means a sign that advertises, promotes, endorses, 3702

or opposes an issue that has been certified to appear on the 3703
ballot, or a candidate whose name has been certified to appear on 3704
the ballot, at the next general, special, or primary election. 3705

(I) If the park operator violates any provision of divisions 3706
(A) to (H) of this section, the tenant or owner may commence a 3707
civil action against the park operator for either or both of the 3708
following: 3709

(1) The greater of twenty-five dollars or the actual damages 3710
resulting from the violation, and, if the tenant or owner obtains 3711
a judgment, reasonable attorneys' fees; 3712

(2) Termination of the rental agreement. 3713

(J) No rental agreement shall require a tenant or owner to 3714
sell, lease, or sublet the tenant's or owner's interest in the 3715
rental agreement or the manufactured or mobile home that is or 3716
will be located on the lot that is the subject of the rental 3717
agreement to any specific person or through any specific person as 3718
the person's agent. 3719

(K) No park operator shall enter into a rental agreement with 3720
the owner of a manufactured or mobile home for the use of 3721
residential premises, if the rental agreement requires the owner 3722
of the home, as a condition to the owner's renting, occupying, or 3723
remaining on the residential premises, to pay the park operator or 3724
any other person specified in the rental agreement a fee or any 3725
sum of money based on the sale of the home, unless the owner of 3726
the home uses the park operator or other person as the owner's 3727
agent in the sale of the home. 3728

(L) A park operator and a tenant or owner may include in a 3729
rental agreement any terms and conditions, including any term 3730
relating to rent, the duration of an agreement, and any other 3731
provisions governing the rights and obligations of the parties 3732
that are not inconsistent with or prohibited by sections 3733.09 3733

to 3733.20 of the Revised Code or any other rule of law. 3734

(M) Notwithstanding any other provision of the Revised Code, 3735
the owner of a manufactured or mobile home may utilize the 3736
services of a manufactured housing dealer or broker licensed under 3737
Chapter 4517. of the Revised Code or a person properly licensed 3738
under Chapter ~~4735~~. 4781. of the Revised Code to sell or lease the 3739
home. 3740

Sec. ~~3733.111~~ 4781.53. (A) Within ten days after a 3741
manufactured home park is offered for sale, the operator of that 3742
park shall notify the manufactured homes commission and advise it 3743
of that sale. The commission promptly shall notify persons that 3744
are interested in the sale or purchase of manufactured home parks, 3745
including persons included on the list the commission develops 3746
pursuant to section 4781.60 of the Revised Code. 3747

(B) At any time a manufactured home park is being sold or 3748
converted for a use other than as a manufactured home park, the 3749
operator shall do both of the following: 3750

(1) Provide each tenant and owner with written notice of the 3751
sale or conversion of the park. The notice shall be delivered by 3752
certified mail, return receipt requested, or by personal delivery. 3753
If the park operator delivers the notice in person, the operator 3754
shall have the recipient complete a return showing receipt of the 3755
notice. The notice shall include the date by which the tenant or 3756
owner must vacate, which for tenants shall be at least one hundred 3757
twenty days after receipt of the written notice and for owners 3758
shall be at least one hundred eighty days after receipt of the 3759
written notice. 3760

(2) Pay relocation expenses to owners of homes in an amount 3761
the commission establishes by rule pursuant to section 4781.60 of 3762
the Revised Code. 3763

(C) Within ten days after a mortgagee files to initiate a
foreclosure action against a manufactured home park, the mortgagee
shall provide written notice of that filing to the manufactured
homes commission and a copy of that notice to the court, as
section 2323.05 of the Revised Code requires.

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Section 5. That existing sections 3733.11, 3733.111, and
4781.10 of the Revised Code are hereby repealed.

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Section 6. Sections 4 and 5 of this act take effect on July
1, 2011.

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Section 7. That Section 745.20 of Am. Sub. H.B. 1 of the
128th General Assembly be amended to read as follows:

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Sec. 745.20. Notwithstanding section 4781.16 of the Revised
Code, any person licensed as a new motor vehicle dealer, used
motor vehicle dealer, manufactured homes broker, or salesperson
under Chapter 4517. of the Revised Code on June 30, 2010, may
continue, subject to Chapter 4781. of the Revised Code, to engage
in the business of displaying, selling at retail, or brokering
manufactured homes or mobile homes under the authority of such
license until the license expires or until the manufactured homes
commission issues or denies the person a manufactured housing
dealer's license, manufactured housing broker's license, or
manufactured housing salesperson's license under Chapter 4781. of
the Revised Code, whichever occurs earlier.

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Section 8. That existing Section 745.20 of Am. Sub. H.B. 1 of
the 128th General Assembly is hereby repealed.

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Section 9. Sections 7 and 8 of this act take effect on the
ninety-first day after this act is filed with the Secretary of

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State, or on July 1, 2010, whichever is later. 3791

Section 10. On or about July 1, 2011, the Director of Budget 3792
and Management shall transfer cash from the general operations 3793
fund created in section 3701.83 of the Revised Code, which has 3794
been collected pursuant to sections 3733.02 to 3733.08 of the 3795
Revised Code, to the occupational licensing and regulatory fund 3796
created in section 4743.05 of the Revised Code. Moneys so 3797
transferred shall be used only for the purpose of administering 3798
sections 4781.26 to 4781.35 of the Revised Code. 3799

Section 11. Notwithstanding the original term of the 3800
appointment, the term of the Manufactured Homes Commission member 3801
who was appointed by the Governor as a representative of the 3802
Department of Health pursuant to division (B)(2)(b) of section 3803
4781.02 of the Revised Code shall end on the effective date of 3804
that section as amended by this act. The initial term of the 3805
registered sanitarian appointed to the Manufactured Homes 3806
Commission pursuant to section 4781.02 of the Revised Code, as 3807
amended by this act, shall expire on the date when the 3808
representative of the Department of Health's term would have 3809
expired, but for this section. 3810

Section 12. The General Assembly, applying the principle 3811
stated in division (B) of section 1.52 of the Revised Code that 3812
amendments are to be harmonized if reasonably capable of 3813
simultaneous operation, finds that the following sections, 3814
presented in this act as composites of the sections as amended by 3815
the acts indicated, are the resulting versions of the sections in 3816
effect prior to the effective date of the sections as presented in 3817
this act: 3818

Sections 1923.01 and 1923.02 of the Revised Code as amended 3819

by both Sub. H.B. 56 and Am. Sub. S.B. 10 of the 127th General	3820
Assembly.	3821