

**As Reported by the House Financial Institutions, Real Estate and
Securities Committee**

128th General Assembly

Regular Session

2009-2010

Sub. H. B. No. 186

Representatives Foley, Patten

**Cosponsors: Representatives Boyd, Brown, Domenick, Hagan, Heard,
Luckie, Okey, Skindell, Stewart, Yuko**

—

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, 4781.04, 4781.07, 4781.10, 4781.14, 12
4781.15, 4781.99, 4905.90, and 6111.46; to amend, 13
for the purpose of adopting new section numbers as 14
indicated in parentheses, sections 3733.02 15
(4781.26), 3733.021 (4781.31), 3733.022 (4781.32), 16
3733.024 (4781.33), 3733.025 (4781.34), 3733.03 17
(4781.27), 3733.04 (4781.28), 3733.05 (4781.29), 18
3733.06 (4781.30), 3733.08 (4781.35), 3733.09 19
(4781.36), 3733.091 (4781.37), 3733.10 (4781.38), 20
3733.101 (4781.39), 3733.12 (4781.41), 3733.121 21

(4781.42), 3733.122 (4781.43), 3733.123 (4781.44), 22
3733.13 (4781.45), 3733.14 (4781.46), 3733.15 23
(4781.47), 3733.16 (4781.48), 3733.17 (4781.49), 24
3733.18 (4781.50), 3733.19 (4781.51), and 3733.20 25
(4781.52); to enact sections 2323.05, 3733.111, 26
4781.121, 4781.54, and 4781.60; and to repeal 27
sections 3733.01, 3733.031, 3733.07, and 4517.49 28
of the Revised Code; and to amend Section 745.20 29
of Am. Sub. H.B. 1 of the 128th General Assembly 30
to transfer various responsibilities with respect 31
to the licensing and inspection of manufactured 32
home parks from the Department of Health to the 33
Manufactured Homes Commission, to make other 34
changes in the manufactured home park law, and to 35
amend the motor vehicle dealer's licensing law; 36
and to amend sections 3733.11 and 4781.10 and to 37
amend, for the purpose of adopting new section 38
numbers as indicated in parenthesis, sections 39
3733.11 (4781.40) and 3733.111 (4781.53) of the 40
Revised Code on July 1, 2011, to conform with 41
other provisions of this act taking effect on that 42
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, 4781.04, 4781.07, 4781.10, 4781.14, 4781.15, 52
4781.99, 4905.90, and 6111.46 be amended; and that sections 53
3733.02 (4781.26), 3733.021 (4781.31), 3733.022 (4781.32), 54
3733.024 (4781.33), 3733.025 (4781.34), 3733.03 (4781.27), 3733.04 55
(4781.28), 3733.05 (4781.29), 3733.06 (4781.30), 3733.08 56
(4781.35), 3733.09 (4781.36), 3733.091 (4781.37), 3733.10 57
(4781.38), 3733.101 (4781.39), 3733.12 (4781.41), 3733.121 58
(4781.42), 3733.122 (4781.43), 3733.123 (4781.44), 3733.13 59
(4781.45), 3733.14 (4781.46), 3733.15 (4781.47), 3733.16 60
(4781.48), 3733.17 (4781.49), 3733.18 (4781.50), 3733.19 61
(4781.51), and 3733.20 (4781.52) be amended for the purpose of 62
adopting new section numbers as indicated in parentheses; and that 63
sections 2323.05, 3733.111, 4781.121, 4781.54, and 4781.60 of the 64
Revised Code be enacted to read as follows: 65

Sec. 1901.18. (A) Except as otherwise provided in this 66
division or section 1901.181 of the Revised Code, subject to the 67
monetary jurisdiction of municipal courts as set forth in section 68
1901.17 of the Revised Code, a municipal court has original 69
jurisdiction within its territory in all of the following actions 70
or proceedings and to perform all of the following functions: 71

(1) In any civil action, of whatever nature or remedy, of 72
which judges of county courts have jurisdiction; 73

(2) In any action or proceeding at law for the recovery of 74
money or personal property of which the court of common pleas has 75
jurisdiction; 76

(3) In any action at law based on contract, to determine, 77
preserve, and enforce all legal and equitable rights involved in 78
the contract, to decree an accounting, reformation, or 79
cancellation of the contract, and to hear and determine all legal 80
and equitable remedies necessary or proper for a complete 81

determination of the rights of the parties to the contract;	82
(4) In any action or proceeding for the sale of personal property under chattel mortgage, lien, encumbrance, or other charge, for the foreclosure and marshalling of liens on personal property of that nature, and for the rendering of personal judgment in the action or proceeding;	83 84 85 86 87
(5) In any action or proceeding to enforce the collection of its own judgments or the judgments rendered by any court within the territory to which the municipal court has succeeded, and to subject the interest of a judgment debtor in personal property to satisfy judgments enforceable by the municipal court;	88 89 90 91 92
(6) In any action or proceeding in the nature of interpleader;	93 94
(7) In any action of replevin;	95
(8) In any action of forcible entry and detainer;	96
(9) In any action concerning the issuance and enforcement of temporary protection orders pursuant to section 2919.26 of the Revised Code or protection orders pursuant to section 2903.213 of the Revised Code or the enforcement of protection orders issued by courts of another state, as defined in section 2919.27 of the Revised Code;	97 98 99 100 101 102
(10) If the municipal court has a housing or environmental division, in any action over which the division is given jurisdiction by section 1901.181 of the Revised Code, provided that, except as specified in division (B) of that section, no judge of the court other than the judge of the division shall hear or determine any action over which the division has jurisdiction;	103 104 105 106 107 108
(11) In any action brought pursuant to division (I) of section 3733.11 <u>4781.40</u> of the Revised Code, if the residential premises that are the subject of the action are located within the	109 110 111

territorial jurisdiction of the court; 112

(12) In any civil action as described in division (B)(1) of 113
section 3767.41 of the Revised Code that relates to a public 114
nuisance, and, to the extent any provision of this chapter 115
conflicts or is inconsistent with a provision of that section, the 116
provision of that section shall control in the civil action. 117

(B) The Cleveland municipal court also shall have 118
jurisdiction within its territory in all of the following actions 119
or proceedings and to perform all of the following functions: 120

(1) In all actions and proceedings for the sale of real 121
property under lien of a judgment of the municipal court or a lien 122
for machinery, material, or fuel furnished or labor performed, 123
irrespective of amount, and, in those actions and proceedings, the 124
court may proceed to foreclose and marshal all liens and all 125
vested or contingent rights, to appoint a receiver, and to render 126
personal judgment irrespective of amount in favor of any party. 127

(2) In all actions for the foreclosure of a mortgage on real 128
property given to secure the payment of money or the enforcement 129
of a specific lien for money or other encumbrance or charge on 130
real property, when the amount claimed by the plaintiff does not 131
exceed fifteen thousand dollars and the real property is situated 132
within the territory, and, in those actions, the court may proceed 133
to foreclose all liens and all vested and contingent rights and 134
may proceed to render judgments and make findings and orders 135
between the parties in the same manner and to the same extent as 136
in similar actions in the court of common pleas. 137

(3) In all actions for the recovery of real property situated 138
within the territory to the same extent as courts of common pleas 139
have jurisdiction; 140

(4) In all actions for injunction to prevent or terminate 141
violations of the ordinances and regulations of the city of 142

Cleveland enacted or promulgated under the police power of the 143
city of Cleveland, pursuant to Section 3 of Article XVIII, Ohio 144
Constitution, over which the court of common pleas has or may have 145
jurisdiction, and, in those actions, the court may proceed to 146
render judgments and make findings and orders in the same manner 147
and to the same extent as in similar actions in the court of 148
common pleas. 149

Sec. 1909.11. A county court judge has jurisdiction in any 150
action brought pursuant to division (I) of section ~~3733.11~~ 4781.40 151
of the Revised Code if the residential premises that are the 152
subject of the action are located within the territorial 153
jurisdiction of the judge's county court district. 154

Sec. 1923.01. (A) As provided in this chapter, any judge of a 155
county or municipal court or a court of common pleas, within the 156
judge's proper area of jurisdiction, may inquire about persons who 157
make unlawful and forcible entry into lands or tenements and 158
detain them, and about persons who make a lawful and peaceable 159
entry into lands or tenements and hold them unlawfully and by 160
force. If, upon the inquiry, it is found that an unlawful and 161
forcible entry has been made and the lands or tenements are 162
detained, or that, after a lawful entry, lands or tenements are 163
held unlawfully and by force, a judge shall cause the plaintiff in 164
an action under this chapter to have restitution of the lands or 165
tenements. 166

(B) An action shall be brought under this chapter within two 167
years after the cause of action accrues. 168

(C) As used in this chapter: 169

(1) "Tenant" means a person who is entitled under a rental 170
agreement to the use or occupancy of premises, other than premises 171
located in a manufactured home park, to the exclusion of others, 172

except that as used in division (A)(6) of section 1923.02 and 173
section 1923.051 of the Revised Code, "tenant" includes a 174
manufactured home park resident. 175

(2) "Landlord" means the owner, lessor, or sublessor of 176
premises, or the agent or person the landlord authorizes to manage 177
premises or to receive rent from a tenant under a rental 178
agreement, except, if required by the facts of the action to which 179
the term is applied, "landlord" means a park operator. 180

(3) "Resident" has the same meaning as in section ~~3733.01~~ 181
4781.01 of the Revised Code. 182

(4) "Residential premises" has the same meaning as in section 183
5321.01 of the Revised Code, except, if required by the facts of 184
the action to which the term is applied, "residential premises" 185
has the same meaning as in section ~~3733.01~~ 4781.01 of the Revised 186
Code. 187

(5) "Rental agreement" means any agreement or lease, written 188
or oral, that establishes or modifies the terms, conditions, 189
rules, or other provisions concerning the use or occupancy of 190
premises by one of the parties to the agreement or lease, except 191
that "rental agreement," as used in division (A)(13) of section 192
1923.02 of the Revised Code and where the context requires as used 193
in this chapter, means a rental agreement as defined in division 194
(D) of section 5322.01 of the Revised Code. 195

(6) "Controlled substance" has the same meaning as in section 196
3719.01 of the Revised Code. 197

(7) "School premises" has the same meaning as in section 198
2925.01 of the Revised Code. 199

(8) "Sexually oriented offense" and "child-victim oriented 200
offense" have the same meanings as in section 2950.01 of the 201
Revised Code. 202

(9) "Recreational vehicle" and "mobile home" have the same meanings as in section 4501.01 of the Revised Code.	203 204
(10) "Manufactured home" has the same meaning as in section 3781.06 of the Revised Code.	205 206
(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.	207 208 209 210 211 212 213
(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.	214 215 216 217 218 219 220 221
(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.	222 223 224
(14) "Preschool or child day-care center premises" has the same meaning as in section 2950.034 of the Revised Code.	225 226
Sec. 1923.02. (A) Proceedings under this chapter may be had as follows:	227 228
(1) Against tenants or manufactured home park residents holding over their terms;	229 230
(2) Against tenants or manufactured home park residents in possession under an oral tenancy, who are in default in the	231 232

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

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

(ii) The landlord gives the tenant the notice required by 290
division (C) of section 5321.17 of the Revised Code. 291

(b) The court determines, by a preponderance of the evidence, 292
that the tenant, any person in the tenant's household, or any 293
person on the premises with the consent of the tenant previously 294
has or presently is engaged in a violation as described in 295

division (A)(6)(a)(i) of this section.	296
(7) In cases arising out of Chapter 5313. of the Revised Code. In those cases, the court has the authority to declare a forfeiture of the vendee's rights under a land installment contract and to grant any other claims arising out of the contract.	297 298 299 300 301
(8) Against tenants who have breached an obligation that is imposed by section 5321.05 of the Revised Code, other than the obligation specified in division (A)(9) of that section, and that materially affects health and safety. Prior to the commencement of an action under this division, notice shall be given to the tenant and compliance secured with section 5321.11 of the Revised Code.	302 303 304 305 306 307
(9) Against tenants who have breached an obligation imposed upon them by a written rental agreement;	308 309
(10) Against manufactured home park residents who have defaulted in the payment of rent or breached the terms of a rental agreement with a park operator. Nothing in this division precludes the commencement of an action under division (A)(12) of this section when the additional circumstances described in that division apply.	310 311 312 313 314 315
(11) Against manufactured home park residents who have committed two material violations of the rules of the manufactured home park, of the public health council <u>manufactured homes commission</u> , or of applicable state and local health and safety codes and who have been notified of the violations in compliance with section 3733.13 <u>4781.45</u> of the Revised Code;	316 317 318 319 320 321
(12) Against a manufactured home park resident, or the estate of a manufactured home park resident, who as a result of death or otherwise has been absent from the manufactured home park for a period of thirty consecutive days prior to the commencement of an action under this division and whose manufactured home or mobile	322 323 324 325 326

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

(13) Against occupants of self-service storage facilities, as 331
defined in division (A) of section 5322.01 of the Revised Code, 332
who have breached the terms of a rental agreement or violated 333
section 5322.04 of the Revised Code; 334

(14) Against any resident or occupant who, pursuant to a 335
rental agreement, resides in or occupies residential premises 336
located within one thousand feet of any school premises or 337
preschool or child day-care center premises and to whom both of 338
the following apply: 339

(a) The resident's or occupant's name appears on the state 340
registry of sex offenders and child-victim offenders maintained 341
under section 2950.13 of the Revised Code. 342

(b) The state registry of sex offenders and child-victim 343
offenders indicates that the resident or occupant was convicted of 344
or pleaded guilty to a sexually oriented offense or a child-victim 345
oriented offense in a criminal prosecution and was not sentenced 346
to a serious youthful offender dispositional sentence for that 347
offense. 348

(15) Against any tenant who permits any person to occupy 349
residential premises located within one thousand feet of any 350
school premises or preschool or child day-care center premises if 351
both of the following apply to the person: 352

(a) The person's name appears on the state registry of sex 353
offenders and child-victim offenders maintained under section 354
2950.13 of the Revised Code. 355

(b) The state registry of sex offenders and child-victim 356
offenders indicates that the person was convicted of or pleaded 357

guilty to a sexually oriented offense or a child-victim oriented 358
offense in a criminal prosecution and was not sentenced to a 359
serious youthful offender dispositional sentence for that offense. 360

(B) If a tenant or manufactured home park resident holding 361
under an oral tenancy is in default in the payment of rent, the 362
tenant or resident forfeits the right of occupancy, and the 363
landlord may, at the landlord's option, terminate the tenancy by 364
notifying the tenant or resident, as provided in section 1923.04 365
of the Revised Code, to leave the premises, for the restitution of 366
which an action may then be brought under this chapter. 367

(C)(1) If a tenant or any other person with the tenant's 368
permission resides in or occupies residential premises that are 369
located within one thousand feet of any school premises and is a 370
resident or occupant of the type described in division (A)(14) of 371
this section or a person of the type described in division (A)(15) 372
of this section, the landlord for those residential premises, upon 373
discovery that the tenant or other person is a resident, occupant, 374
or person of that nature, may terminate the rental agreement or 375
tenancy for those residential premises by notifying the tenant and 376
all other occupants, as provided in section 1923.04 of the Revised 377
Code, to leave the premises. 378

(2) If a landlord is authorized to terminate a rental 379
agreement or tenancy pursuant to division (C)(1) of this section 380
but does not so terminate the rental agreement or tenancy, the 381
landlord is not liable in a tort or other civil action in damages 382
for any injury, death, or loss to person or property that 383
allegedly result from that decision. 384

(D) This chapter does not apply to a student tenant as 385
defined by division (H) of section 5321.01 of the Revised Code 386
when the college or university proceeds to terminate a rental 387
agreement pursuant to section 5321.031 of the Revised Code. 388

Sec. 1923.061. (A) Any defense in an action under this 389
chapter may be asserted at trial. 390

(B) In an action for possession of residential premises based 391
upon nonpayment of the rent or in an action for rent when the 392
tenant or manufactured home park resident is in possession, the 393
tenant or resident may counterclaim for any amount ~~he~~ the tenant 394
or resident may recover under the rental agreement or under 395
Chapter ~~3733-~~ 4781. or 5321. of the Revised Code. In that event, 396
the court from time to time may order the tenant or resident to 397
pay into court all or part of the past due rent and rent becoming 398
due during the pendency of the action. After trial and judgment, 399
the party to whom a net judgment is owed shall be paid first from 400
the money paid into court, and any balance shall be satisfied as 401
any other judgment. If no rent remains due after application of 402
this division, judgment shall be entered for the tenant or 403
resident in the action for possession. If the tenant or resident 404
has paid into court an amount greater than that necessary to 405
satisfy a judgment obtained by the landlord, the balance shall be 406
returned by the court to the tenant or resident. 407

Sec. 1923.15. During any proceeding involving residential 408
premises under this chapter, the court may order an appropriate 409
governmental agency to inspect the residential premises. If the 410
agency determines and the court finds conditions which constitute 411
a violation of section ~~3733.10~~ 4781.38 or 5321.04 of the Revised 412
Code, and if the premises have been vacated or are to be restored 413
to the landlord, the court may issue an order forbidding the 414
re-rental of the property until such conditions are corrected. If 415
the agency determines and the court finds such conditions, and if 416
the court finds that the tenant or manufactured home park resident 417
may remain in possession, the court may order such conditions 418
corrected. If such conditions have been caused by the tenant or 419

resident, the court may award damages to the landlord equal to the 420
reasonable cost of correcting such conditions. 421

Sec. 2305.01. Except as otherwise provided by this section or 422
section 2305.03 of the Revised Code, the court of common pleas has 423
original jurisdiction in all civil cases in which the sum or 424
matter in dispute exceeds the exclusive original jurisdiction of 425
county courts and appellate jurisdiction from the decisions of 426
boards of county commissioners. The court of common pleas shall 427
not have jurisdiction, in any tort action to which the amounts 428
apply, to award punitive or exemplary damages that exceed the 429
amounts set forth in section 2315.21 of the Revised Code. The 430
court of common pleas shall not have jurisdiction in any tort 431
action to which the limits apply to enter judgment on an award of 432
compensatory damages for noneconomic loss in excess of the limits 433
set forth in section 2315.18 of the Revised Code. 434

The court of common pleas may on its own motion transfer for 435
trial any action in the court to any municipal court in the county 436
having concurrent jurisdiction of the subject matter of, and the 437
parties to, the action, if the amount sought by the plaintiff does 438
not exceed one thousand dollars and if the judge or presiding 439
judge of the municipal court concurs in the proposed transfer. 440
Upon the issuance of an order of transfer, the clerk of courts 441
shall remove to the designated municipal court the entire case 442
file. Any untaxed portion of the common pleas deposit for court 443
costs shall be remitted to the municipal court by the clerk of 444
courts to be applied in accordance with section 1901.26 of the 445
Revised Code, and the costs taxed by the municipal court shall be 446
added to any costs taxed in the common pleas court. 447

The court of common pleas has jurisdiction in any action 448
brought pursuant to division (I) of section ~~3733.11~~ 4781.40 of the 449
Revised Code if the residential premises that are the subject of 450

the action are located within the territorial jurisdiction of the 451
court. 452

The courts of common pleas of Adams, Athens, Belmont, Brown, 453
Clermont, Columbiana, Gallia, Hamilton, Jefferson, Lawrence, 454
Meigs, Monroe, Scioto, and Washington counties have jurisdiction 455
beyond the north or northwest shore of the Ohio river extending to 456
the opposite shore line, between the extended boundary lines of 457
any adjacent counties or adjacent state. Each of those courts of 458
common pleas has concurrent jurisdiction on the Ohio river with 459
any adjacent court of common pleas that borders on that river and 460
with any court of Kentucky or of West Virginia that borders on the 461
Ohio river and that has jurisdiction on the Ohio river under the 462
law of Kentucky or the law of West Virginia, whichever is 463
applicable, or under federal law. 464

Sec. 2323.05. Within ten days after filing with a court to 465
initiate a foreclosure action against a manufactured home park, a 466
mortgagee shall provide the manufactured homes commission with a 467
written notice of that filing and shall provide the court with a 468
copy of that notice. If the mortgagee does not provide the notice 469
or copy as this section requires, the court shall dismiss the 470
foreclosure action without prejudice. Within thirty days after 471
receiving notice of the filing, the commission shall notify 472
residents in the park of the foreclosure action. 473

Sec. 3701.83. (A) There is hereby created in the state 474
treasury the general operations fund. Moneys in the fund shall be 475
used for the purposes specified in sections 3701.04, 3701.344, 476
3702.20, 3710.15, 3711.16, 3717.45, 3718.06, 3721.02, 3722.04, 477
3729.07, ~~3733.04~~, 3733.25, 3733.43, 3748.04, 3748.05, 3748.07, 478
3748.12, 3748.13, 3749.04, 3749.07, 4747.04, 4751.04, and 4769.09 479
of the Revised Code. 480

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

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

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

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

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

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

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

may enter into a contract with the environmental protection agency 511
to conduct on behalf of the agency inspection or enforcement 512
services, for the purposes of Chapter 6111. of the Revised Code 513
and rules adopted thereunder, for the disposal or treatment of 514
sewage from semipublic disposal systems. The board of health of a 515
city or general health district may charge a fee established 516
pursuant to section 3709.09 of the Revised Code to be paid by the 517
owner or operator of a semipublic disposal system for inspections 518
conducted by the board pursuant to a contract entered into under 519
division (B)(2) of this section, except that the board shall not 520
charge a fee for those inspections conducted at any recreational 521
vehicle park, recreation camp, or combined park-camp that is 522
licensed under section 3729.05 of the Revised Code ~~or at any~~ 523
~~manufactured home park that is licensed under section 3733.03 of~~ 524
~~the Revised Code.~~ 525

Sec. 3709.09. (A) The board of health of a city or general 526
health district may, by rule, establish a uniform system of fees 527
to pay the costs of any services provided by the board. 528

The fee for issuance of a certified copy of a vital record or 529
a certification of birth shall not be less than the fee prescribed 530
for the same service under division (A)(1) of section 3705.24 of 531
the Revised Code and shall include the fees required by division 532
(B) of section 3705.24 and section 3109.14 of the Revised Code. 533

Fees for services provided by the board for purposes 534
specified in sections 3701.344, 3711.10, 3718.06, 3729.07, 535
3730.03, ~~3733.04~~, 3733.25, and 3749.04 of the Revised Code shall 536
be established in accordance with rules adopted under division (B) 537
of this section. The district advisory council, in the case of a 538
general health district, and the legislative authority of the 539
city, in the case of a city health district, may disapprove any 540
fee established by the board of health under this division, and 541

any such fee, as disapproved, shall not be charged by the board of health. 542
543

(B) The public health council shall adopt rules under section 111.15 of the Revised Code that establish fee categories and a uniform methodology for use in calculating the costs of services provided for purposes specified in sections 3701.344, 3711.10, 3718.06, 3729.07, 3730.03, ~~3733.04~~, 3733.25, and 3749.04 of the Revised Code. In adopting the rules, the public health council shall consider recommendations it receives from advisory boards established either by statute or the director of health for entities subject to the fees. 544
545
546
547
548
549
550
551
552

(C) Except when a board of health establishes a fee by adopting a rule as an emergency measure, the board of health shall hold a public hearing regarding each proposed fee for a service provided by the board for a purpose specified in section 3701.344, 3711.10, 3718.06, 3729.07, 3730.03, ~~3733.04~~, 3733.25, or 3749.04 of the Revised Code. If a public hearing is held, at least twenty days prior to the public hearing the board shall give written notice of the hearing to each entity affected by the proposed fee. The notice shall be mailed to the last known address of each entity and shall specify the date, time, and place of the hearing and the amount of the proposed fee. 553
554
555
556
557
558
559
560
561
562
563

(D) If payment of a fee established under this section is not received by the day on which payment is due, the board of health shall assess a penalty. The amount of the penalty shall be equal to twenty-five per cent of the applicable fee. 564
565
566
567

(E) All rules adopted by a board of health under this section shall be adopted, recorded, and certified as are ordinances of municipal corporations and the record thereof shall be given in all courts the same effect as is given such ordinances, but the advertisements of such rules shall be by publication in one newspaper of general circulation within the health district. 568
569
570
571
572
573

Publication shall be made once a week for two consecutive weeks 574
and such rules shall take effect and be in force ten days from the 575
date of the first publication. 576

Sec. 3709.092. (A) A board of health of a city or general 577
health district shall transmit to the director of health all fees 578
or additional amounts that the public health council requires to 579
be collected under sections 3701.344, 3718.06, 3729.07, ~~3733.04,~~ 580
3733.25, and 3749.04 of the Revised Code. The fees and amounts 581
shall be transmitted according to the following schedule: 582

(1) For fees and amounts received by the board on or after 583
the first day of January but not later than the thirty-first day 584
of March, transmit the fees and amounts not later than the 585
fifteenth day of May; 586

(2) For fees and amounts received by the board on or after 587
the first day of April but not later than the thirtieth day of 588
June, transmit the fees and amounts not later than the fifteenth 589
day of August; 590

(3) For fees and amounts received by the board on or after 591
the first day of July but not later than the thirtieth day of 592
September, transmit the fees and amounts not later than the 593
fifteenth day of November; 594

(4) For fees and amounts received by the board on or after 595
the first day of October but not later than the thirty-first day 596
of December, transmit the fees and amounts not later than the 597
fifteenth day of February of the following year. 598

(B) The director shall deposit the fees and amounts received 599
under this section into the state treasury to the credit of the 600
general operations fund created in section 3701.83 of the Revised 601
Code. Each amount shall be used solely for the purpose for which 602
it was collected. 603

Sec. 3729.01. As used in this chapter: 604

(A) "Camp operator" means the operator of a recreational 605
vehicle park, recreation camp, combined park-camp, or temporary 606
park-camp. 607

(B) "Campsite user" means a person who enters into a campsite 608
use agreement with a camp operator for the use of a campsite at a 609
recreational vehicle park, recreation camp, combined park-camp, or 610
temporary park-camp. 611

(C) "Combined park-camp" means any tract of land upon which a 612
combination of five or more self-contained recreational vehicles 613
or portable camping units are placed and includes any roadway, 614
building, structure, vehicle, or enclosure used or intended for 615
use as part of the park facilities. A tract of land that is 616
subdivided for lease or other contract of the individual lots is a 617
combined park-camp if a combination of five or more recreational 618
vehicles or portable camping units are placed on it for 619
recreation, vacation, or business purposes. 620

"Combined park-camp" does not include any tract of land used 621
solely as a temporary park-camp or solely as a manufactured home 622
park. 623

(D) "Dependent recreational vehicle" means a recreational 624
vehicle other than a self-contained recreational vehicle. 625
"Dependent recreational vehicle" includes a park model. 626

(E) "Development" means any artificial change to improved or 627
unimproved real estate, including, without limitation, buildings 628
or structures, dredging, filling, grading, paving, excavation or 629
drilling operations, or storage of equipment or materials, and the 630
construction, expansion, or substantial alteration of a 631
recreational vehicle park, recreation camp, or combined park-camp, 632
for which plan review is required under division (A) of section 633

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 664
the Revised Code, or the director of health, when required under 665
division (B) of section 3729.06 of the Revised Code. "Licensor" 666
also means an authorized representative of any of those entities 667
or of the director. 668

(J) "Manufactured home park" has the same meaning as in 669
section ~~3733.01~~ 4781.01 of the Revised Code. 670

(K) "One-hundred-year flood" means a flood having a one per 671
cent chance of being equaled or exceeded in any given year. 672

(L) "One-hundred-year flood plain" means that portion of a 673
flood plain inundated by a one-hundred-year flood. 674

(M) "Operator" means the person who has responsible charge of 675
a recreational vehicle park, recreation camp, combined park-camp, 676
or temporary park-camp and who is licensed under this chapter. 677

(N) "Park model" means a recreational vehicle that meets the 678
American national standard institute standard A119.5(1988) for 679
park trailers, is built on a single chassis, has a gross trailer 680
area of not more than four hundred square feet when set up, is 681
designed for seasonal or temporary living quarters, and may be 682
connected to utilities necessary for operation of installed 683
features and appliances. 684

(O) "Person" has the same meaning as in section 1.59 of the 685
Revised Code and also includes this state, any political 686
subdivision of this state, and any other state or local body of 687
this state. 688

(P) "Portable camping units" means dependent recreational 689
vehicles, tents, portable sleeping equipment, and similar camping 690
equipment used for travel, recreation, vacation, or business 691
purposes. 692

(Q) "Recreation camp" means any tract of land upon which five 693

or more portable camping units are placed and includes any 694
roadway, building, structure, vehicle, or enclosure used or 695
intended for use as a part of the facilities of the camp. A tract 696
of land that is subdivided for lease or other contract of the 697
individual lots is a recreation camp if five or more portable 698
camping units are placed on it for recreation, vacation, or 699
business purposes. 700

"Recreation camp" does not include any tract of land used 701
solely for the storage or display for sale of dependent 702
recreational vehicles, solely as a temporary park-camp, or solely 703
as a manufactured home park. 704

(R) "Recreational vehicle" has the same meaning as in section 705
4501.01 of the Revised Code. 706

(S) "Recreational vehicle park" means any tract of land used 707
for parking five or more self-contained recreational vehicles and 708
includes any roadway, building, structure, vehicle, or enclosure 709
used or intended for use as part of the park facilities and any 710
tract of land that is subdivided for lease or other contract of 711
the individual lots for the express or implied purpose of placing 712
self-contained recreational vehicles for recreation, vacation, or 713
business purposes. 714

"Recreational vehicle park" does not include any tract of 715
land used solely for the storage or display for sale of 716
self-contained recreational vehicles, solely as a temporary 717
park-camp, or solely as a manufactured home park. 718

(T) "Self-contained recreational vehicle" means a 719
recreational vehicle that can operate independent of connections 720
to sewer and water and has plumbing fixtures or appliances all of 721
which are connected to sewage holding tanks located within the 722
vehicle. "Self-contained recreational vehicle" includes a park 723
model. 724

(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 756
accepts the offer, the park operator shall, at the expiration of 757
each successive rental agreement, offer the owner another rental 758
agreement, for a term that is mutually agreed upon, and that 759
contains terms essentially the same as the alternative 760
month-to-month agreement. The park operator shall deliver 761
subsequent rental offers by ordinary mail or personal delivery. If 762
the park operator sells the manufactured home park to another 763
manufactured home park operator, the purchaser is bound by the 764
rental agreements entered into by the purchaser's predecessor. 765

~~(3) If the park operator sells the manufactured home park for 766
a use other than as a manufactured home park, the park operator 767
shall give each tenant and owner a written notification by 768
certified mail, return receipt requested, or by handing it to the 769
tenant or owner in person. If the park operator delivers the 770
notification in person, the recipient shall complete a return 771
showing receipt of the notification. This notification shall 772
contain notice of the sale of the manufactured home park, and 773
notice of the date by which the tenant or owner shall vacate. The 774
date by which the tenant shall vacate shall be at least one 775
hundred twenty days after receipt of the written notification, and 776
the date by which the owner shall vacate shall be at least one 777
hundred eighty days after receipt of the written notification. 778~~

(B) A park operator shall fully disclose in writing all fees, 779
charges, assessments, including rental fees, and rules prior to a 780
tenant or owner executing a rental agreement and assuming 781
occupancy in the manufactured home park. No fees, charges, 782
assessments, or rental fees so disclosed may be increased nor 783
rules changed by a park operator without specifying the date of 784
implementation of the changed fees, charges, assessments, rental 785
fees, or rules, which date shall be not less than thirty days 786
after written notice of the change and its effective date to all 787

tenants or owners in the manufactured home park, and no fee, 788
charge, assessment, or rental fee shall be increased during the 789
term of any tenant's or owner's rental agreement. Failure on the 790
part of the park operator to fully disclose all fees, charges, or 791
assessments shall prevent the park operator from collecting the 792
undisclosed fees, charges, or assessments. If a tenant or owner 793
refuses to pay any undisclosed fees, charges, or assessments, the 794
refusal shall not be used by the park operator as a cause for 795
eviction in any court. 796

(C) A park operator shall promulgate rules governing the 797
rental or occupancy of a lot in the manufactured home park. The 798
rules shall not be unreasonable, arbitrary, or capricious. A copy 799
of the rules and any amendments to them shall be delivered by the 800
park operator to the tenant or owner prior to signing the rental 801
agreement. A copy of the rules and any amendments to them shall be 802
posted in a conspicuous place upon the manufactured home park 803
grounds. 804

(D) No park operator shall require an owner to purchase from 805
the park operator any personal property. The park operator may 806
determine by rule the style or quality of skirting, equipment for 807
tying down homes, manufactured or mobile home accessories, or 808
other equipment to be purchased by an owner from a vendor of the 809
owner's choosing, provided that the equipment is readily available 810
to the owner. Any such equipment shall be installed in accordance 811
with the manufactured home park rules. 812

(E) No park operator shall charge any owner who chooses to 813
install an electric or gas appliance in a home an additional fee 814
solely on the basis of the installation, unless the installation 815
is performed by the park operator at the request of the owner, nor 816
shall the park operator restrict the installation, service, or 817
maintenance of the appliance, restrict the ingress or egress of 818
repairpersons to the manufactured home park for the purpose of 819

installation, service, or maintenance of the appliance, nor 820
restrict the making of any interior improvement in a home, if the 821
installation or improvement is in compliance with applicable 822
building codes and other provisions of law and if adequate utility 823
services are available for the installation or improvement. 824

(F) No park operator shall require a tenant to lease or an 825
owner to purchase a manufactured or mobile home from the park 826
operator or any specific person as a condition of or prerequisite 827
to entering into a rental agreement. 828

(G) No park operator shall require an owner to use the 829
services of the park operator or any other specific person for 830
installation of the manufactured or mobile home on the residential 831
premises or for the performance of any service. 832

(H) No park operator shall: 833

(1) Deny any owner the right to sell the owner's manufactured 834
home within the manufactured home park if the owner gives the park 835
operator ten days' notice of the intention to sell the home; 836

(2) Require the owner to remove the home from the 837
manufactured home park solely on the basis of the sale of the 838
home; 839

(3) Unreasonably refuse to enter into a rental agreement with 840
a purchaser of a home located within the operator's manufactured 841
home park; 842

(4) Charge any tenant or owner any fee, charge, or 843
assessment, including a rental fee, that is not set forth in the 844
rental agreement or, if the rental agreement is oral, is not set 845
forth in a written disclosure given to the tenant or owner prior 846
to the tenant or owner entering into a rental agreement; 847

(5) Charge any owner any fee, charge, or assessment because 848
of the transfer of ownership of a home or because a home is moved 849

out of or into the manufactured home park, except a charge for the 850
actual costs and expenses that are incurred by the park operator 851
in moving the home out of or into the manufactured home park, or 852
in installing the home in the manufactured home park and that have 853
not been reimbursed by another tenant or owner. 854

(6) Prohibit the indoor or outdoor display either of a for 855
sale sign by an owner on that owner's lot, including a sign that 856
indicates the owner is offering the property for sale by owner, or 857
of a political sign by a tenant or owner on that tenant's or 858
owner's lot, if the tenant or owner displaying the sign complies 859
with all applicable sections of the Revised Code and all 860
applicable municipal and county ordinance and resolutions 861
regulating the display of such a sign. As used in this section, 862
"political sign" means a sign that advertises, promotes, endorses, 863
or opposes an issue that has been certified to appear on the 864
ballot, or a candidate whose name has been certified to appear on 865
the ballot, at the next general, special, or primary election. 866

(I) If the park operator violates any provision of divisions 867
(A) to (H) of this section, the tenant or owner may ~~recover~~ 868
commence a civil action against the park operator for either or 869
both of the following: 870

(1) The greater of twenty-five dollars or the actual damages 871
resulting from the violation, and, if the tenant or owner obtains 872
a judgment, reasonable attorneys' fees, ~~or terminate;~~ 873

(2) Termination of the rental agreement. 874

(J) No rental agreement shall require a tenant or owner to 875
sell, lease, or sublet the tenant's or owner's interest in the 876
rental agreement or the manufactured or mobile home that is or 877
will be located on the lot that is the subject of the rental 878
agreement to any specific person or through any specific person as 879
the person's agent. 880

(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 912
sale or conversion of the park. The notice shall be delivered by 913
certified mail, return receipt requested, or by personal delivery. 914
If the park operator delivers the notice in person, the operator 915
shall have the recipient complete a return showing receipt of the 916
notice. The notice shall include the date by which the tenant or 917
owner must vacate, which for tenants shall be at least one hundred 918
twenty days after receipt of the written notice and for owners 919
shall be at least one hundred eighty days after receipt of the 920
written notice. 921

(2) Pay relocation expenses to owners of homes in an amount 922
the commission establishes by rule pursuant to section 4781.60 of 923
the Revised Code. 924

(C) Within ten days after a mortgagee files to initiate a 925
foreclosure action against a manufactured home park, the mortgagee 926
shall provide written notice of that filing to the manufactured 927
homes commission and a copy of that notice to the court, as 928
section 2323.05 of the Revised Code requires. 929

Sec. 3733.41. As used in sections 3733.41 to 3733.49 of the 930
Revised Code: 931

(A) "Agricultural labor camp" means one or more buildings or 932
structures, trailers, tents, or vehicles, together with any land 933
appertaining thereto, established, operated, or used as temporary 934
living quarters for two or more families or five or more persons 935
intending to engage in or engaged in agriculture or related food 936
processing, whether occupancy is by rent, lease, or mutual 937
agreement. "Agricultural labor camp" does not include a hotel or 938
motel, or a ~~trailer~~ manufactured home park as defined and 939
regulated pursuant to sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 4781.35 940
of the Revised Code, and rules adopted thereunder. 941

(B) "Board of health" means the board of health of a city or 942

general health district or the authority having the duties of a 943
board of health in any city as authorized by section 3709.05 of 944
the Revised Code or an authorized representative of the board of 945
health. 946

(C) "Director" means the director of the department of health 947
or ~~his~~ the authorized representative of the director of health. 948

(D) "Licensor" means the director of health. 949

(E) "Person" means the state, any political subdivision, 950
public or private corporation, partnership, association, trust, 951
individual, or other entity. 952

(F) "Public health council" means the public health council 953
as created by section 3701.33 of the Revised Code. 954

Sec. 3733.99. (A) ~~Whoever violates division (A) of section 955
3733.08 of the Revised Code is guilty of a misdemeanor of the 956
fourth degree.~~ 957

~~(B)~~ Whoever violates section 3733.30 of the Revised Code is 958
guilty of a minor misdemeanor. Each day that such violation 959
continues is a separate offense. 960

~~(C)~~(B) Whoever violates section 3733.48 of the Revised Code 961
is guilty of a minor misdemeanor. 962

Sec. 3781.06. (A)~~(1)~~ Any building that may be used as a place 963
of resort, assembly, education, entertainment, lodging, dwelling, 964
trade, manufacture, repair, storage, traffic, or occupancy by the 965
public, any residential building, and all other buildings or parts 966
and appurtenances of those buildings erected within this state, 967
shall be so constructed, erected, equipped, and maintained that 968
they shall be safe and sanitary for their intended use and 969
occupancy. 970

~~(2) Nothing in sections 3781.06 to 3781.18 and 3791.04 of the 971~~

~~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. 1003

(3) "Industrialized unit" means a building unit or assembly 1004
of closed construction fabricated in an off-site facility, that is 1005
substantially self-sufficient as a unit or as part of a greater 1006
structure, and that requires transportation to the site of 1007
intended use. "Industrialized unit" includes units installed on 1008
the site as independent units, as part of a group of units, or 1009
incorporated with standard construction methods to form a 1010
completed structural entity. "Industrialized unit" does not 1011
include a manufactured home as defined by division (C)(4) of this 1012
section or a mobile home as defined by division (O) of section 1013
4501.01 of the Revised Code. 1014

(4) "Manufactured home" means a building unit or assembly of 1015
closed construction that is fabricated in an off-site facility and 1016
constructed in conformance with the federal construction and 1017
safety standards established by the secretary of housing and urban 1018
development pursuant to the "Manufactured Housing Construction and 1019
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 1020
5403, and that has a permanent label or tag affixed to it, as 1021
specified in 42 U.S.C.A. 5415, certifying compliance with all 1022
applicable federal construction and safety standards. 1023

(5) "Permanent foundation" means permanent masonry, concrete, 1024
or a footing or foundation approved by the manufactured homes 1025
commission pursuant to Chapter 4781. of the Revised Code, to which 1026
a manufactured or mobile home may be affixed. 1027

(6) "Permanently sited manufactured home" means a 1028
manufactured home that meets all of the following criteria: 1029

(a) The structure is affixed to a permanent foundation and is 1030
connected to appropriate facilities; 1031

(b) The structure, excluding any addition, has a width of at 1032
least twenty-two feet at one point, a length of at least 1033

twenty-two feet at one point, and a total living area, excluding 1034
garages, porches, or attachments, of at least nine hundred square 1035
feet; 1036

(c) The structure has a minimum 3:12 residential roof pitch, 1037
conventional residential siding, and a six-inch minimum eave 1038
overhang, including appropriate guttering; 1039

(d) The structure was manufactured after January 1, 1995; 1040

(e) The structure is not located in a manufactured home park 1041
as defined by section ~~3733.01~~ 4781.01 of the Revised Code. 1042

(7) "Safe," with respect to a building, means it is free from 1043
danger or hazard to the life, safety, health, or welfare of 1044
persons occupying or frequenting it, or of the public and from 1045
danger of settlement, movement, disintegration, or collapse, 1046
whether such danger arises from the methods or materials of its 1047
construction or from equipment installed therein, for the purpose 1048
of lighting, heating, the transmission or utilization of electric 1049
current, or from its location or otherwise. 1050

(8) "Sanitary," with respect to a building, means it is free 1051
from danger or hazard to the health of persons occupying or 1052
frequenting it or to that of the public, if such danger arises 1053
from the method or materials of its construction or from any 1054
equipment installed therein, for the purpose of lighting, heating, 1055
ventilating, or plumbing. 1056

(9) "Residential building" means a one-family, two-family, or 1057
three-family dwelling house, and any accessory structure 1058
incidental to that dwelling house. "Residential building" includes 1059
a one-family, two-family, or three-family dwelling house that is 1060
used as a model to promote the sale of a similar dwelling house. 1061
"Residential building" does not include an industrialized unit as 1062
defined by division (C)(3) of this section, a manufactured home as 1063
defined by division (C)(4) of this section, or a mobile home as 1064

defined by division (O) of section 4501.01 of the Revised Code. 1065

(10) "Nonresidential building" means any building that is not 1066
a residential building or a manufactured or mobile home. 1067

(11) "Accessory structure" means a structure that is attached 1068
to a residential building and serves the principal use of the 1069
residential building. "Accessory structure" includes, but is not 1070
limited to, a garage, porch, or screened-in patio. 1071

Sec. 4503.061. (A) All manufactured and mobile homes shall be 1072
listed on either the real property tax list or the manufactured 1073
home tax list of the county in which the home has situs. Each 1074
owner shall follow the procedures in this section to identify the 1075
home to the county auditor of the county containing the taxing 1076
district in which the home has situs so that the auditor may place 1077
the home on the appropriate tax list. 1078

(B) When a manufactured or mobile home first acquires situs 1079
in this state and is subject to real property taxation pursuant to 1080
division (B)(1) or (2) of section 4503.06 of the Revised Code, the 1081
owner shall present to the auditor of the county containing the 1082
taxing district in which the home has its situs the certificate of 1083
title for the home, together with proof that all taxes due have 1084
been paid and proof that a relocation notice was obtained for the 1085
home if required under this section. Upon receiving the 1086
certificate of title and the required proofs, the auditor shall 1087
place the home on the real property tax list and proceed to treat 1088
the home as other properties on that list. After the auditor has 1089
placed the home on the tax list of real and public utility 1090
property, the auditor shall deliver the certificate of title to 1091
the clerk of the court of common pleas that issued it pursuant to 1092
section 4505.11 of the Revised Code, and the clerk shall 1093
inactivate the certificate of title. 1094

(C)(1) When a manufactured or mobile home subject to a 1095

manufactured home tax is relocated to or first acquires situs in 1096
any county that has adopted a permanent manufactured home 1097
registration system, as provided in division (F) of this section, 1098
the owner, within thirty days after the home is relocated or first 1099
acquires situs under section 4503.06 of the Revised Code, shall 1100
register the home with the county auditor of the county containing 1101
the taxing district in which the home has its situs. For the first 1102
registration in each county of situs, the owner or vendee in 1103
possession shall present to the county auditor an Ohio certificate 1104
of title, certified copy of the certificate of title, or 1105
memorandum certificate of title as such are required by law, and 1106
proof, as required by the county auditor, that the home, if it has 1107
previously been occupied and is being relocated, has been 1108
previously registered, that all taxes due and required to be paid 1109
under division (H)(1) of this section before a relocation notice 1110
may be issued have been paid, and that a relocation notice was 1111
obtained for the home if required by division (H) of this section. 1112
If the owner or vendee does not possess the Ohio certificate of 1113
title, certified copy of the certificate of title, or memorandum 1114
certificate of title at the time the owner or vendee first 1115
registers the home in a county, the county auditor shall register 1116
the home without presentation of the document, but the owner or 1117
vendee shall present the certificate of title, certified copy of 1118
the certificate of title, or memorandum certificate of title to 1119
the county auditor within fourteen days after the owner or vendee 1120
obtains possession of the document. 1121

(2) When a manufactured or mobile home is registered for the 1122
first time in a county and when the total tax due has been paid as 1123
required by division (F) of section 4503.06 of the Revised Code or 1124
divisions (E) and (H) of this section, the county treasurer shall 1125
note by writing or by a stamp on the certificate of title, 1126
certified copy of certificate of title, or memorandum certificate 1127
of title that the home has been registered and that the taxes due, 1128

if any, have been paid for the preceding five years and for the 1129
current year. The treasurer shall then issue a certificate 1130
evidencing registration and a decal to be displayed on the street 1131
side of the home. The certificate is valid in any county in this 1132
state during the year for which it is issued. 1133

(3) For each year thereafter, the county treasurer shall 1134
issue a tax bill stating the amount of tax due under section 1135
4503.06 of the Revised Code, as provided in division (D)(6) of 1136
that section. When the total tax due has been paid as required by 1137
division (F) of that section, the county treasurer shall issue a 1138
certificate evidencing registration that shall be valid in any 1139
county in this state during the year for which the certificate is 1140
issued. 1141

(4) The permanent decal issued under this division is valid 1142
during the period of ownership, except that when a manufactured 1143
home is relocated in another county the owner shall apply for a 1144
new registration as required by this section and section 4503.06 1145
of the Revised Code. 1146

(D)(1) All owners of manufactured or mobile homes subject to 1147
the manufactured home tax being relocated to or having situs in a 1148
county that has not adopted a permanent registration system, as 1149
provided in division (F) of this section, shall register the home 1150
within thirty days after the home is relocated or first acquires 1151
situs under section 4503.06 of the Revised Code and thereafter 1152
shall annually register the home with the county auditor of the 1153
county containing the taxing district in which the home has its 1154
situs. 1155

(2) Upon the annual registration, the county treasurer shall 1156
issue a tax bill stating the amount of annual manufactured home 1157
tax due under section 4503.06 of the Revised Code, as provided in 1158
division (D)(6) of that section. When a manufactured or mobile 1159
home is registered and when the tax for the current one-half year 1160

has been paid as required by division (F) of that section, the 1161
county treasurer shall issue a certificate evidencing registration 1162
and a decal. The certificate and decal are valid in any county in 1163
this state during the year for which they are issued. The decal 1164
shall be displayed on the street side of the home. 1165

(3) For the first annual registration in each county of 1166
situs, the county auditor shall require the owner or vendee to 1167
present an Ohio certificate of title, certified copy of the 1168
certificate of title, or memorandum certificate of title as such 1169
are required by law, and proof, as required by the county auditor, 1170
that the manufactured or mobile home has been previously 1171
registered, if such registration was required, that all taxes due 1172
and required to be paid under division (H)(1) of this section 1173
before a relocation notice may be issued have been paid, and that 1174
a relocation notice was obtained for the home if required by 1175
division (H) of this section. If the owner or vendee does not 1176
possess the Ohio certificate of title, certified copy of the 1177
certificate of title, or memorandum certificate of title at the 1178
time the owner or vendee first registers the home in a county, the 1179
county auditor shall register the home without presentation of the 1180
document, but the owner or vendee shall present the certificate of 1181
title, certified copy of the certificate of title, or memorandum 1182
certificate of title to the county auditor within fourteen days 1183
after the owner or vendee obtains possession of the document. When 1184
the county treasurer receives the tax payment, the county 1185
treasurer shall note by writing or by a stamp on the certificate 1186
of title, certified copy of the certificate of title, or 1187
memorandum certificate of title that the home has been registered 1188
for the current year and that the manufactured home taxes due, if 1189
any, have been paid for the preceding five years and for the 1190
current year. 1191

(4) For subsequent annual registrations, the auditor may 1192

require the owner or vendee in possession to present an Ohio 1193
certificate of title, certified copy of the certificate of title, 1194
or memorandum certificate of title to the county treasurer upon 1195
payment of the manufactured home tax that is due. 1196

(E)(1) Upon the application to transfer ownership of a 1197
manufactured or mobile home for which manufactured home taxes are 1198
paid pursuant to division (C) of section 4503.06 of the Revised 1199
Code the clerk of the court of common pleas shall not issue any 1200
certificate of title that does not contain or have attached both 1201
of the following: 1202

(a) An endorsement of the county treasurer stating that the 1203
home has been registered for each year of ownership and that all 1204
manufactured home taxes imposed pursuant to section 4503.06 of the 1205
Revised Code have been paid or that no tax is due; 1206

(b) An endorsement of the county auditor that the 1207
manufactured home transfer tax imposed pursuant to section 322.06 1208
of the Revised Code and any fees imposed under division (G) of 1209
section 319.54 of the Revised Code have been paid. 1210

(2) If all the taxes have not been paid, the clerk shall 1211
notify the vendee to contact the county treasurer of the county 1212
containing the taxing district in which the home has its situs at 1213
the time of the proposed transfer. The county treasurer shall then 1214
collect all the taxes that are due for the year of the transfer 1215
and all previous years not exceeding a total of five years. The 1216
county treasurer shall distribute that part of the collection owed 1217
to the county treasurer of other counties if the home had its 1218
situs in another county during a particular year when the unpaid 1219
tax became due and payable. The burden to prove the situs of the 1220
home in the years that the taxes were not paid is on the 1221
transferor of the home. Upon payment of the taxes, the county 1222
auditor shall remove all remaining taxes from the manufactured 1223
home tax list and the delinquent manufactured home tax list, and 1224

the county treasurer shall release all liens for such taxes. The 1225
clerk of courts shall issue a certificate of title, free and clear 1226
of all liens for manufactured home taxes, to the transferee of the 1227
home. 1228

(3) Once the transfer is complete and the certificate of 1229
title has been issued, the transferee shall register the 1230
manufactured or mobile home pursuant to division (C) or (D) of 1231
this section with the county auditor of the county containing the 1232
taxing district in which the home remains after the transfer or, 1233
if the home is relocated to another county, with the county 1234
auditor of the county to which the home is relocated. The 1235
transferee need not pay the annual tax for the year of acquisition 1236
if the original owner has already paid the annual tax for that 1237
year. 1238

(F) The county auditor may adopt a permanent registration 1239
system and issue a permanent decal with the first registration as 1240
prescribed by the tax commissioner. 1241

(G) When any manufactured or mobile home required to be 1242
registered by this section is not registered, the county auditor 1243
shall impose a penalty of one hundred dollars upon the owner and 1244
deposit the amount to the credit of the county real estate 1245
assessment fund to be used to pay the costs of administering this 1246
section and section 4503.06 of the Revised Code. If unpaid, the 1247
penalty shall constitute a lien on the home and shall be added by 1248
the county auditor to the manufactured home tax list for 1249
collection. 1250

(H)(1) Except as otherwise provided in this division, before 1251
moving a manufactured or mobile home on public roads from one 1252
address within this state to another address within or outside 1253
this state, the owner of the home shall obtain a relocation 1254
notice, as provided by this section, from the auditor of the 1255
county in which the home is located if the home is currently 1256

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 1289
charge, a supply of relocation notices to be distributed to 1290
purchasers pursuant to this section. 1291

(3) The notice shall be in the form of a one-foot square 1292
yellow sign with the words "manufactured home relocation notice" 1293
printed prominently on it. The name of the owner of the home, the 1294
home's registration number or vehicle identification number, the 1295
county and the address or location to which the home is being 1296
moved, and the county in which the notice is issued shall also be 1297
entered on the notice. 1298

(4) The relocation notice must be attached to the rear of the 1299
home when the home is being moved on a public road. Except as 1300
provided in divisions (H)(1) and (5) of this section, no person 1301
shall drive a motor vehicle moving a manufactured or mobile home 1302
on a public road from one address to another address within this 1303
state unless a relocation notice is attached to the rear of the 1304
home. 1305

(5) If the county auditor determines that a manufactured or 1306
mobile home has been moved without a relocation notice as required 1307
under this division, the auditor shall impose a penalty of one 1308
hundred dollars upon the owner of the home and upon the person who 1309
moved the home and deposit the amount to the credit of the county 1310
real estate assessment fund to pay the costs of administering this 1311
section and section 4503.06 of the Revised Code. If the home was 1312
relocated from one county in this state to another county in this 1313
state and the county auditor of the county to which the home was 1314
relocated imposes the penalty, that county auditor, upon 1315
collection of the penalty, shall cause an amount equal to the 1316
penalty to be transmitted from the county real estate assessment 1317
fund to the county auditor of the county from which the home was 1318
relocated, who shall deposit the amount to the credit of the 1319
county real estate assessment fund. If the penalty on the owner is 1320

unpaid, the penalty shall constitute a lien on the home and the 1321
auditor shall add the penalty to the manufactured home tax list 1322
for collection. If the county auditor determines that a dealer 1323
that has sold a manufactured or mobile home has failed to timely 1324
provide the information required under this division, the auditor 1325
shall impose a penalty upon the dealer in the amount of one 1326
hundred dollars. The penalty shall be credited to the county real 1327
estate assessment fund and used to pay the costs of administering 1328
this section and section 4503.06 of the Revised Code. 1329

(I) Whoever violates division (H)(4) of this section is 1330
guilty of a minor misdemeanor. 1331

Sec. 4503.062. (A) Every operator of a manufactured home 1332
court, or manufactured home park, as defined in section ~~3733.01~~ 1333
4781.01 of the Revised Code, or when there is no operator, every 1334
owner of property used for such purposes on which three or more 1335
manufactured or mobile homes are located, shall keep a register of 1336
all manufactured and mobile homes that make use of the court, 1337
park, or property. The register shall contain all of the 1338
following: 1339

- (1) The name of the owner and all inhabitants of each home; 1340
- (2) The ages of all inhabitants of each home; 1341
- (3) The permanent and temporary post office addresses of all 1342
inhabitants of each home; 1343
- (4) The license number of each home; 1344
- (5) The state issuing each such license; 1345
- (6) The date of arrival and of departure of each home; 1346
- (7) The make and model of each home, if known and if either 1347
of the following applies: 1348
 - (a) The home enters the court, park, or property on or after 1349

January 1, 2003. 1350

(b) Ownership of the home in the court or park, or on the 1351
property, is transferred on or after January 1, 2003. 1352

(B) The register shall be open to inspection by the county 1353
auditor, the county treasurer, agents of the auditor or treasurer, 1354
and all law enforcement agencies at all times. 1355

(C) Any person who fails to comply with this section shall be 1356
fined not less than twenty-five nor more than one hundred dollars. 1357

Sec. 4517.01. As used in sections 4517.01 to 4517.65 of the 1358
Revised Code: 1359

(A) "Persons" includes individuals, firms, partnerships, 1360
associations, joint stock companies, corporations, and any 1361
combinations of individuals. 1362

(B) "Motor vehicle" means motor vehicle as defined in section 1363
4501.01 of the Revised Code and also includes "all-purpose 1364
vehicle" and "off-highway motorcycle" as those terms are defined 1365
in section 4519.01 of the Revised Code. "Motor vehicle" does not 1366
include a snowmobile as defined in section 4519.01 of the Revised 1367
Code or manufactured and mobile homes. 1368

(C) "New motor vehicle" means a motor vehicle, the legal 1369
title to which has never been transferred by a manufacturer, 1370
remanufacturer, distributor, or dealer to an ultimate purchaser. 1371

(D) "Ultimate purchaser" means, with respect to any new motor 1372
vehicle, the first person, other than a dealer purchasing in the 1373
capacity of a dealer, who in good faith purchases such new motor 1374
vehicle for purposes other than resale. 1375

(E) "Business" includes any activities engaged in by any 1376
person for the object of gain, benefit, or advantage either direct 1377
or indirect. 1378

(F) "Engaging in business" means commencing, conducting, or 1379
continuing in business, or liquidating a business when the 1380
liquidator thereof holds self out to be conducting such business; 1381
making a casual sale or otherwise making transfers in the ordinary 1382
course of business when the transfers are made in connection with 1383
the disposition of all or substantially all of the transferor's 1384
assets is not engaging in business. 1385

(G) "Retail sale" or "sale at retail" means the act or 1386
attempted act of selling, bartering, exchanging, or otherwise 1387
disposing of a motor vehicle to an ultimate purchaser for use as a 1388
consumer. 1389

(H) "Retail installment contract" includes any contract in 1390
the form of a note, chattel mortgage, conditional sales contract, 1391
lease, agreement, or other instrument payable in one or more 1392
installments over a period of time and arising out of the retail 1393
sale of a motor vehicle. 1394

(I) "Farm machinery" means all machines and tools used in the 1395
production, harvesting, and care of farm products. 1396

(J) "Dealer" or "motor vehicle dealer" means any new motor 1397
vehicle dealer, any motor vehicle leasing dealer, and any used 1398
motor vehicle dealer. 1399

(K) "New motor vehicle dealer" means any person engaged in 1400
the business of selling at retail, displaying, offering for sale, 1401
or dealing in new motor vehicles pursuant to a contract or 1402
agreement entered into with the manufacturer, remanufacturer, or 1403
distributor of the motor vehicles. 1404

(L) "Used motor vehicle dealer" means any person engaged in 1405
the business of selling, displaying, offering for sale, or dealing 1406
in used motor vehicles, at retail or wholesale, but does not mean 1407
any new motor vehicle dealer selling, displaying, offering for 1408
sale, or dealing in used motor vehicles incidentally to engaging 1409

in the business of selling, displaying, offering for sale, or 1410
dealing in new motor vehicles, any person engaged in the business 1411
of dismantling, salvaging, or rebuilding motor vehicles by means 1412
of using used parts, or any public officer performing official 1413
duties. 1414

(M) "Motor vehicle leasing dealer" means any person engaged 1415
in the business of regularly making available, offering to make 1416
available, or arranging for another person to use a motor vehicle 1417
pursuant to a bailment, lease, sublease, or other contractual 1418
arrangement under which a charge is made for its use at a periodic 1419
rate for a term of thirty days or more, and title to the motor 1420
vehicle is in and remains in the motor vehicle leasing dealer who 1421
originally leases it, irrespective of whether or not the motor 1422
vehicle is the subject of a later sublease, and not in the user, 1423
but does not mean a manufacturer or its affiliate leasing to its 1424
employees or to dealers. 1425

(N) "Salesperson" means any person employed by a dealer ~~or~~ 1426
~~manufactured home broker~~ to sell, display, and offer for sale, or 1427
deal in motor vehicles for a commission, compensation, or other 1428
valuable consideration, but does not mean any public officer 1429
performing official duties. 1430

(O) "Casual sale" means any transfer of a motor vehicle by a 1431
person other than a new motor vehicle dealer, used motor vehicle 1432
dealer, motor vehicle salvage dealer, as defined in division (A) 1433
of section 4738.01 of the Revised Code, salesperson, motor vehicle 1434
auction owner, manufacturer, or distributor acting in the capacity 1435
of a dealer, salesperson, auction owner, manufacturer, or 1436
distributor, to a person who purchases the motor vehicle for use 1437
as a consumer. 1438

(P) "Motor vehicle show" means a display of current models of 1439
motor vehicles whereby the primary purpose is the exhibition of 1440
competitive makes and models in order to provide the general 1441

public the opportunity to review and inspect various makes and 1442
models of motor vehicles at a single location. 1443

(Q) "Motor vehicle auction owner" means any person who is 1444
engaged wholly or in part in the business of auctioning motor 1445
vehicles. 1446

(R) "Manufacturer" means a person who manufactures, 1447
assembles, or imports motor vehicles, including motor homes, but 1448
does not mean a person who only assembles or installs a body, 1449
special equipment unit, finishing trim, or accessories on a motor 1450
vehicle chassis supplied by a manufacturer or distributor. 1451

(S) "Tent-type fold-out camping trailer" means any vehicle 1452
intended to be used, when stationary, as a temporary shelter with 1453
living and sleeping facilities, and that is subject to the 1454
following properties and limitations: 1455

(1) A minimum of twenty-five per cent of the fold-out portion 1456
of the top and sidewalls combined must be constructed of canvas, 1457
vinyl, or other fabric, and form an integral part of the shelter. 1458

(2) When folded, the unit must not exceed: 1459

(a) Fifteen feet in length, exclusive of bumper and tongue; 1460

(b) Sixty inches in height from the point of contact with the 1461
ground; 1462

(c) Eight feet in width; 1463

(d) One ton gross weight at time of sale. 1464

(T) "Distributor" means any person authorized by a motor 1465
vehicle manufacturer to distribute new motor vehicles to licensed 1466
new motor vehicle dealers, but does not mean a person who only 1467
assembles or installs a body, special equipment unit, finishing 1468
trim, or accessories on a motor vehicle chassis supplied by a 1469
manufacturer or distributor. 1470

(U) "Flea market" means a market place, other than a dealer's 1471

location licensed under this chapter, where a space or location is 1472
provided for a fee or compensation to a seller to exhibit and 1473
offer for sale or trade, motor vehicles to the general public. 1474

(V) "Franchise" means any written agreement, contract, or 1475
understanding between any motor vehicle manufacturer or 1476
remanufacturer engaged in commerce and any motor vehicle dealer 1477
that purports to fix the legal rights and liabilities of the 1478
parties to such agreement, contract, or understanding. 1479

(W) "Franchisee" means a person who receives new motor 1480
vehicles from the franchisor under a franchise agreement and who 1481
offers, sells, and provides service for such new motor vehicles to 1482
the general public. 1483

(X) "Franchisor" means a new motor vehicle manufacturer, 1484
remanufacturer, or distributor who supplies new motor vehicles 1485
under a franchise agreement to a franchisee. 1486

(Y) "Dealer organization" means a state or local trade 1487
association the membership of which is comprised predominantly of 1488
new motor vehicle dealers. 1489

(Z) "Factory representative" means a representative employed 1490
by a manufacturer, remanufacturer, or by a factory branch 1491
primarily for the purpose of promoting the sale of its motor 1492
vehicles, parts, or accessories to dealers or for supervising or 1493
contacting its dealers or prospective dealers. 1494

(AA) "Administrative or executive management" means those 1495
individuals who are not subject to federal wage and hour laws. 1496

(BB) "Good faith" means honesty in the conduct or transaction 1497
concerned and the observance of reasonable commercial standards of 1498
fair dealing in the trade as is defined in division (S) of section 1499
1301.01 of the Revised Code, including, but not limited to, the 1500
duty to act in a fair and equitable manner so as to guarantee 1501
freedom from coercion, intimidation, or threats of coercion or 1502

intimidation; provided however, that recommendation, endorsement, 1503
exposition, persuasion, urging, or argument shall not be 1504
considered to constitute a lack of good faith. 1505

(CC) "Coerce" means to compel or attempt to compel by failing 1506
to act in good faith or by threat of economic harm, breach of 1507
contract, or other adverse consequences. Coerce does not mean to 1508
argue, urge, recommend, or persuade. 1509

(DD) "Relevant market area" means any area within a radius of 1510
ten miles from the site of a potential new dealership, except that 1511
for manufactured home or recreational vehicle dealerships the 1512
radius shall be twenty-five miles. The ten-mile radius shall be 1513
measured from the dealer's established place of business that is 1514
used exclusively for the purpose of selling, displaying, offering 1515
for sale, or dealing in motor vehicles. 1516

(EE) "Wholesale" or "at wholesale" means the act or attempted 1517
act of selling, bartering, exchanging, or otherwise disposing of a 1518
motor vehicle to a transferee for the purpose of resale and not 1519
for ultimate consumption by that transferee. 1520

(FF) "Motor vehicle wholesaler" means any person licensed as 1521
a dealer under the laws of another state and engaged in the 1522
business of selling, displaying, or offering for sale used motor 1523
vehicles, at wholesale, but does not mean any motor vehicle dealer 1524
as defined in this section. 1525

(GG)(1) "Remanufacturer" means a person who assembles or 1526
installs passenger seating, walls, a roof elevation, or a body 1527
extension on a conversion van with the motor vehicle chassis 1528
supplied by a manufacturer or distributor, a person who modifies a 1529
truck chassis supplied by a manufacturer or distributor for use as 1530
a public safety or public service vehicle, a person who modifies a 1531
motor vehicle chassis supplied by a manufacturer or distributor 1532
for use as a limousine or hearse, or a person who modifies an 1533

incomplete motor vehicle cab and chassis supplied by a new motor 1534
vehicle dealer or distributor for use as a tow truck, but does not 1535
mean either of the following: 1536

(a) A person who assembles or installs passenger seating, a 1537
roof elevation, or a body extension on a recreational vehicle as 1538
defined in division (Q) and referred to in division (B) of section 1539
4501.01 of the Revised Code; 1540

(b) A person who assembles or installs special equipment or 1541
accessories for handicapped persons, as defined in section 4503.44 1542
of the Revised Code, upon a motor vehicle chassis supplied by a 1543
manufacturer or distributor. 1544

(2) For the purposes of division (GG)(1) of this section, 1545
"public safety vehicle or public service vehicle" means a fire 1546
truck, ambulance, school bus, street sweeper, garbage packing 1547
truck, or cement mixer, or a mobile self-contained facility 1548
vehicle. 1549

(3) For the purposes of division (GG)(1) of this section, 1550
"limousine" means a motor vehicle, designed only for the purpose 1551
of carrying nine or fewer passengers, that a person modifies by 1552
cutting the original chassis, lengthening the wheelbase by forty 1553
inches or more, and reinforcing the chassis in such a way that all 1554
modifications comply with all applicable federal motor vehicle 1555
safety standards. No person shall qualify as or be deemed to be a 1556
remanufacturer who produces limousines unless the person has a 1557
written agreement with the manufacturer of the chassis the person 1558
utilizes to produce the limousines to complete properly the 1559
remanufacture of the chassis into limousines. 1560

(4) For the purposes of division (GG)(1) of this section, 1561
"hearse" means a motor vehicle, designed only for the purpose of 1562
transporting a single casket, that is equipped with a compartment 1563
designed specifically to carry a single casket that a person 1564

modifies by cutting the original chassis, lengthening the 1565
wheelbase by ten inches or more, and reinforcing the chassis in 1566
such a way that all modifications comply with all applicable 1567
federal motor vehicle safety standards. No person shall qualify as 1568
or be deemed to be a remanufacturer who produces hearses unless 1569
the person has a written agreement with the manufacturer of the 1570
chassis the person utilizes to produce the hearses to complete 1571
properly the remanufacture of the chassis into hearses. 1572

(5) For the purposes of division (GG)(1) of this section, 1573
"mobile self-contained facility vehicle" means a mobile classroom 1574
vehicle, mobile laboratory vehicle, bookmobile, bloodmobile, 1575
testing laboratory, and mobile display vehicle, each of which is 1576
designed for purposes other than for passenger transportation and 1577
other than the transportation or displacement of cargo, freight, 1578
materials, or merchandise. A vehicle is remanufactured into a 1579
mobile self-contained facility vehicle in part by the addition of 1580
insulation to the body shell, and installation of all of the 1581
following: a generator, electrical wiring, plumbing, holding 1582
tanks, doors, windows, cabinets, shelving, and heating, 1583
ventilating, and air conditioning systems. 1584

(6) For the purposes of division (GG)(1) of this section, 1585
"tow truck" means both of the following: 1586

(a) An incomplete cab and chassis that are purchased by a 1587
remanufacturer from a new motor vehicle dealer or distributor of 1588
the cab and chassis and on which the remanufacturer then installs 1589
in a permanent manner a wrecker body it purchases from a 1590
manufacturer or distributor of wrecker bodies, installs an 1591
emergency flashing light pylon and emergency lights upon the mast 1592
of the wrecker body or rooftop, and installs such other related 1593
accessories and equipment, including push bumpers, front grille 1594
guards with pads and other custom-ordered items such as painting, 1595
special lettering, and safety striping so as to create a complete 1596

motor vehicle capable of lifting and towing another motor vehicle. 1597

(b) An incomplete cab and chassis that are purchased by a 1598
remanufacturer from a new motor vehicle dealer or distributor of 1599
the cab and chassis and on which the remanufacturer then installs 1600
in a permanent manner a car carrier body it purchases from a 1601
manufacturer or distributor of car carrier bodies, installs an 1602
emergency flashing light pylon and emergency lights upon the 1603
rooftop, and installs such other related accessories and 1604
equipment, including push bumpers, front grille guards with pads 1605
and other custom-ordered items such as painting, special 1606
lettering, and safety striping. 1607

As used in division (GG)(6)(b) of this section, "car carrier 1608
body" means a mechanical or hydraulic apparatus capable of lifting 1609
and holding a motor vehicle on a flat level surface so that one or 1610
more motor vehicles can be transported, once the car carrier is 1611
permanently installed upon an incomplete cab and chassis. 1612

(HH) "Operating as a new motor vehicle dealership" means 1613
engaging in activities such as displaying, offering for sale, and 1614
selling new motor vehicles at retail, operating a service facility 1615
to perform repairs and maintenance on motor vehicles, offering for 1616
sale and selling motor vehicle parts at retail, and conducting all 1617
other acts that are usual and customary to the operation of a new 1618
motor vehicle dealership. For the purposes of this chapter only, 1619
possession of either a valid new motor vehicle dealer franchise 1620
agreement or a new motor vehicle dealers license, or both of these 1621
items, is not evidence that a person is operating as a new motor 1622
vehicle dealership. 1623

(II) "Outdoor power equipment" means garden and small utility 1624
tractors, walk-behind and riding mowers, chainsaws, and tillers. 1625

(JJ) "Remote service facility" means premises that are 1626
separate from a licensed new motor vehicle dealer's sales facility 1627

by not more than one mile and that are used by the dealer to 1628
perform repairs, warranty work, recall work, and maintenance on 1629
motor vehicles pursuant to a franchise agreement entered into with 1630
a manufacturer of motor vehicles. A remote service facility shall 1631
be deemed to be part of the franchise agreement and is subject to 1632
all the rights, duties, obligations, and requirements of Chapter 1633
4517. of the Revised Code that relate to the performance of motor 1634
vehicle repairs, warranty work, recall work, and maintenance work 1635
by new motor vehicle dealers. 1636

Sec. 4517.04. Each person applying for a new motor vehicle 1637
dealer's license shall ~~annually~~ biennially make out and deliver to 1638
the registrar of motor vehicles, before the first day of April, 1639
and upon a blank to be furnished by the registrar for that 1640
purpose, a separate application for license for each county in 1641
which the business of selling new motor vehicles is to be 1642
conducted. The application shall be in the form prescribed by the 1643
registrar, shall be signed and sworn to by the applicant, and, in 1644
addition to any other information required by the registrar, shall 1645
include the following: 1646

(A) Name of applicant and location of principal place of 1647
business; 1648

(B) Name or style under which business is to be conducted 1649
and, if a corporation, the state of incorporation; 1650

(C) Name and address of each owner or partner and, if a 1651
corporation, the names of the officers and directors; 1652

(D) The county in which the business is to be conducted and 1653
the address of each place of business therein; 1654

(E) A statement of the previous history, record, and 1655
association of the applicant and of each owner, partner, officer, 1656
and director, that shall be sufficient to establish to the 1657

satisfaction of the registrar the reputation in business of the 1658
applicant; 1659

(F) A statement showing whether the applicant has previously 1660
applied for a motor vehicle dealer's license, motor vehicle 1661
leasing dealer's license, ~~manufactured home broker's license,~~ 1662
distributor's license, motor vehicle auction owner's license, or 1663
motor vehicle salesperson's license, and the result of the 1664
application, and whether the applicant has ever been the holder of 1665
any such license that was revoked or suspended; 1666

(G) If the applicant is a corporation or partnership, a 1667
statement showing whether any partner, employee, officer, or 1668
director has been refused a motor vehicle dealer's license, motor 1669
vehicle leasing dealer's license, ~~manufactured home broker's~~ 1670
~~license,~~ distributor's license, motor vehicle auction owner's 1671
license, or motor vehicle salesperson's license, or has been the 1672
holder of any such license that was revoked or suspended; 1673

(H) A statement of the makes of new motor vehicles to be 1674
handled. 1675

The statement required by division (E) of this section shall 1676
indicate whether the applicant or, if applicable, any of the 1677
applicant's owners, partners, officers, or directors, 1678
individually, or as owner, partner, officer, or director of a 1679
business entity, has been convicted of, pleaded guilty, or pleaded 1680
no contest, in a criminal action, or had a judgment rendered 1681
against ~~him~~ the person in a civil action for, a violation of 1682
sections 4549.41 to 4549.46 of the Revised Code, of any 1683
substantively comparable provisions of the law of any other state, 1684
or of subchapter IV of the "Motor Vehicle Information and Cost 1685
Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 1686

A true copy of the contract, agreement, or understanding the 1687
applicant has entered into or is about to enter into with the 1688

manufacturer or distributor of the new motor vehicles the 1689
applicant will handle shall be filed with the application. If the 1690
contract, agreement, or understanding is not in writing, a written 1691
statement of all the terms thereof shall be filed. Each such copy 1692
or statement shall bear a certificate signed by each party to the 1693
contract, agreement, or understanding, to the effect that the copy 1694
or statement is true and complete and contains all of the 1695
agreements made or about to be made between the parties. 1696

The application also shall be accompanied by a photograph, as 1697
prescribed by the registrar, of each place of business operated, 1698
or to be operated, by the applicant. 1699

Sec. 4517.09. Each person applying for a salesperson's 1700
license shall ~~annually~~ biennially make out and deliver to the 1701
registrar of motor vehicles, before the first day of July and upon 1702
a blank to be furnished by the registrar for that purpose, an 1703
application for license. The application shall be in the form 1704
prescribed by the registrar, shall be signed and sworn to by the 1705
applicant, and, in addition to any other information required by 1706
the registrar, shall include the following: 1707

(A) Name and post-office address of the applicant; 1708

(B) Name and post-office address of the motor vehicle dealer 1709
~~or manufactured home broker~~ for whom the applicant intends to act 1710
as salesperson; 1711

(C) A statement of the applicant's previous history, record, 1712
and association, that shall be sufficient to establish to the 1713
satisfaction of the registrar the applicant's reputation in 1714
business; 1715

(D) A statement as to whether the applicant intends to engage 1716
in any occupation or business other than that of a motor vehicle 1717
salesperson; 1718

(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 1750
shall be one hundred dollars for each location. The fee for a 1751
distributor's license shall be one hundred dollars for each 1752
distributorship. In all cases, the fee shall accompany the 1753
application for license. 1754

The registrar may require each applicant for a license issued 1755
under this chapter to pay an additional fee, which shall be used 1756
by the registrar to pay the costs of obtaining a record of any 1757
arrests and convictions of the applicant from the Ohio bureau of 1758
identification and investigation. The amount of the fee shall be 1759
equal to that paid by the registrar to obtain such record. 1760

If a dealer, or a motor vehicle leasing dealer, ~~or a~~ 1761
~~manufactured home broker,~~ has more than one place of business in 1762
the county, the dealer ~~or the broker~~ shall make application, in 1763
such form as the registrar prescribes, for a certified copy of the 1764
license issued to the dealer ~~or manufactured home broker~~ for each 1765
place of business operated. In the event of the loss, mutilation, 1766
or destruction of a license issued under sections 4517.01 to 1767
4517.65 of the Revised Code, any licensee may make application to 1768
the registrar, in such form as the registrar prescribes, for a 1769
duplicate copy thereof. The fee for a certified or duplicate copy 1770
of a dealer's, motor vehicle leasing dealer's, ~~manufactured home~~ 1771
~~broker's,~~ distributor's, or auction owner's license, is two 1772
dollars, and the fee for a duplicate copy of a salesperson's 1773
license is one dollar. All fees for such copies shall accompany 1774
the applications. 1775

Beginning on ~~the effective date of this amendment~~ September 1776
16, 2004, all dealers' licenses, motor vehicle leasing dealers' 1777
licenses, ~~manufactured home broker's licenses,~~ distributors' 1778
licenses, auction owners' licenses, and all salespersons' licenses 1779
issued or renewed shall expire biennially on a day within the 1780
two-year cycle that is prescribed by the registrar, unless sooner 1781

suspended or revoked. Before the first day after the day 1782
prescribed by the registrar in the year that the license expires, 1783
each licensed dealer, motor vehicle leasing dealer, ~~manufactured~~ 1784
~~home broker~~, distributor, and auction owner and each licensed 1785
salesperson, in the year in which the license will expire, shall 1786
file an application, in such form as the registrar prescribes, for 1787
the renewal of such license. The fee provided in this section for 1788
the original license shall accompany the application. 1789

Any salesperson's license shall be suspended upon the 1790
termination, suspension, or revocation of the license of the motor 1791
vehicle dealer ~~or manufactured home broker~~ for whom the 1792
salesperson is acting, or upon the salesperson leaving the service 1793
of the motor vehicle dealer ~~or manufactured home broker~~; provided 1794
that upon the termination, suspension, or revocation of the 1795
license of the motor vehicle dealer ~~or manufactured home broker~~ 1796
for whom the salesperson is acting, or upon the salesperson 1797
leaving the service of a licensed motor vehicle dealer ~~or~~ 1798
~~manufactured home broker~~, the licensed salesperson, upon entering 1799
the service of any other licensed motor vehicle dealer ~~or~~ 1800
~~manufactured home broker~~, shall make application to the registrar, 1801
in such form as the registrar prescribes, to have the 1802
salesperson's license reinstated, transferred, and registered as a 1803
salesperson for the other dealer ~~or broker~~. If the information 1804
contained in the application is satisfactory to the registrar, the 1805
registrar shall have the salesperson's license reinstated, 1806
transferred, and registered as a salesperson for the other dealer 1807
~~or broker~~. The fee for the reinstatement and transfer of license 1808
shall be two dollars. No license issued to a dealer, motor vehicle 1809
leasing dealer, auction owner, ~~manufactured home broker~~, or 1810
salesperson, under sections 4517.01 to 4517.65 of the Revised Code 1811
shall be transferable to any other person. 1812

Each dealer, motor vehicle leasing dealer, ~~manufactured home~~ 1813

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

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

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

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

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

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

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

person who assembles or installs special equipment or accessories 1844
for handicapped persons, as defined in section 4503.44 of the 1845
Revised Code, upon a motor vehicle chassis supplied by a 1846
manufacturer or distributor shall not be denied a license pursuant 1847
to division (A)(4) of this section; 1848

(5) Has been guilty of a fraudulent act in connection with 1849
selling or otherwise dealing in, or leasing, motor vehicles, or in 1850
connection with brokering manufactured homes; 1851

(6) Has entered into or is about to enter into a contract or 1852
agreement with a manufacturer or distributor of motor vehicles 1853
that is contrary to sections 4517.01 to 4517.45 of the Revised 1854
Code; 1855

(7) Is insolvent; 1856

(8) Is of insufficient responsibility to ensure the prompt 1857
payment of any final judgments that might reasonably be entered 1858
against the applicant because of the transaction of business as a 1859
motor vehicle dealer, motor vehicle leasing dealer, ~~manufactured~~ 1860
~~home broker,~~ or motor vehicle auction owner during the period of 1861
the license applied for, or has failed to satisfy any such 1862
judgment; 1863

(9) Has no established place of business that, where 1864
applicable, is used or will be used for the purpose of selling, 1865
displaying, offering for sale, dealing in, or leasing motor 1866
vehicles at the location for which application is made; 1867

(10) Has, less than twelve months prior to making 1868
application, been denied a motor vehicle dealer's, motor vehicle 1869
leasing dealer's, ~~manufactured home broker's,~~ or motor vehicle 1870
auction owner's license, or has any such license revoked. 1871

(B) If the applicant is a corporation or partnership, the 1872
registrar may refuse to issue a license if any officer, director, 1873
or partner of the applicant has been guilty of any act or omission 1874

that would be cause for refusing or revoking a license issued to 1875
such officer, director, or partner as an individual. The 1876
registrar's finding may be based upon facts contained in the 1877
application or upon any other information the registrar may have. 1878
Immediately upon denying an application for any of the reasons in 1879
this section, the registrar shall enter a final order together 1880
with the registrar's findings and certify the same to the motor 1881
vehicle dealers' and salespersons' licensing board. 1882

(C) Notwithstanding division (A)(4) of this section, the 1883
registrar shall not deny the application of any person and refuse 1884
to issue a license if the registrar finds that the applicant is 1885
engaged or will engage in the business of selling at retail any 1886
new motor vehicles and demonstrates all of the following in the 1887
form prescribed by the registrar: 1888

(1) That the applicant has posted a bond, surety, or 1889
certificate of deposit with the registrar in an amount not less 1890
than one hundred thousand dollars for the protection and benefit 1891
of the applicant's customers except that a new motor vehicle 1892
dealer who is not exclusively engaged in the business of selling 1893
remanufactured vehicles shall not be required to post the bond, 1894
surety, or certificate of deposit otherwise required by division 1895
(C)(1) of this section; 1896

~~(2) That, at the time of the sale of the vehicle, each 1897
customer of the applicant will be furnished with a binding 1898
agreement ensuring that the customer has the right to have the 1899
vehicle serviced or repaired by a new motor vehicle dealer who is 1900
licensed to sell and service vehicles of the same line make as the 1901
chassis of the remanufactured vehicle purchased by the customer 1902
and whose service or repair facility is located within either 1903
twenty miles of the applicant's location and place of business or 1904
twenty miles of the customer's residence or place of business. If 1905
there is no such new motor vehicle dealer located within twenty 1906~~

~~miles of the applicant's location and place of business or the 1907
customer's residence or place of business, the binding agreement 1908
furnished to the customer may be with the new motor vehicle dealer 1909
who is franchised to sell and service vehicles of the same 1910
line make as the chassis of the remanufactured vehicle purchased 1911
by the customer and whose service or repair facility is located 1912
nearest to the remanufacturer's location and place of business or 1913
the customer's residence or place of business. 1914~~

~~(3) That, at the time of the sale of the vehicle, each 1915
customer of the applicant will be furnished with a warranty issued 1916
by the remanufacturer for a term of at least one year; 1917~~

~~(4)(3) That the applicant provides and maintains at the 1918
applicant's location and place of business a permanent facility 1919
with all of the following: 1920~~

~~(a) A showroom with space, under roof, for the display of at 1921
least one new motor vehicle; 1922~~

~~(b) A service and parts facility for remanufactured vehicles; 1923~~

~~(c) Full-time service and parts personnel with the proper 1924
training and technical expertise to service the remanufactured 1925
vehicles sold by the applicant. 1926~~

Sec. 4517.13. The registrar of motor vehicles shall deny the 1927
application of any person for a license as a distributor and 1928
refuse to issue the license if the registrar finds that the 1929
applicant: 1930

~~(A) Has made any false statement of a material fact in the 1931
application; 1932~~

~~(B) Has not complied with sections 4517.01 to 4517.45 of the 1933
Revised Code; 1934~~

~~(C) Is of bad business repute or has habitually defaulted on 1935
financial obligations; 1936~~

(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;	1937 1938 1939
(E) Has been guilty of a fraudulent act in connection with selling or otherwise dealing in motor vehicles;	1940 1941
(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;	1942 1943 1944
(G) Is insolvent;	1945
(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;	1946 1947 1948 1949 1950
(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;	1951 1952 1953 1954
(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.	1955 1956 1957 1958
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	1959 1960 1961 1962 1963 1964 1965 1966 1967

final order together with the registrar's findings and certify the 1968
same to the motor vehicle dealers board. 1969

Sec. 4517.14. The registrar of motor vehicles shall deny the 1970
application of any person for a license as a salesperson and 1971
refuse to issue the license if the registrar finds that the 1972
applicant: 1973

(A) Has made any false statement of a material fact in the 1974
application; 1975

(B) Has not complied with sections 4517.01 to 4517.45 of the 1976
Revised Code; 1977

(C) Is of bad business repute or has habitually defaulted on 1978
financial obligations; 1979

(D) Has been guilty of a fraudulent act in connection with 1980
selling or otherwise dealing in motor vehicles; 1981

(E) Has not been designated to act as salesperson for a motor 1982
vehicle dealer ~~or manufactured home broker~~ licensed to do business 1983
in this state under section 4517.10 of the Revised Code, or 1984
intends to act as salesperson for more than one licensed motor 1985
vehicle dealer ~~or manufactured home broker~~ at the same time, 1986
except that a licensed salesperson may act as a salesperson at any 1987
licensed dealership owned or operated by the same ~~corporation~~ 1988
company, regardless of the county in which the dealership's 1989
facility is located; 1990

(F) Holds a current motor vehicle dealer's ~~or manufactured~~ 1991
~~home broker's~~ license issued under section 4517.10 of the Revised 1992
Code, and intends to act as salesperson for another licensed motor 1993
vehicle dealer ~~or manufactured home broker~~; 1994

(G) Has, less than twelve months prior to making application, 1995
been denied a salesperson's license or had a salesperson's license 1996
revoked. 1997

The registrar may refuse to issue a salesperson's license to 1998
an applicant who was salesperson for, or in the employ of, a motor 1999
vehicle dealer ~~or manufactured home broker~~ at the time the 2000
dealer's ~~or broker's~~ license was revoked. The registrar's finding 2001
may be based upon any statement contained in the application or 2002
upon any facts within the registrar's knowledge, and, immediately 2003
upon refusing to issue a salesperson's license, the registrar 2004
shall enter a final order and shall certify the final order 2005
together with his findings to the motor vehicle dealers board. 2006

Sec. 4517.23. (A) Any licensed motor vehicle dealer, motor 2007
vehicle leasing dealer, ~~manufactured home broker~~, or distributor 2008
shall notify the registrar of motor vehicles concerning any change 2009
in status as a dealer, motor vehicle leasing dealer, ~~manufactured~~ 2010
~~home broker~~, or distributor during the period for which the 2011
dealer, ~~broker~~, or distributor is licensed, if the change of 2012
status concerns any of the following: 2013

(1) Personnel of owners, partners, officers, or directors; 2014

(2) Location of office or principal place of business; 2015

(3) In the case of a motor vehicle dealer, any contract or 2016
agreement with any manufacturer or distributor; and in the case of 2017
a distributor, any contract or agreement with any manufacturer. 2018

(B) The notification required by division (A) of this section 2019
shall be made by filing with the registrar, within fifteen days 2020
after the change of status, a supplemental statement in a form 2021
prescribed by the registrar showing in what respect the status has 2022
been changed. If the change involves a change in any contract or 2023
agreement between any manufacturer or distributor, and dealer, or 2024
any manufacturer and distributor, the supplemental statement shall 2025
be accompanied by such copies of contracts, statements, and 2026
certificates as would have been required by sections 4517.01 to 2027
4517.45 of the Revised Code if the change had occurred prior to 2028

the licensee's application for license. 2029

The motor vehicle dealers board may adopt a rule exempting 2030
from the notification requirement of division (A)(1) of this 2031
section any dealer if stock in the dealer or its parent company is 2032
publicly traded and if there are public records with state or 2033
federal agencies that provide the information required by division 2034
(A)(1) of this section. 2035

(C) Whoever violates this section is guilty of a misdemeanor 2036
of the fourth degree. 2037

Sec. 4517.24. (A) No two motor vehicle dealers shall engage 2038
in business at the same location, unless they agree to be jointly, 2039
severally, and personally liable for any liability arising from 2040
their engaging in business at the same location. The agreement 2041
shall be filed with the motor vehicle dealers board, and shall 2042
also be made a part of the articles of incorporation of each such 2043
dealer filed with the secretary of state. Whenever the board has 2044
reason to believe that a dealer who has entered into such an 2045
agreement has revoked the agreement but continues to engage in 2046
business at the same location, the board shall revoke the dealer's 2047
license. 2048

~~(B) This section does not apply to two or more motor vehicle 2049
dealers engaged in the business of selling new or used 2050
manufactured or mobile homes in the same manufactured home park. 2051~~

~~(C) Whoever violates this section is guilty of a misdemeanor 2052
of the fourth degree. 2053~~

Sec. 4517.44. (A) No manufacturer or distributor of motor 2054
vehicles, dealer in motor vehicles, ~~or manufactured home broker,~~ 2055
nor any owner, proprietor, person in control, or keeper of any 2056
garage, stable, shop, or other place of business, shall fail to 2057
keep or cause to be kept any record required by law. 2058

(B) Whoever violates this section is guilty of a minor 2059
misdemeanor. 2060

Sec. 4743.05. Except as otherwise provided in sections 2061
4701.20, 4723.062, 4723.082, ~~and~~ 4729.65, and 4781.28 of the 2062
Revised Code, all money collected under Chapters 3773., 4701., 2063
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 2064
4733., 4734., 4736., 4741., 4753., 4755., 4757., 4758., 4759., 2065
4761., 4766., 4771., 4775., 4779., and 4781. of the Revised Code 2066
shall be paid into the state treasury to the credit of the 2067
occupational licensing and regulatory fund, which is hereby 2068
created for use in administering such chapters. 2069

At the end of each quarter, the director of budget and 2070
management shall transfer from the occupational licensing and 2071
regulatory fund to the nurse education assistance fund created in 2072
section 3333.28 of the Revised Code the amount certified to the 2073
director under division (B) of section 4723.08 of the Revised 2074
Code. 2075

At the end of each quarter, the director shall transfer from 2076
the occupational licensing and regulatory fund to the certified 2077
public accountant education assistance fund created in section 2078
4701.26 of the Revised Code the amount certified to the director 2079
under division (H)(2) of section 4701.10 of the Revised Code. 2080

Sec. 4781.01. As used in this chapter: 2081

(A) "Industrialized unit" has the same meaning as in division 2082
(C)(3) of section 3781.06 of the Revised Code. 2083

(B) "Installation" means any of the following: 2084

(1) The temporary or permanent construction of stabilization, 2085
support, and anchoring systems for manufactured housing; 2086

(2) The placement and erection of a manufactured housing unit 2087

or components of a unit on a structural support system;	2088
(3) The supporting, blocking, leveling, securing, anchoring, underpinning, or adjusting of any section or component of a manufactured housing unit;	2089 2090 2091
(4) The joining or connecting of all sections or components of a manufactured housing unit.	2092 2093
(C) "Manufactured home" has the same meaning as in division (C)(4) of section 3781.06 of the Revised Code.	2094 2095
(D) "Manufactured home park" has the same meaning as in division (A) of section 3733.01 of the Revised Code <u>means any tract of land upon which three or more manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the park. "Manufactured home park" does not include any of the following:</u>	2096 2097 2098 2099 2100 2101 2102 2103
<u>(1) A tract of land used solely for the storage or display for sale of manufactured or mobile homes or solely as a temporary park-camp as defined in section 3729.01 of the Revised Code;</u>	2104 2105 2106
<u>(2) A tract of land that is subdivided and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes used for habitation and the roadways are dedicated to the local government authority;</u>	2107 2108 2109 2110
<u>(3) A tract of land within an area that is subject to local zoning authority and subdivision requirements and is subdivided, and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes for habitation.</u>	2111 2112 2113 2114
(E) "Manufactured housing" means manufactured homes and mobile homes.	2115 2116
(F) "Manufactured housing installer" means an individual who	2117

installs manufactured housing.	2118
(G) "Mobile home" has the same meaning as in division (O) of section 4501.01 of the Revised Code.	2119 2120
(H) "Model standards" means the federal manufactured home installation standards established pursuant to 42 U.S.C. 5404.	2121 2122
(I) "Permanent foundation" has the same meaning as in division (C)(5) of section 3781.06 of the Revised Code.	2123 2124
(J) "Business" includes any activities engaged in by any person for the object of gain, benefit, or advantage either direct or indirect.	2125 2126 2127
(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.	2128 2129 2130 2131 2132
(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.	2133 2134 2135 2136 2137 2138 2139
(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>	2140 2141 2142 2143
(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.	2144 2145 2146 2147

(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>	2179
<u>(X) "Residential premises" means a lot located within a</u>	2180
<u>manufactured home park and the grounds, areas, and facilities</u>	2181
<u>contained within the manufactured home park for the use of</u>	2182
<u>residents generally or the use of which is promised to a resident.</u>	2183
<u>(Y) "Rental agreement" means any agreement or lease, written</u>	2184
<u>or oral, that establishes or modifies the terms, conditions,</u>	2185
<u>rules, or any other provisions concerning the use and occupancy of</u>	2186
<u>residential premises by one of the parties.</u>	2187
<u>(Z) "Security deposit" means any deposit of money or property</u>	2188
<u>to secure performance by the resident under a rental agreement.</u>	2189
<u>(AA) "Development" means any artificial change to improved or</u>	2190
<u>unimproved real estate, including, without limitation, buildings</u>	2191
<u>or structures, dredging, filling, grading, paving, excavation or</u>	2192
<u>drilling operations, or storage of equipment or materials, and the</u>	2193
<u>construction, expansion, or substantial alteration of a</u>	2194
<u>manufactured home park, for which plan review is required under</u>	2195
<u>division (A) of section 4781.31 of the Revised Code. "Development"</u>	2196
<u>does not include the building, construction, erection, or</u>	2197
<u>manufacture of any building to which section 3781.06 of the</u>	2198
<u>Revised Code is applicable.</u>	2199
<u>(BB) "Flood" or "flooding" means either of the following:</u>	2200
<u>(1) A general and temporary condition of partial or complete</u>	2201
<u>inundation of normally dry land areas from any of the following:</u>	2202
<u>(a) The overflow of inland or tidal waters;</u>	2203
<u>(b) The unusual and rapid accumulation or runoff of surface</u>	2204
<u>waters from any source;</u>	2205
<u>(c) Mudslides that are proximately caused by flooding as</u>	2206
<u>defined in division (M)(1)(b) of this section and that are akin to</u>	2207
<u>a river of liquid and flowing mud on the surface of normally dry</u>	2208

land areas, as when earth is carried by a current of water and 2209
deposited along the path of the current. 2210

(2) The collapse or subsidence of land along the shore of a 2211
lake or other body of water as a result of erosion or undermining 2212
that is caused by waves or currents of water exceeding anticipated 2213
cyclical levels or that is suddenly caused by an unusually high 2214
water level in a natural body of water, and that is accompanied by 2215
a severe storm, by an unanticipated force of nature, such as a 2216
flash flood, by an abnormal tidal surge, or by some similarly 2217
unusual and unforeseeable event, that results in flooding as 2218
defined in division (M)(1)(a) of this section. 2219

(CC) "Flood plain" means the area adjoining any river, 2220
stream, watercourse, or lake that has been or may be covered by 2221
flood water. 2222

(DD) "One-hundred-year flood" means a flood having a one per 2223
cent chance of being equaled or exceeded in any given year. 2224

(EE) "One-hundred-year flood plain" means that portion of a 2225
flood plain inundated by a one-hundred-year flood. 2226

(FF) "Person" has the same meaning as in section 1.59 of the 2227
Revised Code and also includes this state, any political 2228
subdivision of this state, and any other state or local body of 2229
this state. 2230

(GG) "Substantial damage" means damage of any origin 2231
sustained by a manufactured or mobile home that is situated in a 2232
manufactured home park located in a flood plain when the cost of 2233
restoring the home to its condition before the damage occurred 2234
will equal or exceed fifty per cent of the market value of the 2235
home before the damage occurred. 2236

(HH) "Substantially alter" means a change in the layout or 2237
design of a manufactured home park, including, without limitation, 2238
the movement of utilities or changes in established streets, lots, 2239

or sites or in other facilities. In the case of manufactured home 2240
parks located within a one-hundred-year flood plain, 2241
"substantially alter" also includes changes in elevation resulting 2242
from the addition of fill, grading, or excavation that may affect 2243
flood plain management. 2244

(II) "Tract" means a contiguous area of land that consists of 2245
one or more parcels, lots, or sites that have been separately 2246
surveyed regardless of whether the individual parcels, lots, or 2247
sites have been recorded and regardless of whether the one or more 2248
parcels, lots, or sites are under common or different ownership. 2249

Sec. 4781.04. (A) The manufactured homes commission shall 2250
adopt rules pursuant to Chapter 119. of the Revised Code to do all 2251
of the following: 2252

(1) Establish uniform standards that govern the installation 2253
of manufactured housing. Not later than one hundred eighty days 2254
after the secretary of the United States department of housing and 2255
urban development adopts model standards for the installation of 2256
manufactured housing or amends those standards, the commission 2257
shall amend its standards as necessary to be consistent with, and 2258
not less stringent than, the model standards for the design and 2259
installation of manufactured housing the secretary adopts or any 2260
manufacturers' standards that the secretary determines are equal 2261
to or not less stringent than the model standards. 2262

(2) Govern the inspection of the installation of manufactured 2263
housing. The rules shall specify that the commission, any building 2264
department or personnel of any department, ~~any licensor or~~ 2265
~~personnel of any licensor,~~ or any private third party, certified 2266
pursuant to section 4781.07 of the Revised Code shall conduct all 2267
inspections of the installation of manufactured housing located in 2268
manufactured home parks to determine compliance with the uniform 2269
installation standards the commission establishes pursuant to this 2270

section.	2271
As used in division (A)(2) of this section, "licensor" has	2272
the same meaning as in section 3733.01 of the Revised Code.	2273
(3) Govern the design, construction, installation, approval,	2274
and inspection of foundations and the base support systems for	2275
manufactured housing. The rules shall specify that the commission,	2276
any building department or personnel of any department, any	2277
licensor or personnel of any licensor, or any private third party,	2278
certified pursuant to section 4781.07 of the Revised Code shall	2279
conduct all inspections of the installation, foundations, and base	2280
support systems of manufactured housing located in manufactured	2281
home parks to determine compliance with the uniform installation	2282
standards and foundation and base support system design the	2283
commission establishes pursuant to this section.	2284
As used in division (A)(3) of this section, "licensor" has	2285
the same meaning as in section 3733.01 of the Revised Code.	2286
(4) Govern the training, experience, and education	2287
requirements for manufactured housing installers, manufactured	2288
housing dealers, manufactured housing brokers, and manufactured	2289
housing salespersons;	2290
(5) Establish a code of ethics for manufactured housing	2291
installers;	2292
(6) Govern the issuance, revocation, and suspension of	2293
licenses to manufactured housing installers;	2294
(7) Establish fees for the issuance and renewal of licenses,	2295
for conducting inspections to determine an applicant's compliance	2296
with this chapter and the rules adopted pursuant to it, and for	2297
the commission's expenses incurred in implementing this chapter;	2298
(8) Establish conditions under which a licensee may enter	2299
into contracts to fulfill the licensee's responsibilities;	2300

(9) Govern the investigation of complaints concerning any 2301
violation of this chapter or the rules adopted pursuant to it or 2302
complaints involving the conduct of any licensed manufactured 2303
housing installer or person installing manufactured housing 2304
without a license, licensed manufactured housing dealer, licensed 2305
manufactured housing broker, or manufactured housing salesperson; 2306

(10) Establish a dispute resolution program for the timely 2307
resolution of warranty issues involving new manufactured homes, 2308
disputes regarding responsibility for the correction or repair of 2309
defects in manufactured housing, and the installation of 2310
manufactured housing. The rules shall provide for the timely 2311
resolution of disputes between manufacturers, manufactured housing 2312
dealers, and installers regarding the correction or repair of 2313
defects in manufactured housing that are reported by the purchaser 2314
of the home during the one-year period beginning on the date of 2315
installation of the home. The rules also shall provide that 2316
decisions made regarding the dispute under the program are not 2317
binding upon the purchaser of the home or the other parties 2318
involved in the dispute unless the purchaser so agrees in a 2319
written acknowledgement that the purchaser signs and delivers to 2320
the program within ten business days after the decision is issued. 2321

(11) Establish the requirements and procedures for the 2322
certification of building departments and building department 2323
personnel pursuant to section 4781.07 of the Revised Code; 2324

(12) Establish fees to be charged to building departments and 2325
building department personnel applying for certification and 2326
renewal of certification pursuant to section 4781.07 of the 2327
Revised Code; 2328

(13) Carry out any other provision of this chapter. 2329

(B) The manufactured homes commission shall do all of the 2330
following: 2331

(1) Prepare and administer a licensure examination to	2332
determine an applicant's knowledge of manufactured housing	2333
installation and other aspects of installation the commission	2334
determines appropriate;	2335
(2) Select, provide, or procure appropriate examination	2336
questions and answers for the licensure examination and establish	2337
the criteria for successful completion of the examination;	2338
(3) Prepare and distribute any application form this chapter	2339
requires;	2340
(4) Receive applications for licenses and renewal of licenses	2341
and issue licenses to qualified applicants;	2342
(5) Establish procedures for processing, approving, and	2343
disapproving applications for licensure;	2344
(6) Retain records of applications for licensure, including	2345
all application materials submitted and a written record of the	2346
action taken on each application;	2347
(7) Review the design and plans for manufactured housing	2348
installations, foundations, and support systems;	2349
(8) Inspect a sample of homes at a percentage the commission	2350
determines to evaluate the construction and installation of	2351
manufactured housing installations, foundations, and support	2352
systems to determine compliance with the standards the commission	2353
adopts;	2354
(9) Investigate complaints concerning violations of this	2355
chapter or the rules adopted pursuant to it, or the conduct of any	2356
manufactured housing installer, manufactured housing dealer,	2357
manufactured housing broker, or manufactured housing salesperson;	2358
(10) Determine appropriate disciplinary actions for	2359
violations of this chapter;	2360
(11) Conduct audits and inquiries of manufactured housing	2361

installers, manufactured housing dealers, and manufactured housing 2362
brokers as appropriate for the enforcement of this chapter. The 2363
commission, or any person the commission employs for the purpose, 2364
may review and audit the business records of any manufactured 2365
housing installer, dealer, or broker during normal business hours. 2366

(12) Approve an installation training course, which may be 2367
offered by the Ohio manufactured homes association or other 2368
entity; 2369

(13) Perform any function or duty necessary to administer 2370
this chapter and the rules adopted pursuant to it. 2371

(C) Nothing in this section shall be construed to limit the 2372
authority of a board of health to enforce Chapters 3703., 3718., 2373
and 3781. of the Revised Code. 2374

Sec. 4781.07. (A) Pursuant to rules the manufactured homes 2375
commission adopts, the commission may certify municipal, township, 2376
and county building departments and the personnel of those 2377
departments, ~~licensors as defined in section 3733.01 of the~~ 2378
~~Revised Code and the personnel of those licensors,~~ or any private 2379
third party, to exercise the commission's enforcement authority, 2380
accept and approve plans and specifications for foundations, 2381
support systems and installations, and inspect manufactured 2382
housing foundations, support systems, and manufactured housing 2383
installations. Any certification is effective for three years. 2384

(B) Following an investigation and finding of facts that 2385
support its action, the commission may revoke or suspend 2386
certification. The commission may initiate an investigation on its 2387
own motion or the petition of a person affected by the enforcement 2388
or approval of plans. 2389

Sec. 4781.10. (A) (1) The manufactured homes commission may 2390
establish programs and requirements for continuing education for 2391

manufactured housing installers. The commission shall not require 2392
licensees to complete more than eight credit hours of continuing 2393
education during each license period. If the commission 2394
establishes a program of continuing education, it shall require 2395
that only courses that the commission preapproves be accepted for 2396
licensure credit, and unless an extension is granted pursuant to 2397
division (D) of this section, that all credit hours be 2398
successfully completed prior to the expiration of the installer's 2399
license. 2400

(2) The manufactured homes commission shall establish by rule 2401
programs of continuing education for manufactured home park 2402
operators and shall approve by rule any courses offered through 2403
those programs. The rules the commission adopts shall specify that 2404
the courses shall be developed by the Ohio manufactured homes 2405
association in consultation with the association of manufactured 2406
home residents of Ohio, or any other entity the commission 2407
designates by rule. The courses shall be designed to fulfill the 2408
license renewal requirements of section 3733.03 of the Revised 2409
Code of eight hours of continuing education and shall be presented 2410
by the Ohio manufactured homes association, or any other entity 2411
the commission designates by rule, as the course provider. 2412
Certified completion of the course shall fulfill the continuing 2413
education requirement of license renewal. 2414

(B) To provide the resources to administer continuing 2415
education programs, the commission may establish nonrefundable 2416
fees, including any of the following: 2417

(1) An application fee not to exceed one hundred fifty 2418
dollars charged to the sponsor of each proposed course; 2419

(2) A renewal fee not to exceed seventy-five dollars, charged 2420
to the sponsor of each course, for the annual renewal of course 2421
approval; 2422

(3) A course fee charged to the sponsor of each course	2423
offered, not to exceed five dollars per credit hour, for each	2424
person completing an approved course;	2425
(4) A student fee charged to licensees, not to exceed fifty	2426
dollars, for each course or activity a student submits to the	2427
commission for approval.	2428
(C) The commission may adopt reasonable rules not	2429
inconsistent with this chapter to carry out any continuing	2430
education program, including rules that govern the following:	2431
(1) The content and subject matter of continuing education	2432
courses;	2433
(2) The criteria, standards, and procedures for the approval	2434
of courses, course sponsors, and course instructors;	2435
(3) The methods of instruction;	2436
(4) The computation of course credit;	2437
(5) The ability to carry forward course credit from one year	2438
to another;	2439
(6) Conditions under which the commission may grant a waiver	2440
or variance from continuing education requirements on the basis of	2441
hardship or other reasons;	2442
(7) Procedures for compliance with the continuing education	2443
requirements and sanctions for noncompliance.	2444
(D) The commission shall not renew the license of any person	2445
who fails to satisfy any continuing education requirement that the	2446
commission establishes. The commission may, for good cause, grant	2447
an extension of time to comply with the continuing education	2448
requirements. Any installer who is granted an extension and	2449
completes the continuing education requirements within the time	2450
the commission establishes is deemed in compliance with the	2451
education requirements. The license of any person who is granted	2452

an extension shall remain in effect during the period of the 2453
extension. 2454

Sec. 4781.121. (A) The manufactured homes commission, 2455
pursuant to section 4781.04 of the Revised Code, may investigate 2456
any person who allegedly has committed a violation. If, after an 2457
investigation the commission determines that reasonable evidence 2458
exists that a person has committed a violation, within seven days 2459
after that determination, the commission shall send a written 2460
notice to that person in the same manner as prescribed in section 2461
119.07 of the Revised Code for licensees, except that the notice 2462
shall specify that a hearing will be held and specify the date, 2463
time, and place of the hearing. 2464

(B) The commission shall hold a hearing regarding the alleged 2465
violation in the same manner prescribed for an adjudication 2466
hearing under section 119.09 of the Revised Code. If the 2467
commission, after the hearing, determines that a violation has 2468
occurred, the commission, upon an affirmative vote of five of its 2469
members, may impose a fine not exceeding one thousand dollars per 2470
violation per day. The commission's determination is an order that 2471
the person may appeal in accordance with section 119.12 of the 2472
Revised Code. 2473

(C) If the person who allegedly committed a violation fails 2474
to appear for a hearing, the commission may request the court of 2475
common pleas of the county where the alleged violation occurred to 2476
compel the person to appear before the commission for a hearing. 2477

(D) If the commission assesses a person a civil penalty for a 2478
violation and the person fails to pay that civil penalty within 2479
the time period prescribed by the commission pursuant to section 2480
131.02 of the Revised Code, the commission shall forward to the 2481
attorney general the name of the person and the amount of the 2482
civil penalty for the purpose of collecting that civil penalty. In 2483

addition to the civil penalty assessed pursuant to this section, 2484
the person also shall pay any fee assessed by the attorney general 2485
for collection of the civil penalty. 2486

(E) The authority provided to the commission pursuant to this 2487
section, and any fine imposed under this section, shall be in 2488
addition to, and not in lieu of, all penalties and other remedies 2489
provided in this chapter. Any fines collected pursuant to this 2490
section shall be used solely to administer and enforce this 2491
chapter and rules adopted under it. 2492

(F) As used in this section, "violation" means a violation of 2493
section 4781.11, 4781.16, or 4781.27, or any rule adopted pursuant 2494
to section 4781.04, of the Revised Code. 2495

Sec. 4781.14. (A) ~~Except as provided in division (A)(3) of~~ 2496
~~section 3733.02 of the Revised Code, the state, through the~~ 2497
~~The~~ manufactured homes commission, has exclusive authority to regulate 2498
manufactured home installers, the installation of manufactured 2499
housing, and manufactured housing foundations and support systems 2500
in ~~the~~ this state. By enacting this chapter, it is the intent of 2501
the general assembly to preempt municipal corporations and other 2502
political subdivisions from regulating and licensing manufactured 2503
housing installers and regulating and inspecting the installation 2504
of manufactured housing and manufactured housing foundations and 2505
support systems. 2506

(B) ~~Except as provided in division (A)(3) of section 3733.02~~ 2507
~~of the Revised Code, the~~ The manufactured homes commission has 2508
exclusive power to adopt rules of uniform application throughout 2509
the state governing installation of manufactured housing, the 2510
inspection of manufactured housing foundations and support 2511
systems, the inspection of the installation of manufactured 2512
housing, the training and licensing of manufactured housing 2513
installers, and the investigation of complaints concerning 2514

manufactured housing installers. 2515

(C) ~~Except as provided in division (A)(3) of section 3733.02~~ 2516
~~of the Revised Code, the~~ The rules the commission adopts pursuant 2517
to this chapter are the exclusive rules governing the installation 2518
of manufactured housing, the design, construction, and approval of 2519
foundations for manufactured housing, the licensure of 2520
manufactured home installers, and the fees charged for licensure 2521
of manufactured home installers. No political subdivision of the 2522
state or any department or agency of the state may establish any 2523
other standards governing the installation of manufactured 2524
housing, manufactured housing foundations and support systems, the 2525
licensure of manufactured housing installers, or fees charged for 2526
the licensure of manufactured housing installers. 2527

(D) Nothing in this section limits the authority of the 2528
attorney general to enforce Chapter 1345. of the Revised Code or 2529
to take any action permitted by the Revised Code against 2530
manufactured housing installers, retailers, or manufacturers. 2531

Sec. 4781.15. The remedies in ~~sections 4781.01 to 4781.14 of~~ 2532
~~the Revised Code~~ this chapter are in addition to remedies 2533
otherwise available for the same conduct under state or local law. 2534

Sec. ~~3733.02~~ 4781.26. (A)(1) The ~~public health council~~ 2535
manufactured homes commission, subject to Chapter 119. of the 2536
Revised Code, shall adopt, and has the exclusive power to adopt, 2537
rules of uniform application throughout the state governing the 2538
review of plans, issuance of flood plain management permits, and 2539
issuance of licenses for manufactured home parks; the location, 2540
layout, density, construction, drainage, sanitation, safety, and 2541
operation of those parks; and notices of flood events concerning, 2542
and flood protection at, those parks. The rules pertaining to 2543
flood plain management shall be consistent with and not less 2544

stringent than the flood plain management criteria of the national 2545
flood insurance program adopted under the "National Flood 2546
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as 2547
amended. The rules shall not apply to the construction, erection, 2548
or manufacture of any building to which section 3781.06 of the 2549
Revised Code is applicable. 2550

~~(2)~~(B) The rules pertaining to manufactured home parks 2551
constructed after June 30, 1971, shall specify that each home must 2552
be placed on its lot to provide not less than fifteen feet between 2553
the side of one home and the side of another home, ten feet 2554
between the end of one home and the side of another home, and five 2555
feet between the ends of two homes placed end to end. 2556

~~(3)~~(C) The manufactured homes commission shall determine 2557
compliance with the installation, blocking, tiedown, foundation, 2558
and base support system standards for manufactured housing located 2559
in manufactured home parks adopted by the commission pursuant to 2560
section 4781.04 of the Revised Code. All inspections of the 2561
installation, blocking, tiedown, foundation, and base support 2562
systems of manufactured housing in a manufactured home park that 2563
the ~~department of health or a licensor~~ commission conducts shall 2564
be conducted by a person ~~who has completed an installation~~ 2565
~~training course approved by~~ the manufactured homes commission 2566
certifies pursuant to ~~division (B)(12) of section 4781.04~~ 4781.07 2567
of the Revised Code. 2568

~~As used in division (A)(3) of this section, "manufactured~~ 2569
~~housing" has the same meaning as in section 4781.01 of the Revised~~ 2570
~~Code.~~ 2571

~~(B) The public health council, in accordance with Chapter~~ 2572
~~119. of the Revised Code, shall adopt rules of uniform application~~ 2573
~~throughout the state establishing requirements and procedures in~~ 2574
~~accordance with which the director of health may authorize~~ 2575
~~licensors for the purposes of sections 3733.022 and 3733.025 of~~ 2576

~~the Revised Code. The rules shall include at least provisions~~ 2577
~~under which a licensor may enter into contracts for the purpose of~~ 2578
~~fulfilling the licensor's responsibilities under either or both of~~ 2579
~~those sections.~~ 2580

Sec. ~~3733.03~~ 4781.27. (A)(1) On or after the first day of 2581
December, but before the first day of January of the next year, 2582
every person who intends to operate a manufactured home park shall 2583
procure a license to operate the park for the next year from the 2584
~~licensor~~ manufactured homes commission. If the applicable license 2585
fee prescribed under section ~~3733.04~~ 4781.28 of the Revised Code 2586
is not received by the ~~licensor~~ commission by the close of 2587
business on the last day of December, the applicant for the 2588
license shall pay a penalty equal to twenty-five per cent of the 2589
applicable license fee. The penalty shall accompany the license 2590
fee. If the last day of December is not a business day, the 2591
penalty attaches upon the close of business on the next business 2592
day. 2593

(2) No manufactured home park shall be maintained or operated 2594
in this state without a license. 2595

(3) No person who has received a license, upon the sale or 2596
disposition of the manufactured home park, may have the license 2597
transferred to the new operator. A person shall obtain a separate 2598
license to operate each manufactured home park. 2599

(B) Before a license is initially issued and annually 2600
thereafter, or more often if necessary, the ~~licensor~~ commission 2601
shall cause each manufactured home park to be inspected ~~relative~~ 2602
~~to~~ for compliance with sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 4781.35 2603
of the Revised Code and the rules adopted under those sections. A 2604
record shall be made of each inspection on a form prescribed by 2605
the ~~director of health~~ commission. 2606

(C) Each person applying for an initial license to operate a 2607

manufactured home park shall provide acceptable proof to the 2608
~~director~~ commission that adequate fire protection will be provided 2609
and that applicable fire codes will be adhered to in the 2610
construction and operation of the park. 2611

(D) The commission shall not renew a license to operate a 2612
manufactured home park unless the licensee has completed an 2613
average of at least eight hours of continuing education courses 2614
per year since the prior renewal or, if an initial license is 2615
being renewed, since the issuance of that license. The commission 2616
shall not accept any course in fulfillment of this requirement 2617
unless the manufactured homes commission has approved that course 2618
for credit under section 4781.10 of the Revised Code. 2619

Sec. ~~3733.04~~ 4781.28. The licensor ~~of a manufactured home 2620
park~~ manufactured homes commission may charge a fee for an annual 2621
license to operate ~~such~~ a manufactured home park. The fee for a 2622
license shall be determined in accordance with section ~~3709.09~~ 2623
4781.26 of the Revised Code and shall include the cost of 2624
licensing and all inspections. 2625

~~The fee also shall include any additional amount determined 2626
by rule of the public health council, which shall be collected and 2627
transmitted by the board of health to the director of health 2628
pursuant to section 3709.092 of the Revised Code and used only for 2629
the purpose of administering and enforcing sections 3733.01 to 2630
3733.08 of the Revised Code and the rules adopted under those 2631
sections. The portion of any fee retained by the board of health 2632
Any fees collected shall be paid into a special fund transmitted 2633
to the treasurer of state and shall be credited to the 2634
manufactured homes commission regulatory fund created in section 2635
4781.54 of the Revised Code and used only for the purpose of 2636
administering and enforcing sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 2637
4781.35 of the Revised Code and the rules adopted thereunder. 2638~~

~~Sec. 3733.05~~ 4781.29. The licensor of the health district in 2639
which a manufactured home park is or is to be located, in 2640
accordance with Chapter 119. of the Revised Code, manufactured 2641
homes commission may refuse to grant, may suspend, or may revoke 2642
any license granted to any person for failure to comply with 2643
sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 4781.35 of the Revised Code or 2644
with any rule adopted by the ~~public health council~~ under section 2645
~~3733.02~~ 4781.26 of the Revised Code. 2646

~~Sec. 3733.06~~ 4781.30. (A) Upon a license being issued under 2647
sections ~~3733.03~~ 4781.27 to ~~3733.05~~ 4781.29 of the Revised Code, 2648
any operator shall have the right to rent or use each lot for the 2649
parking or placement of a manufactured home or mobile home to be 2650
used for human habitation without interruption for any period 2651
coextensive with any license or consecutive licenses issued under 2652
sections ~~3733.03~~ 4781.27 to ~~3733.05~~ 4781.29 of the Revised Code. 2653

(B) No operator of a manufactured home park shall sell 2654
individual lots in a park for eight years following the issuance 2655
of the initial license for the park unless, at the time of sale, 2656
the park fulfills all platting and subdivision requirements 2657
established by the political subdivision in which the park is 2658
located, or the political subdivision has entered into an 2659
agreement with the operator regarding platting and subdivision 2660
requirements and the operator has fulfilled the terms of that 2661
agreement. 2662

~~Sec. 3733.021~~ 4781.31. (A) No person shall cause development 2663
to occur within any portion of a manufactured home park until the 2664
plans for the development have been submitted to and reviewed and 2665
approved by the ~~director of health~~ manufactured homes commission. 2666
This division does not require that plans be submitted to the 2667
~~director~~ commission for approval for the replacement of 2668

manufactured or mobile homes on previously approved lots in a 2669
manufactured home park when no development is to occur in 2670
connection with the replacement. Within thirty days after receipt 2671
of the plans, all supporting documents and materials required to 2672
complete the review, and the applicable plan review fee 2673
established under division (D) of this section, the ~~director~~ 2674
commission shall approve or disapprove the plans. 2675

(B) Any person aggrieved by the ~~director's~~ commission's 2676
disapproval of a set of plans under division (A) of this section 2677
may request a hearing on the matter within thirty days after 2678
receipt of the ~~director's~~ commission's notice of the disapproval. 2679
The hearing shall be held in accordance with Chapter 119. of the 2680
Revised Code. Thereafter, the disapproval may be appealed in the 2681
manner provided in section 119.12 of the Revised Code. 2682

(C) The ~~director~~ commission shall establish a system by which 2683
development occurring within a manufactured home park is inspected 2684
or verified in accordance with rules adopted under ~~division (A) of~~ 2685
section ~~3733.02~~ 4781.26 of the Revised Code to ensure that the 2686
development complies with the plans approved under division (A) of 2687
this section. 2688

(D) The ~~public health council~~ commission shall establish fees 2689
for reviewing plans under division (A) of this section and 2690
conducting inspections under division (C) of this section. 2691

(E) The ~~director~~ commission shall charge the appropriate fees 2692
established under division (D) of this section for reviewing plans 2693
under division (A) of this section and conducting inspections 2694
under division (C) of this section. All such plan review and 2695
inspection fees received by the ~~director~~ commission shall be 2696
transmitted to the treasurer of state and shall be credited to the 2697
~~general operations~~ occupational licensing and regulatory fund 2698
created in section ~~3701.83~~ 4743.05 of the Revised Code. Moneys so 2699
credited to the fund shall be used only for the purpose of 2700

administering and enforcing sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 2701
4781.35 of the Revised Code and rules adopted under those 2702
sections. 2703

(F) Plan approvals issued under this section do not 2704
constitute an exemption from the land use and building 2705
requirements of the political subdivision in which the 2706
manufactured home park is or is to be located. 2707

Sec. ~~3733.022~~ 4781.32. (A) No person shall cause development 2708
to occur or cause the replacement of a mobile or manufactured home 2709
within any portion of a manufactured home park that is located 2710
within a one-hundred-year flood plain unless the person first 2711
obtains a permit from the ~~director of health or a licenser~~ 2712
~~authorized by the director~~ manufactured homes commission. If the 2713
development for which a permit is required under this division is 2714
to occur on a lot where a mobile or manufactured home is or is to 2715
be located, the owner of the home and the operator of the 2716
manufactured home park shall jointly obtain the permit. Each of 2717
the persons to whom a permit is jointly issued is responsible for 2718
compliance with the provisions of the approved permit that are 2719
applicable to that person. 2720

The ~~director or a licenser authorized by the director~~ 2721
commission shall disapprove an application for a permit required 2722
under this division unless the ~~director or the licenser~~ commission 2723
finds that the proposed development or replacement of a mobile or 2724
manufactured home complies with the rules adopted under ~~division~~ 2725
~~(A) of~~ section ~~3733.02~~ 4781.26 of the Revised Code. No permit is 2726
required under this division for the construction, erection, or 2727
manufacture of any building to which section 3781.06 of the 2728
Revised Code applies. 2729

The ~~director or a licenser authorized by the director~~ 2730
commission may suspend or revoke a permit issued under this 2731

division for failure to comply with the rules adopted under 2732
~~division (A) of section 3733.02~~ 4781.26 of the Revised Code 2733
pertaining to flood plain management or for failure to comply with 2734
the approved permit. 2735

Any person aggrieved by the disapproval, suspension, or 2736
revocation of a permit under this division by the ~~director or by a~~ 2737
~~licensor authorized by the director~~ commission may request a 2738
hearing on the matter within thirty days after receipt of the 2739
notice of the disapproval, suspension, or revocation. The hearing 2740
shall be held in accordance with Chapter 119. of the Revised Code. 2741
Thereafter, an appeal of the disapproval, suspension, or 2742
revocation may be taken in the manner provided in section 119.12 2743
of the Revised Code. 2744

(B) The ~~public health council~~ commission shall establish fees 2745
for the issuance of permits under division (A) of this section and 2746
for necessary inspections conducted to determine compliance with 2747
those permits. 2748

(C) The ~~director or a licensor authorized by the director~~ 2749
commission shall charge the appropriate fee established under 2750
division (B) of this section for the issuance of a permit under 2751
division (A) of this section or for conducting any necessary 2752
inspection to determine compliance with the permit. If the 2753
~~director~~ commission issues such a permit or conducts such an 2754
inspection, the fee for the permit or inspection shall be 2755
transmitted to the treasurer of state and shall be credited to the 2756
~~general operations~~ occupational licensing and regulatory fund 2757
created in section ~~3701.83~~ 4743.05 of the Revised Code. Moneys so 2758
credited to the fund shall be used ~~by the director~~ only for the 2759
purpose of administering and enforcing sections ~~3733.01~~ 4781.26 to 2760
~~3733.08~~ 4781.35 of the Revised Code and rules adopted under those 2761
sections. ~~If the licensor is a board of health, the permit or~~ 2762
~~inspection fee shall be deposited to the credit of the special~~ 2763

~~fund of the health district created in section 3733.04 of the~~ 2764
~~Revised Code and shall be used only for the purpose set forth in~~ 2765
~~that section.~~ 2766

Sec. ~~3733.024~~ 4781.33. (A) When a flood event affects a 2767
manufactured home park, the operator of the manufactured home 2768
park, in accordance with rules adopted under ~~division (A) of~~ 2769
section ~~3733.02~~ 4781.26 of the Revised Code, shall notify the 2770
~~licensor having jurisdiction of the occurrence of~~ manufactured 2771
homes commission and the board of health having jurisdiction where 2772
the flood event occurred within forty-eight hours after the end of 2773
the flood event. The commission, after receiving notification, 2774
shall immediately notify the board of health. 2775

~~No person shall fail to comply with this division.~~ 2776

~~(B) The licensor having jurisdiction where a flood event~~ 2777
~~occurred that affected a manufactured home park shall notify the~~ 2778
~~director of health of the occurrence of the flood event within~~ 2779
~~twenty four hours after being notified of the flood event under~~ 2780
~~division (A) of this section. Within forty eight hours after~~ After 2781
being notified of such a flood event ~~by a licensor,~~ the ~~director~~ 2782
board of health shall cause an inspection to be made of the 2783
manufactured home park named in the notice. 2784

Sec. ~~3733.025~~ 4781.34. (A) If a mobile or manufactured home 2785
that is located in a flood plain is substantially damaged, the 2786
owner of the home shall make all alterations, repairs, or changes 2787
to the home, and the operator of the manufactured home park shall 2788
make all alterations, repairs, or changes to the lot on which the 2789
home is located, that are necessary to ensure compliance with the 2790
flood plain management rules adopted under ~~division (A) of~~ section 2791
~~3733.02~~ 4781.26 of the Revised Code. Such alterations, repairs, or 2792
changes may include, without limitation, removal of the home or 2793

other structures. 2794

No person shall fail to comply with this division. 2795

(B) No person shall cause to be performed any alteration, 2796
repair, or change required by division (A) of this section unless 2797
the person first obtains a permit from the ~~director of health or a~~ 2798
~~licensor authorized by the director~~ manufactured homes commission. 2799
The owner of the home and the operator of the manufactured home 2800
park shall jointly obtain the permit required by this division. 2801
Each of the persons to whom a permit is jointly issued is 2802
responsible for compliance with the provisions of the approved 2803
permit that are applicable to that person. 2804

The ~~director or a licensor authorized by the director~~ 2805
commission shall disapprove an application for a permit required 2806
under this division unless the ~~director or the licensor~~ commission 2807
finds that the proposed alteration, repair, or change complies 2808
with the rules adopted under ~~division (A) of section 3733.02~~ 2809
4781.26 of the Revised Code. No permit is required under this 2810
division for the construction, erection, or manufacture of any 2811
building to which section 3781.06 of the Revised Code applies. 2812

The ~~director or a licensor authorized by the director~~ 2813
commission may suspend or revoke a permit issued under this 2814
division for failure to comply with the rules adopted under 2815
~~division (A) of section 3733.02~~ 4781.26 of the Revised Code 2816
pertaining to flood plain management or for failure to comply with 2817
the approved permit. 2818

Any person aggrieved by the disapproval, suspension, or 2819
revocation of a permit under this division by the ~~director or by a~~ 2820
~~licensor authorized by the director~~ commission may request a 2821
hearing on the matter within thirty days after receipt of the 2822
notice of the disapproval, suspension, or revocation. The hearing 2823
shall be held in accordance with Chapter 119. of the Revised Code. 2824

Thereafter, an appeal of the disapproval, suspension, or 2825
revocation may be taken in the manner provided in section 119.12 2826
of the Revised Code and for necessary inspections conducted to 2827
determine compliance with those permits. 2828

(C) The ~~public health council~~ commission shall establish fees 2829
for the issuance of permits under division (B) of this section and 2830
for necessary inspections conducted to determine compliance with 2831
those permits. 2832

(D) The ~~director or a licensor authorized by the director~~ 2833
commission shall charge the appropriate fee established under 2834
division (C) of this section for the issuance of a permit under 2835
division (B) of this section or for conducting any necessary 2836
inspection to determine compliance with the permit. If the 2837
~~director~~ commission issues such a permit or conducts such an 2838
inspection, the fee for the permit or inspection shall be 2839
transmitted to the treasurer of state and shall be credited to the 2840
~~general operations~~ occupational licensing and regulatory fund 2841
created in section ~~3701.83~~ 4743.05 of the Revised Code. Moneys so 2842
credited to the fund shall be used ~~by the director~~ only for the 2843
purpose of administering and enforcing sections ~~3733.01~~ 4781.26 to 2844
~~3733.08~~ 4781.35 of the Revised Code and rules adopted under those 2845
sections. ~~If the licensor is a board of health, the permit or~~ 2846
~~inspection fee shall be deposited to the credit of the special~~ 2847
~~fund of the health district created in section 3733.04 of the~~ 2848
~~Revised Code and shall be used only for the purpose set forth in~~ 2849
~~that section.~~ 2850

Sec. ~~3733.08~~ 4781.35. (A) No person shall violate sections 2851
~~3733.01~~ 4781.26 to ~~3733.08~~ 4781.35 of the Revised Code or the 2852
rules adopted thereunder. 2853

(B) The prosecuting attorney of the county, the city director 2854
of law, or the attorney general, upon complaint of the ~~licensor or~~ 2855

~~the director of health~~ manufactured homes commission, shall 2856
prosecute to termination or bring an action for injunction against 2857
any person violating sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 4781.35 2858
of the Revised Code or the rules adopted thereunder. 2859

Sec. ~~3733.09~~ 4781.36. (A) Subject to section ~~3733.091~~ 4781.37 2860
of the Revised Code, a park operator shall not retaliate against a 2861
resident by increasing the resident's rent, decreasing services 2862
that are due to the resident, refusing to renew or threatening to 2863
refuse to renew the rental agreement with the resident, or 2864
bringing or threatening to bring an action for possession of the 2865
resident's premises because: 2866

(1) The resident has complained to an appropriate 2867
governmental agency of a violation of a building, housing, health, 2868
or safety code that is applicable to the premises, and the 2869
violation materially affects health and safety; 2870

(2) The resident has complained to the park operator of any 2871
violation of section ~~3733.10~~ 4781.38 of the Revised Code; 2872

(3) The resident joined with other residents for the purpose 2873
of negotiating or dealing collectively with the park operator on 2874
any of the terms and conditions of a rental agreement. 2875

(B) If a park operator acts in violation of division (A) of 2876
this section, the resident may: 2877

(1) Use the retaliatory action of the park operator as a 2878
defense to an action by the park operator to recover possession of 2879
the premises; 2880

(2) Recover possession of the premises; 2881

(3) Terminate the rental agreement. 2882

In addition, the resident may recover from the park operator 2883
any actual damages together with reasonable attorneys fees. 2884

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

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

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

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

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

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

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

(B) The maintenance of an action by the park operator under this section does not prevent the resident from recovering damages

for any violation by the park operator of the rental agreement or 2915
of section ~~3733.10~~ 4781.38 of the Revised Code. 2916

Sec. ~~3733.10~~ 4781.38. (A) A park operator who is a party to a 2917
rental agreement shall: 2918

(1) Comply with the requirements of all applicable building, 2919
housing, health, and safety codes which materially affect health 2920
and safety, and comply with rules of the ~~public health council~~ 2921
manufactured homes commission; 2922

(2) Make all repairs and do whatever is reasonably necessary 2923
to put and keep the premises in a fit and habitable condition; 2924

(3) Keep all common areas of the premises in a safe and 2925
sanitary condition; 2926

(4) Maintain in good and safe working order and condition all 2927
electrical and plumbing fixtures and appliances, and septic 2928
systems, sanitary and storm sewers, refuse receptacles, and well 2929
and water systems that are supplied or required to be supplied by 2930
~~him~~ the park operator; 2931

(5) Not abuse the right of access conferred by division (B) 2932
of section ~~3733.101~~ 4781.39 of the Revised Code; 2933

(6) Except in the case of emergency or if it is impracticable 2934
to do so, give the resident reasonable notice of ~~his~~ the park 2935
operator's intent to enter onto the residential premises and enter 2936
only at reasonable times. Twenty-four hours' notice shall be 2937
presumed to be a reasonable notice in the absence of evidence to 2938
the contrary. 2939

(B) If the park operator violates any provision of this 2940
section, makes a lawful entry onto the residential premises in an 2941
unreasonable manner, or makes repeated demands for entry otherwise 2942
lawful which demands have the effect of harassing the resident, 2943
the resident may recover actual damages resulting from the 2944

violation, entry, or demands and injunctive relief to prevent the 2945
recurrence of the conduct, and if ~~he~~ the resident obtains a 2946
judgment, reasonable attorneys' fees, or terminate the rental 2947
agreement. 2948

Sec. ~~3733.101~~ 4781.39. (A) A resident who is a party to a 2949
rental agreement shall: 2950

(1) Keep that part of the premises that the resident occupies 2951
and uses safe and sanitary; 2952

(2) Dispose of all rubbish, garbage, and other waste in a 2953
clean, safe, and sanitary manner; 2954

(3) Comply with the requirements imposed on residents by all 2955
applicable state and local housing, health, and safety codes, 2956
rules of the ~~public health council~~ manufactured homes commission, 2957
and rules of the manufactured home park; 2958

(4) Personally refrain, and forbid any other person who is on 2959
the premises with the resident's permission, from intentionally or 2960
negligently destroying, defacing, damaging, or removing any 2961
fixture, appliance, or other part of the residential premises; 2962

(5) Conduct self and require other persons on the premises 2963
with the resident's consent to conduct themselves in a manner that 2964
will not disturb the resident's neighbors' peaceful enjoyment of 2965
the manufactured home park. 2966

(B) The resident shall not unreasonably withhold consent for 2967
the park operator to enter the home to inspect utility 2968
connections, or enter onto the premises in order to inspect the 2969
premises, make ordinary, necessary, or agreed repairs, 2970
decorations, alterations, or improvements, deliver parcels which 2971
are too large for the resident's mail facilities, or supply 2972
necessary or agreed services. 2973

(C) If the resident violates any provision of this section, 2974

the park operator may recover any actual damages which result from 2975
the violation and reasonable attorneys' fees. This remedy is in 2976
addition to any right of the park operator to terminate the rental 2977
agreement, to maintain an action for the possession of the 2978
premises, or injunctive relief to compel access under division (B) 2979
of this section. 2980

Sec. ~~3733.12~~ 4781.41. (A) If a park operator fails to fulfill 2981
any obligation imposed upon ~~him~~ the park operator by section 2982
~~3733.10~~ 4781.38 of the Revised Code or by the rental agreement, or 2983
the conditions of the premises are such that the resident 2984
reasonably believes that a park operator has failed to fulfill any 2985
such obligations, or a governmental agency has found that the 2986
premises are not in compliance with building, housing, health, or 2987
safety codes which apply to any condition of the residential 2988
premises that could materially affect the health and safety of an 2989
occupant, the resident may give notice in writing to the park 2990
operator specifying the acts, omissions, or code violations that 2991
constitute noncompliance with such provisions. The notice shall be 2992
sent to the person or place where rent is normally paid. 2993
2994

(B) If a park operator receives the notice described in 2995
division (A) of this section and after receipt of the notice fails 2996
to remedy the condition within a reasonable time, considering the 2997
severity of the condition and the time necessary to remedy such 2998
condition, or within thirty days, whichever is sooner, and if the 2999
resident is current in rent payments due under the rental 3000
agreement, the resident may do one of the following: 3001

(1) Deposit all rent that is due and thereafter becomes due 3002
the park operator with the clerk of court of the municipal or 3003
county court having jurisdiction in the territory in which the 3004
residential premises are located; 3005

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

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

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

(C) The clerk shall keep in a separate docket an account of each deposit, with the name and address of the resident, and the name and address of the park operator and of ~~his~~ the park operator's agent, if any.

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

(E) All interest that has accrued on the rent deposited by the clerk of a county court under division (B) of this section shall be paid into the treasury of the political subdivision for which the clerk performs ~~his~~ the clerk's duties. All interest that has accrued on the rent deposited by the clerk of a municipal court under division (B) of this section shall be paid into the

city treasury as defined in division (B) of section 1901.03 of the Revised Code.

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

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

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

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

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

court grants a continuance. 3068

(C) If the court finds that there was no violation of any 3069
obligation imposed upon the park operator by section ~~3733.10~~ 3070
4781.38 of the Revised Code or by the rental agreement, or by any 3071
building, housing, health, or safety code, or that the condition 3072
contained in the notice given pursuant to division (A) of section 3073
~~3733.12~~ 4781.41 of the Revised Code has been remedied, or that the 3074
resident did not comply with the notice requirement of division 3075
(A) of section ~~3733.12~~ 4781.41 of the Revised Code, or that the 3076
resident was not current in rent payments at the time the resident 3077
initiated rent deposits with the clerk of court under division 3078
(B)(1) of section ~~3733.12~~ 4781.41 of the Revised Code, the court 3079
shall order the release to the park operator of rent on deposit 3080
with the clerk, less costs. 3081

(D) If the court finds that the condition contained in the 3082
notice given pursuant to division (A) of section ~~3733.12~~ 4781.41 3083
of the Revised Code was the result of an act or omission of the 3084
resident, or that the resident intentionally acted in bad faith in 3085
proceeding under section ~~3733.12~~ 4781.41 of the Revised Code, the 3086
resident shall be liable for damages caused to the park operator, 3087
and for costs, together with reasonable attorneys' fees if the 3088
resident intentionally acted in bad faith. 3089

Sec. ~~3733.123~~ 4781.44. (A) If a park operator brings an 3090
action for the release of rent deposited with a clerk of court, 3091
the court may, during the pendency of the action, upon application 3092
of the park operator, release part of the rent on deposit for 3093
payment of the periodic interest on a mortgage on the premises, 3094
the periodic principal payments on a mortgage on the premises, the 3095
insurance premiums for the premises, real estate taxes on the 3096
premises, utility services, repairs, and other customary and usual 3097
costs of operating the premises. 3098

(B) In determining whether to release rent for the payments 3099
described in division (A) of this section, the court shall 3100
consider the amount of rent the park operator receives from other 3101
lots, the cost of operating these lots, and the costs which may be 3102
required to remedy the condition contained in the notice given 3103
pursuant to division (A) of section ~~3733.12~~ 4781.41 of the Revised 3104
Code. 3105

Sec. ~~3733.13~~ 4781.45. If a resident commits a material 3106
violation of the rules of the manufactured home park, of the 3107
~~public health council~~ manufactured homes commission, or of 3108
applicable state and local health and safety codes, the park 3109
operator may deliver a written notification of the violation to 3110
the resident. The notification shall contain all of the following: 3111

(A) A description of the violation; 3112

(B) A statement that the rental agreement will terminate upon 3113
a date specified in the written notice not less than thirty days 3114
after receipt of the notice unless the resident remedies the 3115
violation; 3116

(C) A statement that the violation was material and that if a 3117
second material violation of any park or ~~public health council~~ 3118
commission rule, or any health and safety code, occurs within six 3119
months after the date of this notice, the rental agreement will 3120
terminate immediately; 3121

(D) A statement that a defense available to termination of 3122
the rental agreement for two material violations of park or ~~public~~ 3123
~~health council~~ commission rules, or of health and safety codes, is 3124
that the park rule is unreasonable, or that the park or ~~public~~ 3125
~~health council~~ rule commission, or health or safety code, is not 3126
being enforced against other manufactured home park residents, or 3127
that the two violations were not willful and not committed in bad 3128
faith. 3129

If the resident remedies the condition described in the 3130
notice, whether by repair, the payment of damages, or otherwise, 3131
the rental agreement shall not terminate. The park operator may 3132
terminate the rental agreement immediately if the resident commits 3133
a second material violation of the park or ~~public health council~~ 3134
commission rules, or of applicable state and local health and 3135
safety codes, subject to the defense that the park rule is 3136
unreasonable, that the park or ~~public health council~~ commission 3137
rule, or health or safety code, is not being enforced against 3138
other manufactured home park residents, or that the two violations 3139
were not willful and not committed in bad faith. 3140

Sec. ~~3733.14~~ 4781.46. In any action under sections ~~3733.09~~ 3141
~~4781.36~~ to ~~3733.20~~ 4781.52 of the Revised Code, any party may 3142
recover damages for the breach of contract or the breach of any 3143
duty that is imposed by law. 3144

Sec. ~~3733.15~~ 4781.47. (A) No provision of sections ~~3733.09~~ 3145
~~4781.36~~ to ~~3733.20~~ 4781.52 of the Revised Code may be modified or 3146
waived by any oral or written agreement except as provided in 3147
division (F) of this section. 3148

(B) No warrant of attorney to confess judgment shall be 3149
recognized in any rental agreement or in any other agreement 3150
between a park operator and resident for the recovery of rent or 3151
damages to the residential premises. 3152

(C) No agreement to pay the park operator's or resident's 3153
attorney fees shall be recognized in any rental agreement for 3154
residential premises or in any other agreement between a park 3155
operator and resident. 3156

(D) No agreement by a resident to the exculpation or 3157
limitation of any liability of the park operator arising under law 3158
or to indemnify the park operator for that liability or its 3159

related costs shall be recognized in any rental agreement or in 3160
any other agreement between a park operator and resident. 3161

(E) A rental agreement, or the assignment, conveyance, trust 3162
deed, or security instrument of the park operator's interest in 3163
the rental agreement may not permit the receipt of rent free of 3164
the obligation to comply with section ~~3733.10~~ 4781.38 of the 3165
Revised Code. 3166

(F) The park operator may agree to assume responsibility for 3167
fulfilling any duty or obligation imposed on a resident by section 3168
~~3733.101~~ 4781.39 of the Revised Code. 3169

Sec. ~~3733.16~~ 4781.48. (A) If the court as a matter of law 3170
finds a rental agreement, or any clause of it, to have been 3171
unconscionable at the time it was made, it may refuse to enforce 3172
the rental agreement or it may enforce the remainder of the rental 3173
agreement without the unconscionable clause, or it may so limit 3174
the application of any unconscionable clause as to avoid any 3175
unconscionable result. 3176

(B) When it is claimed or appears to the court that the 3177
rental agreement, or any clause of it, may be unconscionable, the 3178
parties shall be afforded a reasonable opportunity to present 3179
evidence as to its setting, purpose, and effect to aid the court 3180
in making the determination. 3181

Sec. ~~3733.17~~ 4781.49. (A) No park operator of residential 3182
premises shall initiate any act, including termination of 3183
utilities or services, exclusion from the premises, or threat of 3184
any unlawful act, against a resident, or a resident whose right to 3185
possession has terminated, for the purpose of recovering 3186
possession of residential premises, other than as provided in 3187
Chapters 1923., ~~3733.~~ 4781., and 5303. of the Revised Code. 3188

(B) No park operator of residential premises shall seize the 3189

furnishings or possessions of a resident, or of a resident whose
right to possession was terminated, for the purpose of recovering
rent payments, other than in accordance with an order issued by a
court of competent jurisdiction.

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

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

(B) Upon termination of the rental agreement any property or
money held by the park operator as a security deposit may be
applied to the payment of past due rent and to the payment of the
amount of damages that the park operator has suffered by reason of
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 3221
~~him~~ the resident, together with damages in an amount equal to the 3222
amount wrongfully withheld, and reasonable attorneys' fees. 3223

Sec. ~~3733.19~~ 4781.51. (A) Every written rental agreement for 3224
residential premises shall contain the name and address of the 3225
owner of the residential premises and the name and address of the 3226
owner's agent, if any. If the owner or the owner's agent is a 3227
corporation, partnership, limited partnership, association, trust, 3228
or other entity, the address shall be the principal place of 3229
business in the county in which the residential premises are 3230
situated or if there is no place of business in such county then 3231
its principal place of business in this state, and shall include 3232
the name of the person in charge thereof. 3233

(B) If the rental agreement is oral, the park operator, at 3234
the commencement of the term of occupancy, shall deliver to the 3235
resident a written notice containing the information required in 3236
division (A) of this section. 3237

(C) If the park operator fails to provide the notice of the 3238
name and address of the owner and owner's agent, if any, as 3239
required under division (A) or (B) of this section, the notices to 3240
the park operator required under division (A) of sections ~~3733.12~~ 3241
4781.41 and ~~3733.121~~ 4781.42 of the Revised Code are waived by the 3242
park operator and the operator's agent. 3243

(D) Every written rental agreement for residential premises 3244
shall contain the following notice in ten-point boldface type: 3245

"YOUR RIGHTS AS A RESIDENT AND YOUR MANUFACTURED HOME PARK 3246
OPERATOR'S RIGHTS ARE PROTECTED BY SECTIONS ~~3733.09~~ 4781.36 TO 3247
~~3733.20~~ 4781.52 OF THE REVISED CODE, WHICH REGULATE RENTAL 3248
AGREEMENTS IN MANUFACTURED HOME PARKS." 3249

If the rental agreement is oral, the park operator, at the 3250

commencement of the term of occupancy, shall deliver the notice to 3251
the resident in writing. 3252

Sec. ~~3733.20~~ 4781.52. No municipal corporation may adopt or 3253
continue in existence any ordinance and no township may adopt or 3254
continue in existence any resolution that is in conflict with 3255
sections ~~3733.09~~ 4781.36 to ~~3733.20~~ 4781.52 of the Revised Code, 3256
or that regulates those rights and obligations of parties to a 3257
rental agreement that are regulated by sections ~~3733.09~~ 4781.36 to 3258
~~3733.20~~ 4781.52 of the Revised Code. Sections ~~3733.09~~ 4781.36 to 3259
~~3733.20~~ 4781.52 of the Revised Code do not preempt any housing, 3260
building, health, or safety codes of any municipal corporation or 3261
township. 3262

Sec. 4781.54. There is hereby created in the state treasury 3263
the manufactured homes commission regulatory fund. The fund shall 3264
consist of fees paid under section 4781.28 of the Revised Code and 3265
shall be used for the purposes described in that section. 3266

Sec. 4781.60. (A) The manufactured homes commission shall 3267
develop a list comprised of organizations that have an interest in 3268
the sale or purchase of parks and persons that assist in the 3269
financing of manufactured home parks. The list shall include the 3270
Ohio manufactured homes association, the association of 3271
manufactured home residents of Ohio, and any other entity that the 3272
commission identifies as appropriate for inclusion on that list or 3273
that requests inclusion on that list. The commission shall contact 3274
persons on that list when a manufactured home park is offered for 3275
sale, and at any other time at the commission's discretion. 3276

(B) The commission shall adopt rules that establish 3277
relocation expenses that a manufactured home park operator shall 3278
provide to an owner when a manufactured home park is converted or 3279
sold for a use other than as a manufactured home park. The rules 3280

shall specify that the amount of reimbursement shall be the 3281
greater of the actual cost of relocating a home or three thousand 3282
dollars to the owner of a single-wide manufactured or mobile home 3283
or five thousand dollars to the owner of a double-wide or larger 3284
manufactured or mobile home. 3285

Sec. 4781.99. (A) Whoever violates division (A) of section 3286
4781.16 of the Revised Code is guilty of a minor misdemeanor on a 3287
first offense and shall be subject to a mandatory fine of one 3288
hundred dollars. On a second offense, the person is guilty of a 3289
misdemeanor of the first degree and shall be subject to a 3290
mandatory fine of one thousand dollars. 3291

(B) Whoever violates section 4781.20 of the Revised Code is 3292
guilty of a minor misdemeanor. 3293

(C) Whoever violates any of the following is guilty of a 3294
misdemeanor of the fourth degree: 3295

(1) Division (B) or (C) of section 4781.16 of the Revised 3296
Code; 3297

(2) Section 4781.22 of the Revised Code; 3298

(3) Section 4781.23 of the Revised Code; 3299

(4) Division (A) of section 4781.24 of the Revised Code; 3300

(5) Section 4781.25 of the Revised Code; 3301

(6) Division (A) of section 4781.35 of the Revised Code. 3302

Sec. 4905.90. As used in sections 4905.90 to 4905.96 of the 3303
Revised Code: 3304

(A) "Contiguous property" includes, but is not limited to, a 3305
manufactured home park as defined in section ~~3733.01~~ 4781.01 of 3306
the Revised Code; a public or publicly subsidized housing project; 3307
an apartment complex; a condominium complex; a college or 3308

university; an office complex; a shopping center; a hotel; an 3309
industrial park; and a race track. 3310

(B) "Gas" means natural gas, flammable gas, or gas which is 3311
toxic or corrosive. 3312

(C) "Gathering lines" and the "gathering of gas" have the 3313
same meaning as in the Natural Gas Pipeline Safety Act and the 3314
rules adopted by the United States department of transportation 3315
pursuant to the Natural Gas Pipeline Safety Act, including 49 3316
C.F.R. part 192, as amended. 3317

(D) "Intrastate pipe-line transportation" has the same 3318
meaning as in 82 Stat. 720 (1968), 49 U.S.C.A. App. 1671, as 3319
amended, but excludes the gathering of gas exempted by the Natural 3320
Gas Pipeline Safety Act. 3321

(E) "Master-meter system" means a pipe-line system that 3322
distributes gas within a contiguous property for which the system 3323
operator purchases gas for resale to consumers, including tenants. 3324
Such pipe-line system supplies consumers who purchase the gas 3325
directly through a meter, or by paying rent, or by other means. 3326
The term includes a master-meter system as defined in 49 C.F.R. 3327
191.3, as amended. The term excludes a pipeline within a 3328
manufactured home, mobile home, or a building. 3329

(F) "Natural Gas Pipeline Safety Act" means the "Natural Gas 3330
Pipeline Safety Act of 1968," 82 Stat. 720, 49 U.S.C.A. App. 1671 3331
et seq., as amended. 3332

(G) "Operator" means any of the following: 3333

(1) A gas company or natural gas company as defined in 3334
section 4905.03 of the Revised Code, except that division (A)(6) 3335
of that section does not authorize the public utilities commission 3336
to relieve any producer of gas, as a gas company or natural gas 3337
company, of compliance with sections 4905.90 to 4905.96 of the 3338
Revised Code or the pipe-line safety code created under section 3339

4905.91 of the Revised Code;	3340
(2) A pipe-line company, as defined in section 4905.03 of the Revised Code, when engaged in the business of transporting gas by pipeline;	3341 3342 3343
(3) A public utility that is excepted from the definition of "public utility" under division (B) or (C) of section 4905.02 of the Revised Code, when engaged in supplying or transporting gas by pipeline within this state;	3344 3345 3346 3347
(4) Any person that owns, operates, manages, controls, or leases any of the following:	3348 3349
(a) Intrastate pipe-line transportation facilities within this state;	3350 3351
(b) Gas gathering lines within this state which are not exempted by the Natural Gas Pipeline Safety Act;	3352 3353
(c) A master-meter system within this state.	3354
"Operator" does not include an ultimate consumer who owns a service line, as defined in 49 C.F.R. 192.3, as amended, on the real property of that ultimate consumer.	3355 3356 3357
(H) "Operator of a master-meter system" means a person described under division (F)(4)(c) of this section. An operator of a master-meter system is not a public utility under section 4905.02 or a gas or natural gas company under section 4905.03 of the Revised Code.	3358 3359 3360 3361 3362
(I) "Person" means:	3363
(1) In addition to those defined in division (C) of section 1.59 of the Revised Code, a joint venture or a municipal corporation;	3364 3365 3366
(2) Any trustee, receiver, assignee, or personal representative of persons defined in division (H)(1) of this section.	3367 3368 3369

(J) "Safety audit" means the public utilities commission's 3370
audit of the premises, pipe-line facilities, and the records, 3371
maps, and other relevant documents of a master-meter system to 3372
determine the operator's compliance with sections 4905.90 to 3373
4905.96 of the Revised Code and the pipe-line safety code. 3374

(K) "Safety inspection" means any inspection, survey, or 3375
testing of a master-meter system which is authorized or required 3376
by sections 4905.90 to 4905.96 of the Revised Code and the 3377
pipe-line safety code. The term includes, but is not limited to, 3378
leak surveys, inspection of regulators and critical valves, and 3379
monitoring of cathodic protection systems, where applicable. 3380

(L) "Safety-related condition" means any safety-related 3381
condition defined in 49 C.F.R. 191.23, as amended. 3382

(M) "Total Mcfs of gas it supplied or delivered" means the 3383
sum of the following volumes of gas that an operator supplied or 3384
delivered, measured in units per one thousand cubic feet: 3385

(1) Residential sales; 3386

(2) Commercial and industrial sales; 3387

(3) Other sales to public authorities; 3388

(4) Interdepartmental sales; 3389

(5) Sales for resale; 3390

(6) Transportation of gas. 3391

Sec. 6111.46. (A) The environmental protection agency shall 3392
exercise general supervision of the treatment and disposal of 3393
sewage and industrial wastes and the operation and maintenance of 3394
works or means installed for the collection, treatment, and 3395
disposal of sewage and industrial wastes. Such general supervision 3396
shall apply to all features of construction, operation, and 3397
maintenance of the works or means that do or may affect the proper 3398

treatment and disposal of sewage and industrial wastes. 3399

(B)(1) The agency shall investigate the works or means 3400
employed in the collection, treatment, and disposal of sewage and 3401
industrial wastes whenever considered necessary or whenever 3402
requested to do so by local health officials and may issue and 3403
enforce orders and shall adopt rules governing the operation and 3404
maintenance of the works or means of treatment and disposal of 3405
such sewage and industrial wastes. In adopting rules under this 3406
section, the agency shall establish standards governing the 3407
construction, operation, and maintenance of the works or means of 3408
collection, treatment, and disposal of sewage that is generated at 3409
recreational vehicle parks, recreation camps, combined park-camps, 3410
and temporary park-camps that are separate from such standards 3411
relative to manufactured home parks. 3412

(2) As used in division (B)(1) of this section: 3413

(a) "Manufactured home parks" has the same meaning as in 3414
section ~~3733.01~~ 4781.01 of the Revised Code. 3415

(b) "Recreational vehicle parks," "recreation camps," 3416
"combined park-camps," and "temporary park-camps" have the same 3417
meanings as in section 3729.01 of the Revised Code. 3418

(C) The agency may require the submission of records and data 3419
of construction, operation, and maintenance, including plans and 3420
descriptions of existing works or means of treatment and disposal 3421
of such sewage and industrial wastes. When the agency requires the 3422
submission of such records or information, the public officials or 3423
person, firm, or corporation having the works in charge shall 3424
comply promptly with that order. 3425

Section 2. That existing sections 1901.18, 1909.11, 1923.01, 3426
1923.02, 1923.061, 1923.15, 2305.01, 3701.83, 3709.085, 3709.09, 3427
3709.092, 3729.01, 3733.02, 3733.021, 3733.022, 3733.024, 3428

3733.025, 3733.03, 3733.04, 3733.05, 3733.06, 3733.08, 3733.09, 3429
3733.091, 3733.10, 3733.101, 3733.11, 3733.12, 3733.121, 3733.122, 3430
3733.123, 3733.13, 3733.14, 3733.15, 3733.16, 3733.17, 3733.18, 3431
3733.19, 3733.20, 3733.41, 3733.99, 3781.06, 4503.061, 4503.062, 3432
4517.01, 4517.04, 4517.09, 4517.10, 4517.12, 4517.13, 4517.14, 3433
4517.23, 4517.24, 4517.44, 4743.05, 4781.01, 4781.04, 4781.07, 3434
4781.10, 4781.14, 4781.15, 4781.99, 4905.90, and 6111.46, and 3435
sections 3733.01, 3733.031, 3733.07, and 4517.49 of the Revised 3436
Code are hereby repealed. 3437

Section 3. Except as provided in this section, Sections 1 and 3438
2 of this act shall take effect on July 1, 2011. 3439

(A) The amendment by Sections 1 and 2 of this act of sections 3440
3733.11, 4781.10, 4781.14, and 4781.15 of the Revised Code and the 3441
enactment by Section 1 of this act of sections 2323.05, 3733.111, 3442
4781.121, and 4781.60 of the Revised Code take effect on the 3443
ninety-first day after this act is filed with the Secretary of 3444
State. 3445

(B) The amendment by Sections 1 and 2 of this act of sections 3446
4517.01, 4517.04, 4517.09, 4517.10, 4517.12, 4517.13, 4517.14, 3447
4517.23, 4517.24, and 4517.44 of the Revised Code and the repeal 3448
by Section 2 of this act of section 4517.49 of the Revised Code 3449
take effect on the ninety-first day after this act is filed with 3450
the Secretary of State, or on July 1, 2010, whichever is later. 3451

Section 4. That sections 3733.11 and 4781.10 be amended and 3452
sections 3733.11 (4781.40) and 3733.111 (4781.53) of the Revised 3453
Code be amended for the purpose of adopting a new section number 3454
as indicated in parentheses, to read as follows: 3455

Sec. 4781.10. (A)(1) The manufactured homes commission may 3456
establish programs and requirements for continuing education for 3457

manufactured housing installers. The commission shall not require 3458
licensees to complete more than eight credit hours of continuing 3459
education during each license period. If the commission 3460
establishes a program of continuing education, it shall require 3461
that only courses that the commission preapproves be accepted for 3462
licensure credit, and unless an extension is granted pursuant to 3463
division (D) of this section, that all credit hours be 3464
successfully completed prior to the expiration of the installer's 3465
license. 3466

(2) The manufactured homes commission shall establish by rule 3467
programs of continuing education for manufactured home park 3468
operators and shall approve by rule any courses offered through 3469
those programs. The rules the commission adopts shall specify that 3470
the courses shall be developed by the Ohio manufactured homes 3471
association in consultation with the association of manufactured 3472
home residents of Ohio, or any other entity the commission 3473
designates by rule. The courses shall be designed to fulfill the 3474
license renewal requirements of section ~~3733.03~~ 4781.27 of the 3475
Revised Code of eight hours of continuing education and shall be 3476
presented by the Ohio manufactured homes association, or any other 3477
entity the commission designates by rule, as the course provider. 3478
Certified completion of the course shall fulfill the continuing 3479
education requirement of license renewal. 3480

(B) To provide the resources to administer continuing 3481
education programs, the commission may establish nonrefundable 3482
fees, including any of the following: 3483

(1) An application fee not to exceed one hundred fifty 3484
dollars charged to the sponsor of each proposed course; 3485

(2) A renewal fee not to exceed seventy-five dollars, charged 3486
to the sponsor of each course, for the annual renewal of course 3487
approval; 3488

(3) A course fee charged to the sponsor of each course	3489
offered, not to exceed five dollars per credit hour, for each	3490
person completing an approved course;	3491
(4) A student fee charged to licensees, not to exceed fifty	3492
dollars, for each course or activity a student submits to the	3493
commission for approval.	3494
(C) The commission may adopt reasonable rules not	3495
inconsistent with this chapter to carry out any continuing	3496
education program, including rules that govern the following:	3497
(1) The content and subject matter of continuing education	3498
courses;	3499
(2) The criteria, standards, and procedures for the approval	3500
of courses, course sponsors, and course instructors;	3501
(3) The methods of instruction;	3502
(4) The computation of course credit;	3503
(5) The ability to carry forward course credit from one year	3504
to another;	3505
(6) Conditions under which the commission may grant a waiver	3506
or variance from continuing education requirements on the basis of	3507
hardship or other reasons;	3508
(7) Procedures for compliance with the continuing education	3509
requirements and sanctions for noncompliance.	3510
(D) The commission shall not renew the license of any person	3511
who fails to satisfy any continuing education requirement that the	3512
commission establishes. The commission may, for good cause, grant	3513
an extension of time to comply with the continuing education	3514
requirements. Any installer who is granted an extension and	3515
completes the continuing education requirements within the time	3516
the commission establishes is deemed in compliance with the	3517
education requirements. The license of any person who is granted	3518

an extension shall remain in effect during the period of the 3519
extension. 3520

Sec. ~~3733.11~~ 4781.40. (A)(1) A manufactured home park 3521
operator shall offer each home owner a written rental agreement 3522
for a manufactured home park lot for a term of one year or more 3523
that contains terms essentially the same as any alternative 3524
month-to-month rental agreement offered to current and prospective 3525
tenants and owners. The park operator shall offer the minimum 3526
one-year rental agreement to the owner prior to installation of 3527
the home in the manufactured home park or, if the home is in the 3528
manufactured home park, prior to the expiration of the owner's 3529
existing rental agreement. 3530

(2) The park operator shall deliver the offer to the owner by 3531
certified mail, return receipt requested, or in person. If the 3532
park operator delivers the offer to the owner in person, the owner 3533
shall complete a return showing receipt of the offer. If the owner 3534
does not accept the offer, the park operator is discharged from 3535
any obligation to make any further such offers. If the owner 3536
accepts the offer, the park operator shall, at the expiration of 3537
each successive rental agreement, offer the owner another rental 3538
agreement, for a term that is mutually agreed upon, and that 3539
contains terms essentially the same as the alternative 3540
month-to-month agreement. The park operator shall deliver 3541
subsequent rental offers by ordinary mail or personal delivery. If 3542
the park operator sells the manufactured home park to another 3543
manufactured home park operator, the purchaser is bound by the 3544
rental agreements entered into by the purchaser's predecessor. 3545

(B) A park operator shall fully disclose in writing all fees, 3546
charges, assessments, including rental fees, and rules prior to a 3547
tenant or owner executing a rental agreement and assuming 3548
occupancy in the manufactured home park. No fees, charges, 3549

assessments, or rental fees so disclosed may be increased nor 3550
rules changed by a park operator without specifying the date of 3551
implementation of the changed fees, charges, assessments, rental 3552
fees, or rules, which date shall be not less than thirty days 3553
after written notice of the change and its effective date to all 3554
tenants or owners in the manufactured home park, and no fee, 3555
charge, assessment, or rental fee shall be increased during the 3556
term of any tenant's or owner's rental agreement. Failure on the 3557
part of the park operator to fully disclose all fees, charges, or 3558
assessments shall prevent the park operator from collecting the 3559
undisclosed fees, charges, or assessments. If a tenant or owner 3560
refuses to pay any undisclosed fees, charges, or assessments, the 3561
refusal shall not be used by the park operator as a cause for 3562
eviction in any court. 3563

(C) A park operator shall promulgate rules governing the 3564
rental or occupancy of a lot in the manufactured home park. The 3565
rules shall not be unreasonable, arbitrary, or capricious. A copy 3566
of the rules and any amendments to them shall be delivered by the 3567
park operator to the tenant or owner prior to signing the rental 3568
agreement. A copy of the rules and any amendments to them shall be 3569
posted in a conspicuous place upon the manufactured home park 3570
grounds. 3571

(D) No park operator shall require an owner to purchase from 3572
the park operator any personal property. The park operator may 3573
determine by rule the style or quality of skirting, equipment for 3574
tying down homes, manufactured or mobile home accessories, or 3575
other equipment to be purchased by an owner from a vendor of the 3576
owner's choosing, provided that the equipment is readily available 3577
to the owner. Any such equipment shall be installed in accordance 3578
with the manufactured home park rules. 3579

(E) No park operator shall charge any owner who chooses to 3580
install an electric or gas appliance in a home an additional fee 3581

solely on the basis of the installation, unless the installation 3582
is performed by the park operator at the request of the owner, nor 3583
shall the park operator restrict the installation, service, or 3584
maintenance of the appliance, restrict the ingress or egress of 3585
repairpersons to the manufactured home park for the purpose of 3586
installation, service, or maintenance of the appliance, nor 3587
restrict the making of any interior improvement in a home, if the 3588
installation or improvement is in compliance with applicable 3589
building codes and other provisions of law and if adequate utility 3590
services are available for the installation or improvement. 3591

(F) No park operator shall require a tenant to lease or an 3592
owner to purchase a manufactured or mobile home from the park 3593
operator or any specific person as a condition of or prerequisite 3594
to entering into a rental agreement. 3595

(G) No park operator shall require an owner to use the 3596
services of the park operator or any other specific person for 3597
installation of the manufactured or mobile home on the residential 3598
premises or for the performance of any service. 3599

(H) No park operator shall: 3600

(1) Deny any owner the right to sell the owner's manufactured 3601
home within the manufactured home park if the owner gives the park 3602
operator ten days' notice of the intention to sell the home; 3603

(2) Require the owner to remove the home from the 3604
manufactured home park solely on the basis of the sale of the 3605
home; 3606

(3) Unreasonably refuse to enter into a rental agreement with 3607
a purchaser of a home located within the operator's manufactured 3608
home park; 3609

(4) Charge any tenant or owner any fee, charge, or 3610
assessment, including a rental fee, that is not set forth in the 3611
rental agreement or, if the rental agreement is oral, is not set 3612

forth in a written disclosure given to the tenant or owner prior 3613
to the tenant or owner entering into a rental agreement; 3614

(5) Charge any owner any fee, charge, or assessment because 3615
of the transfer of ownership of a home or because a home is moved 3616
out of or into the manufactured home park, except a charge for the 3617
actual costs and expenses that are incurred by the park operator 3618
in moving the home out of or into the manufactured home park, or 3619
in installing the home in the manufactured home park and that have 3620
not been reimbursed by another tenant or owner. 3621

(6) Prohibit the indoor or outdoor display either of a for 3622
sale sign by an owner on that owner's lot, including a sign that 3623
indicates the owner is offering the property for sale by owner, or 3624
of a political sign by a tenant or owner on that tenant's or 3625
owner's lot, if the tenant or owner displaying the sign complies 3626
with all applicable sections of the Revised Code and all 3627
applicable municipal and county ordinance and resolutions 3628
regulating the display of such a sign. As used in this section, 3629
"political sign" means a sign that advertises, promotes, endorses, 3630
or opposes an issue that has been certified to appear on the 3631
ballot, or a candidate whose name has been certified to appear on 3632
the ballot, at the next general, special, or primary election. 3633

(I) If the park operator violates any provision of divisions 3634
(A) to (H) of this section, the tenant or owner may commence a 3635
civil action against the park operator for either or both of the 3636
following: 3637

(1) The greater of twenty-five dollars or the actual damages 3638
resulting from the violation, and, if the tenant or owner obtains 3639
a judgment, reasonable attorneys' fees; 3640

(2) Termination of the rental agreement. 3641

(J) No rental agreement shall require a tenant or owner to 3642
sell, lease, or sublet the tenant's or owner's interest in the 3643

rental agreement or the manufactured or mobile home that is or 3644
will be located on the lot that is the subject of the rental 3645
agreement to any specific person or through any specific person as 3646
the person's agent. 3647

(K) No park operator shall enter into a rental agreement with 3648
the owner of a manufactured or mobile home for the use of 3649
residential premises, if the rental agreement requires the owner 3650
of the home, as a condition to the owner's renting, occupying, or 3651
remaining on the residential premises, to pay the park operator or 3652
any other person specified in the rental agreement a fee or any 3653
sum of money based on the sale of the home, unless the owner of 3654
the home uses the park operator or other person as the owner's 3655
agent in the sale of the home. 3656

(L) A park operator and a tenant or owner may include in a 3657
rental agreement any terms and conditions, including any term 3658
relating to rent, the duration of an agreement, and any other 3659
provisions governing the rights and obligations of the parties 3660
that are not inconsistent with or prohibited by sections 3733.09 3661
to 3733.20 of the Revised Code or any other rule of law. 3662

(M) Notwithstanding any other provision of the Revised Code, 3663
the owner of a manufactured or mobile home may utilize the 3664
services of a manufactured housing dealer or broker licensed under 3665
Chapter 4517. of the Revised Code or a person properly licensed 3666
under Chapter ~~4735.~~ 4781. of the Revised Code to sell or lease the 3667
home. 3668

Sec. ~~3733.111~~ 4781.53. (A) Within ten days after a 3669
manufactured home park is offered for sale, the operator of that 3670
park shall notify the manufactured homes commission and advise it 3671
of that sale. The commission promptly shall notify persons that 3672
are interested in the sale or purchase of manufactured home parks, 3673
including persons included on the list the commission develops 3674

pursuant to section 4781.60 of the Revised Code. 3675

(B) At any time a manufactured home park is being sold or 3676
converted for a use other than as a manufactured home park, the 3677
operator shall do both of the following: 3678

(1) Provide each tenant and owner with written notice of the 3679
sale or conversion of the park. The notice shall be delivered by 3680
certified mail, return receipt requested, or by personal delivery. 3681
If the park operator delivers the notice in person, the operator 3682
shall have the recipient complete a return showing receipt of the 3683
notice. The notice shall include the date by which the tenant or 3684
owner must vacate, which for tenants shall be at least one hundred 3685
twenty days after receipt of the written notice and for owners 3686
shall be at least one hundred eighty days after receipt of the 3687
written notice. 3688

(2) Pay relocation expenses to owners of homes in an amount 3689
the commission establishes by rule pursuant to section 4781.60 of 3690
the Revised Code. 3691

(C) Within ten days after a mortgagee files to initiate a 3692
foreclosure action against a manufactured home park, the mortgagee 3693
shall provide written notice of that filing to the manufactured 3694
homes commission and a copy of that notice to the court, as 3695
section 2323.05 of the Revised Code requires. 3696

Section 5. That existing sections 3733.11, 3733.111, and 3697
4781.10 of the Revised Code are hereby repealed. 3698

Section 6. Sections 4 and 5 of this act take effect on July 3699
1, 2011. 3700

Section 7. That Section 745.20 of Am. Sub. H.B. 1 of the 3701
128th General Assembly be amended to read as follows: 3702

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.

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

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

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

Section 11. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections,

presented in this act as composites of the sections as amended by 3732
the acts indicated, are the resulting versions of the sections in 3733
effect prior to the effective date of the sections as presented in 3734
this act: 3735

Sections 1923.01 and 1923.02 of the Revised Code as amended 3736
by both Sub. H.B. 56 and Am. Sub. S.B. 10 of the 127th General 3737
Assembly. 3738