

As Passed by the House

**128th General Assembly
Regular Session
2009-2010**

Sub. H. B. No. 33

Representative Dyer

Cosponsors: Representatives Hagan, Williams, B., Boyd, Chandler, Harris, DeBose, Winburn, Bacon, Batchelder, Beck, Belcher, Bolon, Bubp, Celeste, Daniels, DeGeeter, Derickson, Dodd, Domenick, Driehaus, Evans, Fende, Foley, Garland, Garrison, Goyal, Grossman, Harwood, Heard, Koziura, Lehner, Letson, Luckie, Lundy, Mallory, Mandel, McClain, Moran, Murray, Oelslager, Otterman, Patten, Pillich, Pryor, Reece, Ruhl, Sayre, Skindell, Slesnick, Sykes, Szollosi, Weddington, Yuko

—

A B I L L

To amend sections 2921.13, 4505.08, and 5302.30 and 1
to enact sections 109.5731 and 3701.181 of the 2
Revised Code to establish identification, 3
reporting, and disclosure requirements governing 4
illegal methamphetamine manufacturing laboratories 5
and to name the act the Methamphetamine Awareness 6
and Notification Act. 7

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

Section 1. That sections 2921.13, 4505.08, and 5302.30 be 8
amended and sections 109.5731 and 3701.181 of the Revised Code be 9
enacted to read as follows: 10

Sec. 109.5731. (A) As used in this section, "illegal 11
methamphetamine manufacturing laboratory" has the same meaning as 12
in section 3745.13 of the Revised Code. 13

(B) If a law enforcement agency discovers an illegal methamphetamine manufacturing laboratory, the law enforcement agency that makes the discovery shall inform the superintendent of the bureau of criminal identification and investigation in writing of the location of the real property on which the laboratory is discovered and provide any other information related to the laboratory or to the property that the superintendent may require. If an illegal methamphetamine manufacturing laboratory is discovered in a room of a hotel, motel, or similar establishment, the law enforcement agency shall inform the superintendent of that room number or the location of that room within the hotel, motel, or similar establishment.

(C) If a law enforcement agency discovers an illegal methamphetamine manufacturing laboratory or its components in a motor vehicle, the law enforcement agency that makes the discovery shall inform the superintendent of the vehicle identification number of the motor vehicle and provide any other information related to the laboratory or components or to the motor vehicle that the superintendent may require.

(D) The superintendent shall establish and maintain on the attorney general's official web site a database of all properties and motor vehicles reported to the superintendent pursuant to division (B) or (C) of this section. The database entry for each motor vehicle shall include the vehicle identification number of the motor vehicle. The database entry for each property shall include the name of the property's owner of record, the parcel number of the property in the general tax list of the county, and other information that would cause the property's inclusion in the database to be discovered through a title search. If an illegal methamphetamine manufacturing laboratory was discovered in the room of a hotel, motel, or similar establishment, the database entry shall include the room number or the location of the room

within the hotel, motel, or similar establishment. 46

The superintendent shall remove a property from the database 47
upon receipt from a property owner of a copy of an affidavit 48
required to be submitted to the property owner in accordance with 49
rules adopted under section 3701.181 of the Revised Code. Except 50
as provided in division (E) of this section, the superintendent 51
shall not remove a property from the database unless and until the 52
superintendent has received from the property owner a copy of an 53
affidavit regarding that property. 54

(E) The superintendent shall develop procedures for the 55
removal of a property from the database if the property was 56
included in the database erroneously or improperly. 57

(F) The attorney general shall adopt rules in accordance with 58
Chapter 119. of the Revised Code to implement this section. 59

(G) Divisions (B) to (E) of this section and rules adopted 60
under division (F) of this section become operative on the 61
effective date of rules adopted by the director of health under 62
division (B) of section 3701.181 of the Revised Code. 63

Sec. 2921.13. (A) No person shall knowingly make a false 64
statement, or knowingly swear or affirm the truth of a false 65
statement previously made, when any of the following applies: 66

(1) The statement is made in any official proceeding. 67

(2) The statement is made with purpose to incriminate 68
another. 69

(3) The statement is made with purpose to mislead a public 70
official in performing the public official's official function. 71

(4) The statement is made with purpose to secure the payment 72
of unemployment compensation; Ohio works first; prevention, 73
retention, and contingency benefits and services; disability 74
financial assistance; retirement benefits; economic development 75

assistance, as defined in section 9.66 of the Revised Code; or 76
other benefits administered by a governmental agency or paid out 77
of a public treasury. 78

(5) The statement is made with purpose to secure the issuance 79
by a governmental agency of a license, permit, authorization, 80
certificate, registration, release, or provider agreement. 81

(6) The statement is sworn or affirmed before a notary public 82
or another person empowered to administer oaths. 83

(7) The statement is in writing on or in connection with a 84
report or return that is required or authorized by law. 85

(8) The statement is in writing and is made with purpose to 86
induce another to extend credit to or employ the offender, to 87
confer any degree, diploma, certificate of attainment, award of 88
excellence, or honor on the offender, or to extend to or bestow 89
upon the offender any other valuable benefit or distinction, when 90
the person to whom the statement is directed relies upon it to 91
that person's detriment. 92

(9) The statement is made with purpose to commit or 93
facilitate the commission of a theft offense. 94

(10) The statement is knowingly made to a probate court in 95
connection with any action, proceeding, or other matter within its 96
jurisdiction, either orally or in a written document, including, 97
but not limited to, an application, petition, complaint, or other 98
pleading, or an inventory, account, or report. 99

(11) The statement is made on an account, form, record, 100
stamp, label, or other writing that is required by law. 101

(12) The statement is made in connection with the purchase of 102
a firearm, as defined in section 2923.11 of the Revised Code, and 103
in conjunction with the furnishing to the seller of the firearm of 104
a fictitious or altered driver's or commercial driver's license or 105

permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(13) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the secretary of state, a county recorder, or the clerk of a court of record.

(14) The statement is made in an application filed with a county sheriff pursuant to section 2923.125 of the Revised Code in order to obtain or renew a license to carry a concealed handgun or is made in an affidavit submitted to a county sheriff to obtain a temporary emergency license to carry a concealed handgun under section 2923.1213 of the Revised Code.

(15) The statement is required under section 5743.71 of the Revised Code in connection with the person's purchase of cigarettes or tobacco products in a delivery sale.

(16) The statement is made in an affidavit required by rules adopted under section 3701.181 of the Revised Code.

(B) No person, in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, shall knowingly furnish to the seller of the firearm a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(C) No person, in an attempt to obtain a license to carry a concealed handgun under section 2923.125 of the Revised Code, shall knowingly present to a sheriff a fictitious or altered document that purports to be certification of the person's competence in handling a handgun as described in division (B)(3) of section 2923.125 of the Revised Code.

(D) It is no defense to a charge under division (A)(6) of

this section that the oath or affirmation was administered or 137
taken in an irregular manner. 138

(E) If contradictory statements relating to the same fact are 139
made by the offender within the period of the statute of 140
limitations for falsification, it is not necessary for the 141
prosecution to prove which statement was false but only that one 142
or the other was false. 143

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 144
(6), (7), (8), (10), (11), (13), ~~or (15)~~, or (16) of this section 145
is guilty of falsification, a misdemeanor of the first degree. 146

(2) Whoever violates division (A)(9) of this section is 147
guilty of falsification in a theft offense. Except as otherwise 148
provided in this division, falsification in a theft offense is a 149
misdemeanor of the first degree. If the value of the property or 150
services stolen is five hundred dollars or more and is less than 151
five thousand dollars, falsification in a theft offense is a 152
felony of the fifth degree. If the value of the property or 153
services stolen is five thousand dollars or more and is less than 154
one hundred thousand dollars, falsification in a theft offense is 155
a felony of the fourth degree. If the value of the property or 156
services stolen is one hundred thousand dollars or more, 157
falsification in a theft offense is a felony of the third degree. 158

(3) Whoever violates division (A)(12) or (B) of this section 159
is guilty of falsification to purchase a firearm, a felony of the 160
fifth degree. 161

(4) Whoever violates division (A)(14) or (C) of this section 162
is guilty of falsification to obtain a concealed handgun license, 163
a felony of the fourth degree. 164

(G) A person who violates this section is liable in a civil 165
action to any person harmed by the violation for injury, death, or 166
loss to person or property incurred as a result of the commission 167

of the offense and for reasonable attorney's fees, court costs, 168
and other expenses incurred as a result of prosecuting the civil 169
action commenced under this division. A civil action under this 170
division is not the exclusive remedy of a person who incurs 171
injury, death, or loss to person or property as a result of a 172
violation of this section. 173

Sec. 3701.181. (A) The owner of real property that pursuant 174
to section 109.5731 of the Revised Code has been included in the 175
bureau of criminal identification and investigation's database of 176
properties on which illegal methamphetamine manufacturing 177
laboratories have been discovered may submit to the director of 178
health and to the superintendent of the bureau of criminal 179
identification and investigation a copy of the affidavit that is 180
required to be submitted to the owner by a contractor in 181
accordance with rules adopted under this section attesting that 182
methamphetamine residue has been removed from the property in 183
accordance with guidelines established in those rules. 184

(B) The director of health may adopt rules in accordance with 185
Chapter 119. of the Revised Code establishing guidelines for the 186
removal of methamphetamine residue from real property on which an 187
illegal methamphetamine manufacturing laboratory has been 188
discovered when a federal agency establishes guidelines for the 189
removal of methamphetamine residue from real property. Rules 190
adopted under this section shall conform with the guidelines 191
established by the federal agency. In addition, the rules shall 192
require a contractor responsible for conducting the removal of 193
methamphetamine residue from real property to submit to the owner 194
of the real property a notarized affidavit that attests that the 195
contractor has removed the methamphetamine residue in compliance 196
with the guidelines that are established in rules adopted under 197
this section and that conform with the guidelines established by 198
the federal agency. 199

(C) As used in this section, "illegal methamphetamine manufacturing laboratory" has the same meaning as in section 3745.13 of the Revised Code. 200
201
202

Sec. 4505.08. (A) When the clerk of a court of common pleas 203
issues a physical certificate of title, the clerk shall issue the 204
certificate of title on a form and in a manner prescribed by the 205
registrar of motor vehicles. The clerk shall file a copy of the 206
physical evidence for the creation of the certificate of title in 207
a manner prescribed by the registrar. A clerk may retain digital 208
images of documents used as evidence for issuance of a certificate 209
of title. Certified printouts of documents retained as digital 210
images shall have the same evidentiary value as the original 211
physical documents. The record of the issuance of the certificate 212
of title shall be maintained in the automated title processing 213
system. The clerk shall sign and affix the clerk's seal to the 214
original certificate of title and, if there are no liens on the 215
motor vehicle, shall deliver the certificate to the applicant or 216
the selling dealer. If there are one or more liens on the motor 217
vehicle, the certificate of title shall be delivered to the holder 218
of the first lien or the selling dealer, who shall deliver the 219
certificate of title to the holder of the first lien. 220

The registrar shall prescribe a uniform method of numbering 221
certificates of title, and such numbering shall be in such manner 222
that the county of issuance is indicated. The clerk shall assign 223
numbers to certificates of title in the manner prescribed by the 224
registrar. The clerk shall file all certificates of title 225
according to rules to be prescribed by the registrar, and the 226
clerk shall maintain in the clerk's office indexes for the 227
certificates of title. 228

The clerk need not retain on file any current certificates of 229
title, current duplicate certificates of title, current memorandum 230

certificates of title, or current salvage certificates of title, 231
or supporting evidence of them covering any motor vehicle or 232
manufactured or mobile home for a period longer than seven years 233
after the date of its filing; thereafter, the documents and 234
supporting evidence may be destroyed. The clerk need not retain on 235
file any inactive records, including certificates of title, 236
duplicate certificates of title, or memorandum certificates of 237
title, or supporting evidence of them, including the electronic 238
record described in division (A) of section 4505.06 of the Revised 239
Code, covering any motor vehicle or manufactured or mobile home 240
for a period longer than five years after the date of its filing; 241
thereafter, the documents and supporting evidence may be 242
destroyed. 243

The automated title processing system shall contain all 244
active records and an index of the active records, a record and 245
index of all inactive titles for ten years, and a record and index 246
of all inactive titles for manufactured and mobile homes for 247
thirty years. If the clerk provides a written copy of any 248
information contained in the database, the copy shall be 249
considered the original for purposes of the clerk certifying the 250
record of the information for use in any legal proceeding. 251

(B)(1) If the clerk issues a certificate of title for a motor 252
vehicle that was last previously registered in another state, the 253
clerk shall record verbatim, where practicable, in the space on 254
the title described in division (B)(19) of section 4505.07 of the 255
Revised Code, the words that appear as a notation to the vehicle 256
on the title issued by the previous state. These notations may 257
include, but are not limited to, words to the effect that the 258
vehicle was considered or was categorized by the state in which it 259
was last previously registered to be a law enforcement vehicle or 260
a taxicab or was once in a flood. 261

(2) If the clerk, while issuing a certificate of title for a 262

motor vehicle that was last previously registered in another 263
state, receives information from the automated title processing 264
system indicating that a title to the vehicle previously was 265
issued by this state and that the previous title contained 266
notations that appeared in the space described in division (B)(19) 267
or (20) of section 4505.07 of the Revised Code, the clerk shall 268
enter the notations that appeared on the previous certificate of 269
title issued by this state on the new certificate of title in the 270
space described in division (B)(19) or (20) of section 4505.07 of 271
the Revised Code, irrespective of whether the notations appear on 272
the certificate of title issued by the state in which the vehicle 273
was last previously registered. 274

(3) If the clerk, while issuing a certificate of title for a 275
motor vehicle that was last previously registered in another 276
state, receives information from the automated title processing 277
system indicating that the vehicle was previously issued a title 278
by this state and that the previous title bore the notation 279
"REBUILT SALVAGE" as required by division (E) of section 4505.11 280
of the Revised Code, or the previous title to the vehicle issued 281
by this state was a salvage certificate of title, the clerk shall 282
cause the certificate of title the clerk issues to bear the 283
notation "REBUILT SALVAGE" in the location prescribed by the 284
registrar pursuant to that division. 285

(C) When the clerk issues a certificate of title for a motor 286
vehicle that was last previously registered in this state and was 287
a law enforcement vehicle or a taxicab or was once in a flood, the 288
clerk shall record that information in the space on the title 289
described in division (B)(20) of section 4505.07 of the Revised 290
Code. In addition, when the clerk issues a certificate of title to 291
a law enforcement agency for a motor vehicle that has been seized 292
by the agency and the clerk is informed by the agency that the 293
vehicle is listed on the illegal methamphetamine manufacturing 294

laboratory database established under section 109.5731 of the 295
Revised Code, the clerk shall record that information in the space 296
on the title described in division (B)(20) of section 4505.07 of 297
the Revised Code. The registrar, by rule, may prescribe any 298
additional uses of or happenings to a motor vehicle that the 299
registrar has reason to believe should be noted on the certificate 300
of title as provided in this division. 301

As used in this division, "law enforcement agency" has the 302
same meaning as in section 109.573 of the Revised Code. 303

(D) The clerk shall use reasonable care in recording or 304
entering onto titles the clerk issues any notation and information 305
the clerk is required by divisions (B) and (C) of this section to 306
record or enter and in causing the titles the clerk issues to bear 307
any notation required by those divisions, but the clerk is not 308
liable for any of the clerk's errors or omissions or those of the 309
clerk's deputies, or the automated title processing system, in the 310
performance of the duties imposed on the clerk by this section. 311

(E) The clerk may issue a duplicate title, when duly applied 312
for, of any title that has been destroyed as herein provided. 313

(F) Except as provided in section 4505.021 of the Revised 314
Code, the clerk shall issue a physical certificate of title to an 315
applicant unless the applicant specifically requests the clerk not 316
to issue a physical certificate of title and instead to issue an 317
electronic certificate of title. The fact that a physical 318
certificate of title is not issued for a motor vehicle does not 319
affect ownership of the vehicle. In that case, when the clerk 320
completes the process of entering certificate of title application 321
information into the automated title processing system, the effect 322
of the completion of the process is the same as if the clerk 323
actually issued a physical certificate of title for the motor 324
vehicle. 325

(G) An electronic motor vehicle dealer who applies for a certificate of title on behalf of a customer who purchases a motor vehicle from the dealer may print a non-negotiable evidence of ownership for the customer if the customer so requests. The authorization to print the non-negotiable evidence of ownership shall come from the clerk with whom the dealer makes application for the certificate of title for the customer, but the printing by the dealer does not create an agency relationship of any kind between the dealer and the clerk.

(H) The owner of a motor vehicle may apply at any time to a clerk of a court of common pleas for a non-negotiable evidence of ownership for the motor vehicle.

Sec. 5302.30. (A) As used in this section:

(1) "Good faith" means honesty in fact in a transaction involving the transfer of residential real property.

(2) "Land installment contract" has the same meaning as in section 5313.01 of the Revised Code.

(3) "Political subdivision" and "state" have the same meanings as in section 2744.01 of the Revised Code.

(4) "Residential real property" means real property that is improved by a building or other structure that has one to four dwelling units.

(B)(1) Except as provided in division (B)(2) of this section, this section applies to any transfer of residential real property that occurs on or after July 1, 1993, by sale, land installment contract, lease with option to purchase, exchange, or lease for a term of ninety-nine years and renewable forever. For purposes of this section, a transfer occurs when the initial contract for transfer is executed, regardless of when legal title is transferred, and references in this section to transfer offers and

transfer agreements refer to offers and agreements in respect of 356
the initial contract for transfer. 357

(2) This section does not apply to any transfer of 358
residential real property that is any of the following: 359

(a) A transfer pursuant to court order, including, but not 360
limited to, a transfer ordered by a probate court during the 361
administration of a decedent's estate, a transfer pursuant to a 362
writ of execution, a transfer by a trustee in bankruptcy, a 363
transfer as a result of the exercise of the power of eminent 364
domain, and a transfer that results from a decree for specific 365
performance of a contract or other agreement between persons; 366

(b) A transfer to a mortgagee by a mortgagor by deed in lieu 367
of foreclosure or in satisfaction of the mortgage debt; 368

(c) A transfer to a beneficiary of a deed of trust by a 369
trustor in default; 370

(d) A transfer by a foreclosure sale that follows a default 371
in the satisfaction of an obligation secured by a mortgage; 372

(e) A transfer by a sale under a power of sale following a 373
default in the satisfaction of an obligation that is secured by a 374
deed of trust or another instrument containing a power of sale; 375

(f) A transfer by a mortgagee, or a beneficiary under a deed 376
of trust, who has acquired the residential real property at a sale 377
conducted pursuant to a power of sale under a mortgage or a deed 378
of trust or who has acquired the residential real property by a 379
deed in lieu of foreclosure; 380

(g) A transfer by a fiduciary in the course of the 381
administration of a decedent's estate, a guardianship, a 382
conservatorship, or a trust; 383

(h) A transfer from one co-owner to one or more other 384
co-owners; 385

(i) A transfer made to the transferor's spouse or to one or more persons in the lineal line of consanguinity of one or more of the transferors;

(j) A transfer between spouses or former spouses as a result of a decree of divorce, dissolution of marriage, annulment, or legal separation or as a result of a property settlement agreement incidental to a decree of divorce, dissolution of marriage, annulment, or legal separation;

(k) A transfer to or from the state, a political subdivision of the state, or another governmental entity;

(l) A transfer that involves newly constructed residential real property that previously has not been inhabited;

(m) A transfer to a transferee who has occupied the property as a personal residence for one or more years immediately prior to the transfer;

(n) A transfer from a transferor who both has not occupied the property as a personal residence within one year immediately prior to the transfer and has acquired the property through inheritance or devise.

(C) Except as provided in division (B)(2) of this section and subject to divisions (E) and (F) of this section, every person who intends to transfer any residential real property on or after July 1, 1993, by sale, land installment contract, lease with option to purchase, exchange, or lease for a term of ninety-nine years and renewable forever shall complete all applicable items in a property disclosure form prescribed under division (D) of this section and shall deliver in accordance with division (I) of this section a signed and dated copy of the completed form to each prospective transferee or prospective transferee's agent as soon as is practicable.

(D)(1) Prior to July 1, 1993, the director of commerce, by

rule adopted in accordance with Chapter 119. of the Revised Code, 417
shall prescribe the disclosure form to be completed by 418
transferors. The form prescribed by the director shall be designed 419
to permit the transferor to disclose material matters relating to 420
the physical condition of the property to be transferred, 421
including, but not limited to, the source of water supply to the 422
property; the nature of the sewer system serving the property; the 423
condition of the structure of the property, including the roof, 424
foundation, walls, and floors; the presence of hazardous materials 425
or substances, including lead-based paint, asbestos, 426
urea-formaldehyde foam insulation, and radon gas; and any material 427
defects in the property that are within the actual knowledge of 428
the transferor. 429

The form also shall set forth a statement of the purpose of 430
the form, including statements substantially similar to the 431
following: that the form constitutes a statement of the conditions 432
of the property and of information concerning the property 433
actually known by the transferor; that, unless the transferee is 434
otherwise advised in writing, the transferor, other than having 435
lived at or owning the property, possesses no greater knowledge 436
than that which could be obtained by a careful inspection of the 437
property by a potential transferee; that the statement is not a 438
warranty of any kind by the transferor or by any agent or subagent 439
representing the transferor in this transaction; that the 440
statement is not a substitute for any inspections; that the 441
transferee is encouraged to obtain the transferee's own 442
professional inspection; that the representations are made by the 443
transferor and are not the representations of the transferor's 444
agent or subagent; and that the form and the representations 445
contained therein are provided by the transferor exclusively to 446
potential transferees in a transfer made by the transferor, and 447
are not made to transferees in any subsequent transfers. 448

The form shall include instructions to the transferor for 449
completing the form, space in which the transferor or transferors 450
shall sign and date the form, and space in which the transferee or 451
transferees shall sign and date the form acknowledging receipt of 452
a copy of the form and stating that the transferee or transferees 453
understand the purpose of the form as stated thereon. 454

(2) Not later than January 1, 2006, the director shall revise 455
the disclosure form to include a statement that information on the 456
operation and maintenance of the type of sewage treatment system 457
serving the property is available from the department of health or 458
the board of health of the health district in which the property 459
is located. 460

As used in this section, "sewage treatment system" has the 461
same meaning as in section 3718.01 of the Revised Code. 462

(3) The director shall revise the disclosure form to require 463
disclosure of information concerning any illegal methamphetamine 464
manufacturing laboratory that has been discovered on the property 465
and inclusion of the property in the database established under 466
section 109.5731 of the Revised Code. If the property has been 467
removed from the database pursuant to that section, the property 468
owner shall not be required to include any information regarding 469
the illegal methamphetamine manufacturing laboratory on the 470
disclosure form. The director shall revise the disclosure form 471
within thirty days of the date on which rules adopted under 472
division (B) of section 3701.181 of the Revised Code take effect. 473

As used in this section, "illegal methamphetamine 474
manufacturing laboratory" has the same meaning as in section 475
3745.13 of the Revised Code. 476

(E)(1) Each disclosure of an item of information that is 477
required to be made in the property disclosure form prescribed 478
under division (D) of this section in connection with particular 479

residential real property and each act that may be performed in 480
making any disclosure of an item of information shall be made or 481
performed in good faith. 482

(2) If an item of information is unknown to the transferor of 483
residential real property at the time the item is required to be 484
disclosed in the property disclosure form and if the approximation 485
is not used for the purpose of circumventing or otherwise evading 486
divisions (C) and (D) of this section, the transferor may make a 487
good faith approximation of the item of information. 488

(F)(1) A transferor of residential real property is not 489
liable in damages in a civil action for injury, death, or loss to 490
person or property that allegedly arises from any error in, 491
inaccuracy of, or omission of any item of information required to 492
be disclosed in the property disclosure form if the error, 493
inaccuracy, or omission was not within the transferor's actual 494
knowledge. 495

(2) If any item of information that is disclosed in the 496
property disclosure form is rendered inaccurate after the delivery 497
of the form to the transferee of residential real property or the 498
transferee's agent as a result of any act, occurrence, or 499
agreement, the subsequent inaccuracy does not cause, and shall not 500
be construed as causing, the transferor of the residential real 501
property to be in noncompliance with the requirements of divisions 502
(C) and (D) of this section. 503

(G) Any disclosure of an item of information in the property 504
disclosure form prescribed under division (D) of this section may 505
be amended in writing by the transferor of residential real 506
property at any time following the delivery of the form in 507
accordance with divisions (C) and (I) of this section. The 508
amendment shall be subject to this section. 509

(H) Except as provided in division (B)(2) of this section, 510

every prospective transferee of residential real property who 511
receives in accordance with division (C) of this section a signed 512
and dated copy of a completed property disclosure form as 513
prescribed under division (D) of this section shall acknowledge 514
receipt of the form by doing both of the following: 515

(1) Signing and dating a copy of the form; 516

(2) Delivering a signed and dated copy of the form to the 517
transferor or the transferor's agent or subagent. 518

(I) The transferor's delivery under division (C) of this 519
section of a property disclosure form as prescribed under division 520
(D) of this section and the prospective transferee's delivery 521
under division (H) of this section of an acknowledgment of receipt 522
of that form shall be made by personal delivery to the other party 523
or the other party's agent or subagent, by ordinary mail or 524
certified mail, return receipt requested, or by facsimile 525
transmission. For the purposes of the delivery requirements of 526
this section, the delivery of a property disclosure form to a 527
prospective co-transferee of residential real property or a 528
prospective co-transferee's agent shall be considered delivery to 529
the other prospective transferees unless otherwise provided by 530
contract. 531

(J) The specification of items of information that must be 532
disclosed in the property disclosure form as prescribed under 533
~~division~~ divisions (D)(1) and (3) of this section does not limit 534
or abridge, and shall not be construed as limiting or abridging, 535
any obligation to disclose an item of information that is created 536
by any other provision of the Revised Code or the common law of 537
this state or that may exist in order to preclude fraud, either by 538
misrepresentation, concealment, or nondisclosure in a transaction 539
involving the transfer of residential real property. The 540
disclosure requirements of this section do not bar, and shall not 541
be construed as barring, the application of any legal or equitable 542

defense that a transferor of residential real property may assert 543
in a civil action commenced against the transferor by a 544
prospective or actual transferee of that property. 545

(K)(1) Except as provided in division (K)(2) of this section, 546
but subject to divisions (J) and (L) of this section, a transfer 547
of residential real property that is subject to this section shall 548
not be invalidated because of the failure of the transferor to 549
provide to the transferee in accordance with division (C) of this 550
section a completed property disclosure form as prescribed under 551
division (D) of this section. 552

(2) Subject to division (K)(3)(c) of this section, if a 553
transferee of residential real property that is subject to this 554
section receives a property disclosure form or an amendment of 555
that form as described in division (G) of this section after the 556
transferee has entered into a transfer agreement with respect to 557
the property, the transferee, after receipt of the form or 558
amendment, may rescind the transfer agreement in a written, 559
signed, and dated document that is delivered to the transferor or 560
the transferor's agent or subagent in accordance with divisions 561
(K)(3)(a) and (b) of this section, without incurring any legal 562
liability to the transferor because of the rescission, including, 563
but not limited to, a civil action for specific performance of the 564
transfer agreement. Upon the rescission of the transfer agreement, 565
the transferee is entitled to the return of, and the transferor 566
shall return, any deposits made by the transferee in connection 567
with the proposed transfer of the residential real property. 568

(3)(a) Subject to division (K)(3)(b) of this section, a 569
rescission of a transfer agreement under division (K)(2) of this 570
section only may occur if the transferee's written, signed, and 571
dated document of rescission is delivered to the transferor or the 572
transferor's agent or subagent within three business days 573
following the date on which the transferee or the transferee's 574

agent receives the property disclosure form prescribed under 575
division (D) of this section or the amendment of that form as 576
described in division (G) of this section. 577

(b) A transferee may not rescind a transfer agreement under 578
division (K)(2) of this section unless the transferee rescinds the 579
transfer agreement by the earlier of the date that is thirty days 580
after the date upon which the transferor accepted the transferee's 581
transfer offer or the date of the closing of the transfer of the 582
residential real property. 583

(c) A transferee of residential real property may waive the 584
right of rescission of a transfer agreement described in division 585
(K)(2) of this section. 586

(d) A rescission of a transfer agreement is not permissible 587
under division (K)(2) of this section if a transferee of 588
residential real property that is subject to this section receives 589
a property disclosure form as prescribed under division (D) of 590
this section or an amendment of that form as described in division 591
(G) of this section prior to the transferee's submission to the 592
transferor or the transferor's agent or subagent of a transfer 593
offer and the transferee's entry into a transfer agreement with 594
respect to the property. 595

(4) If a transferee of residential real property subject to 596
this section does not receive a property disclosure form from the 597
transferor after the transferee has submitted to the transferor or 598
the transferor's agent or subagent a transfer offer and has 599
entered into a transfer agreement with respect to the property, 600
the transferee may rescind the transfer agreement in a written, 601
signed, and dated document that is delivered to the transferor or 602
the transferor's agent or subagent in accordance with division 603
(K)(4) of this section without incurring any legal liability to 604
the transferor because of the rescission, including, but not 605
limited to, a civil action for specific performance of the 606

transfer agreement. Upon the rescission of the transfer agreement, 607
the transferee is entitled to the return of, and the transferor 608
shall return, any deposits made by the transferee in connection 609
with the proposed transfer of the residential real property. A 610
transferee may not rescind a transfer agreement under division 611
(K)(4) of this section unless the transferee rescinds the transfer 612
agreement by the earlier of the date that is thirty days after the 613
date upon which the transferor accepted the transferee's transfer 614
offer or the date of the closing of the transfer of the 615
residential real property. 616

(L) The right of rescission of a transfer agreement described 617
in division (K)(2) of this section or the absence of that right 618
does not affect, and shall not be construed as affecting, any 619
other legal causes of action or other remedies that a transferee 620
or prospective transferee of residential real property may possess 621
against the transferor of that property. 622

Section 2. That existing sections 2921.13, 4505.08, and 623
5302.30 of the Revised Code are hereby repealed. 624

Section 3. This act shall be known as the Methamphetamine 625
Awareness and Notification Act. 626