

As Introduced

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H. B. No. 33

Representative Snitchler

**Cosponsors: Representatives Combs, Boose, McClain, Grossman,
Stebelton, Blair, Okey, Hackett, Dovilla, Kozlowski, Hollington**

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A B I L L

To amend sections 149.43, 149.45, 319.28, and 319.54 1
of the Revised Code to exclude the residential and 2
familial information of a federal law enforcement 3
officer from the definition of a public record, to 4
include federal law enforcement officers among the 5
protected individuals who are authorized to 6
request a public office other than the county 7
auditor to redact the person's address from any 8
record made available to the general public on the 9
internet, and to include those officers among the 10
protected individuals who may request the county 11
auditor to replace the person's name with the 12
person's initials on the general tax list and 13
duplicate. 14

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

Section 1. That sections 149.43, 149.45, 319.28, and 319.54 15
of the Revised Code be amended to read as follows: 16

Sec. 149.43. (A) As used in this section: 17

(1) "Public record" means records kept by any public office, 18

including, but not limited to, state, county, city, village, 19
township, and school district units, and records pertaining to the 20
delivery of educational services by an alternative school in this 21
state kept by the nonprofit or for-profit entity operating the 22
alternative school pursuant to section 3313.533 of the Revised 23
Code. "Public record" does not mean any of the following: 24

- (a) Medical records; 25
- (b) Records pertaining to probation and parole proceedings or 26
to proceedings related to the imposition of community control 27
sanctions and post-release control sanctions; 28
- (c) Records pertaining to actions under section 2151.85 and 29
division (C) of section 2919.121 of the Revised Code and to 30
appeals of actions arising under those sections; 31
- (d) Records pertaining to adoption proceedings, including the 32
contents of an adoption file maintained by the department of 33
health under section 3705.12 of the Revised Code; 34
- (e) Information in a record contained in the putative father 35
registry established by section 3107.062 of the Revised Code, 36
regardless of whether the information is held by the department of 37
job and family services or, pursuant to section 3111.69 of the 38
Revised Code, the office of child support in the department or a 39
child support enforcement agency; 40
- (f) Records listed in division (A) of section 3107.42 of the 41
Revised Code or specified in division (A) of section 3107.52 of 42
the Revised Code; 43
- (g) Trial preparation records; 44
- (h) Confidential law enforcement investigatory records; 45
- (i) Records containing information that is confidential under 46
section 2710.03 or 4112.05 of the Revised Code; 47
- (j) DNA records stored in the DNA database pursuant to 48

section 109.573 of the Revised Code;	49
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	50 51 52 53
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	54 55 56 57
(m) Intellectual property records;	58
(n) Donor profile records;	59
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	60 61
(p) Peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation, <u>or federal law enforcement officer</u> residential and familial information;	62 63 64 65 66
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	67 68 69 70 71
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	72 73
(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, and child fatality review data submitted by the child fatality review board to the department of health or a	74 75 76 77 78

national child death review database, other than the report	79
prepared pursuant to division (A) of section 307.626 of the	80
Revised Code;	81
(t) Records provided to and statements made by the executive	82
director of a public children services agency or a prosecuting	83
attorney acting pursuant to section 5153.171 of the Revised Code	84
other than the information released under that section;	85
(u) Test materials, examinations, or evaluation tools used in	86
an examination for licensure as a nursing home administrator that	87
the board of examiners of nursing home administrators administers	88
under section 4751.04 of the Revised Code or contracts under that	89
section with a private or government entity to administer;	90
(v) Records the release of which is prohibited by state or	91
federal law;	92
(w) Proprietary information of or relating to any person that	93
is submitted to or compiled by the Ohio venture capital authority	94
created under section 150.01 of the Revised Code;	95
(x) Information reported and evaluations conducted pursuant	96
to section 3701.072 of the Revised Code;	97
(y) Financial statements and data any person submits for any	98
purpose to the Ohio housing finance agency or the controlling	99
board in connection with applying for, receiving, or accounting	100
for financial assistance from the agency, and information that	101
identifies any individual who benefits directly or indirectly from	102
financial assistance from the agency;	103
(z) Records listed in section 5101.29 of the Revised Code.	104
(aa) Discharges recorded with a county recorder under section	105
317.24 of the Revised Code, as specified in division (B)(2) of	106
that section.	107
(2) "Confidential law enforcement investigatory record" means	108

any record that pertains to a law enforcement matter of a 109
criminal, quasi-criminal, civil, or administrative nature, but 110
only to the extent that the release of the record would create a 111
high probability of disclosure of any of the following: 112

(a) The identity of a suspect who has not been charged with 113
the offense to which the record pertains, or of an information 114
source or witness to whom confidentiality has been reasonably 115
promised; 116

(b) Information provided by an information source or witness 117
to whom confidentiality has been reasonably promised, which 118
information would reasonably tend to disclose the source's or 119
witness's identity; 120

(c) Specific confidential investigatory techniques or 121
procedures or specific investigatory work product; 122

(d) Information that would endanger the life or physical 123
safety of law enforcement personnel, a crime victim, a witness, or 124
a confidential information source. 125

(3) "Medical record" means any document or combination of 126
documents, except births, deaths, and the fact of admission to or 127
discharge from a hospital, that pertains to the medical history, 128
diagnosis, prognosis, or medical condition of a patient and that 129
is generated and maintained in the process of medical treatment. 130

(4) "Trial preparation record" means any record that contains 131
information that is specifically compiled in reasonable 132
anticipation of, or in defense of, a civil or criminal action or 133
proceeding, including the independent thought processes and 134
personal trial preparation of an attorney. 135

(5) "Intellectual property record" means a record, other than 136
a financial or administrative record, that is produced or 137
collected by or for faculty or staff of a state institution of 138
higher learning in the conduct of or as a result of study or 139

research on an educational, commercial, scientific, artistic, 140
technical, or scholarly issue, regardless of whether the study or 141
research was sponsored by the institution alone or in conjunction 142
with a governmental body or private concern, and that has not been 143
publicly released, published, or patented. 144

(6) "Donor profile record" means all records about donors or 145
potential donors to a public institution of higher education 146
except the names and reported addresses of the actual donors and 147
the date, amount, and conditions of the actual donation. 148

(7) "Peace officer, parole officer, prosecuting attorney, 149
assistant prosecuting attorney, correctional employee, youth 150
services employee, firefighter, EMT, ~~or~~ investigator of the bureau 151
of criminal identification and investigation, or federal law 152
enforcement officer residential and familial information" means 153
any information that discloses any of the following about a peace 154
officer, parole officer, prosecuting attorney, assistant 155
prosecuting attorney, correctional employee, youth services 156
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 157
criminal identification and investigation, or federal law 158
enforcement officer: 159

(a) The address of the actual personal residence of a peace 160
officer, parole officer, assistant prosecuting attorney, 161
correctional employee, youth services employee, firefighter, EMT, 162
~~or~~ an investigator of the bureau of criminal identification and 163
investigation, or federal law enforcement officer, except for the 164
state or political subdivision in which the peace officer, parole 165
officer, assistant prosecuting attorney, correctional employee, 166
youth services employee, firefighter, EMT, ~~or~~ investigator of the 167
bureau of criminal identification and investigation, or federal 168
law enforcement officer resides; 169

(b) Information compiled from referral to or participation in 170
an employee assistance program; 171

(c) The social security number, the residential telephone 172
number, any bank account, debit card, charge card, or credit card 173
number, or the emergency telephone number of, or any medical 174
information pertaining to, a peace officer, parole officer, 175
prosecuting attorney, assistant prosecuting attorney, correctional 176
employee, youth services employee, firefighter, EMT, ~~or~~ 177
investigator of the bureau of criminal identification and 178
investigation, or federal law enforcement officer; 179

(d) The name of any beneficiary of employment benefits, 180
including, but not limited to, life insurance benefits, provided 181
to a peace officer, parole officer, prosecuting attorney, 182
assistant prosecuting attorney, correctional employee, youth 183
services employee, firefighter, EMT, ~~or~~ investigator of the bureau 184
of criminal identification and investigation, or federal law 185
enforcement officer by the peace officer's, parole officer's, 186
prosecuting attorney's, assistant prosecuting attorney's, 187
correctional employee's, youth services employee's, firefighter's, 188
EMT's, ~~or~~ investigator of the bureau of criminal identification 189
and investigation's, or federal law enforcement officer's 190
employer; 191

(e) The identity and amount of any charitable or employment 192
benefit deduction made by the peace officer's, parole officer's, 193
prosecuting attorney's, assistant prosecuting attorney's, 194
correctional employee's, youth services employee's, firefighter's, 195
EMT's, ~~or~~ investigator of the bureau of criminal identification 196
and investigation's, or federal law enforcement officer's employer 197
from the peace officer's, parole officer's, prosecuting 198
attorney's, assistant prosecuting attorney's, correctional 199
employee's, youth services employee's, firefighter's, EMT's, ~~or~~ 200
investigator of the bureau of criminal identification and 201
investigation's, or federal law enforcement officer's compensation 202
unless the amount of the deduction is required by state or federal 203

law; 204

(f) The name, the residential address, the name of the 205
employer, the address of the employer, the social security number, 206
the residential telephone number, any bank account, debit card, 207
charge card, or credit card number, or the emergency telephone 208
number of the spouse, a former spouse, or any child of a peace 209
officer, parole officer, prosecuting attorney, assistant 210
prosecuting attorney, correctional employee, youth services 211
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 212
criminal identification and investigation, or federal law 213
enforcement officer; 214

(g) A photograph of a peace officer or federal law 215
enforcement officer who holds a position or has an assignment that 216
may include undercover or plain clothes positions or assignments 217
as determined by the peace officer's or federal law enforcement 218
officer's appointing authority. 219

As used in divisions (A)(7) and (B)(9) of this section, 220
"peace officer" has the same meaning as in section 109.71 of the 221
Revised Code and also includes the superintendent and troopers of 222
the state highway patrol; it does not include the sheriff of a 223
county or a supervisory employee who, in the absence of the 224
sheriff, is authorized to stand in for, exercise the authority of, 225
and perform the duties of the sheriff. 226

As used in divisions (A)(7) and (B)(5) of this section, 227
"correctional employee" means any employee of the department of 228
rehabilitation and correction who in the course of performing the 229
employee's job duties has or has had contact with inmates and 230
persons under supervision. 231

As used in divisions (A)(7) and (B)(5) of this section, 232
"youth services employee" means any employee of the department of 233
youth services who in the course of performing the employee's job 234

duties has or has had contact with children committed to the 235
custody of the department of youth services. 236

As used in divisions (A)(7) and (B)(9) of this section, 237
"firefighter" means any regular, paid or volunteer, member of a 238
lawfully constituted fire department of a municipal corporation, 239
township, fire district, or village. 240

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 241
means EMTs-basic, EMTs-I, and paramedics that provide emergency 242
medical services for a public emergency medical service 243
organization. "Emergency medical service organization," 244
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 245
section 4765.01 of the Revised Code. 246

As used in divisions (A)(7) and (B)(9) of this section, 247
"investigator of the bureau of criminal identification and 248
investigation" has the meaning defined in section 2903.11 of the 249
Revised Code. 250

As used in divisions (A)(7) and (B)(9) of this section, 251
"federal law enforcement officer" means any officer of the United 252
States who is authorized by federal law to conduct any 253
investigation of, and make any arrest for, any offense against the 254
United States in violation of federal law. 255

(8) "Information pertaining to the recreational activities of 256
a person under the age of eighteen" means information that is kept 257
in the ordinary course of business by a public office, that 258
pertains to the recreational activities of a person under the age 259
of eighteen years, and that discloses any of the following: 260

(a) The address or telephone number of a person under the age 261
of eighteen or the address or telephone number of that person's 262
parent, guardian, custodian, or emergency contact person; 263

(b) The social security number, birth date, or photographic 264
image of a person under the age of eighteen; 265

(c) Any medical record, history, or information pertaining to a person under the age of eighteen;	266 267
(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.	268 269 270 271 272 273
(9) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	274 275
(10) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	276 277
(11) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.	278 279 280 281
(12) "Designee" and "elected official" have the same meanings as in section 109.43 of the Revised Code.	282 283
(B)(1) Upon request and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(8) of this section, upon request, a public office or person responsible for public records shall make copies of the requested public record available at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public	284 285 286 287 288 289 290 291 292 293 294 295 296

record, the public office or the person responsible for the public 297
record shall notify the requester of any redaction or make the 298
redaction plainly visible. A redaction shall be deemed a denial of 299
a request to inspect or copy the redacted information, except if 300
federal or state law authorizes or requires a public office to 301
make the redaction. 302

(2) To facilitate broader access to public records, a public 303
office or the person responsible for public records shall organize 304
and maintain public records in a manner that they can be made 305
available for inspection or copying in accordance with division 306
(B) of this section. A public office also shall have available a 307
copy of its current records retention schedule at a location 308
readily available to the public. If a requester makes an ambiguous 309
or overly broad request or has difficulty in making a request for 310
copies or inspection of public records under this section such 311
that the public office or the person responsible for the requested 312
public record cannot reasonably identify what public records are 313
being requested, the public office or the person responsible for 314
the requested public record may deny the request but shall provide 315
the requester with an opportunity to revise the request by 316
informing the requester of the manner in which records are 317
maintained by the public office and accessed in the ordinary 318
course of the public office's or person's duties. 319

(3) If a request is ultimately denied, in part or in whole, 320
the public office or the person responsible for the requested 321
public record shall provide the requester with an explanation, 322
including legal authority, setting forth why the request was 323
denied. If the initial request was provided in writing, the 324
explanation also shall be provided to the requester in writing. 325
The explanation shall not preclude the public office or the person 326
responsible for the requested public record from relying upon 327
additional reasons or legal authority in defending an action 328

commenced under division (C) of this section. 329

(4) Unless specifically required or authorized by state or 330
federal law or in accordance with division (B) of this section, no 331
public office or person responsible for public records may limit 332
or condition the availability of public records by requiring 333
disclosure of the requester's identity or the intended use of the 334
requested public record. Any requirement that the requester 335
disclose the requestor's identity or the intended use of the 336
requested public record constitutes a denial of the request. 337

(5) A public office or person responsible for public records 338
may ask a requester to make the request in writing, may ask for 339
the requester's identity, and may inquire about the intended use 340
of the information requested, but may do so only after disclosing 341
to the requester that a written request is not mandatory and that 342
the requester may decline to reveal the requester's identity or 343
the intended use and when a written request or disclosure of the 344
identity or intended use would benefit the requester by enhancing 345
the ability of the public office or person responsible for public 346
records to identify, locate, or deliver the public records sought 347
by the requester. 348

(6) If any person chooses to obtain a copy of a public record 349
in accordance with division (B) of this section, the public office 350
or person responsible for the public record may require that 351
person to pay in advance the cost involved in providing the copy 352
of the public record in accordance with the choice made by the 353
person seeking the copy under this division. The public office or 354
the person responsible for the public record shall permit that 355
person to choose to have the public record duplicated upon paper, 356
upon the same medium upon which the public office or person 357
responsible for the public record keeps it, or upon any other 358
medium upon which the public office or person responsible for the 359
public record determines that it reasonably can be duplicated as 360

an integral part of the normal operations of the public office or 361
person responsible for the public record. When the person seeking 362
the copy makes a choice under this division, the public office or 363
person responsible for the public record shall provide a copy of 364
it in accordance with the choice made by the person seeking the 365
copy. Nothing in this section requires a public office or person 366
responsible for the public record to allow the person seeking a 367
copy of the public record to make the copies of the public record. 368

(7) Upon a request made in accordance with division (B) of 369
this section and subject to division (B)(6) of this section, a 370
public office or person responsible for public records shall 371
transmit a copy of a public record to any person by United States 372
mail or by any other means of delivery or transmission within a 373
reasonable period of time after receiving the request for the 374
copy. The public office or person responsible for the public 375
record may require the person making the request to pay in advance 376
the cost of postage if the copy is transmitted by United States 377
mail or the cost of delivery if the copy is transmitted other than 378
by United States mail, and to pay in advance the costs incurred 379
for other supplies used in the mailing, delivery, or transmission. 380

Any public office may adopt a policy and procedures that it 381
will follow in transmitting, within a reasonable period of time 382
after receiving a request, copies of public records by United 383
States mail or by any other means of delivery or transmission 384
pursuant to this division. A public office that adopts a policy 385
and procedures under this division shall comply with them in 386
performing its duties under this division. 387

In any policy and procedures adopted under this division, a 388
public office may limit the number of records requested by a 389
person that the office will transmit by United States mail to ten 390
per month, unless the person certifies to the office in writing 391
that the person does not intend to use or forward the requested 392

records, or the information contained in them, for commercial 393
purposes. For purposes of this division, "commercial" shall be 394
narrowly construed and does not include reporting or gathering 395
news, reporting or gathering information to assist citizen 396
oversight or understanding of the operation or activities of 397
government, or nonprofit educational research. 398

(8) A public office or person responsible for public records 399
is not required to permit a person who is incarcerated pursuant to 400
a criminal conviction or a juvenile adjudication to inspect or to 401
obtain a copy of any public record concerning a criminal 402
investigation or prosecution or concerning what would be a 403
criminal investigation or prosecution if the subject of the 404
investigation or prosecution were an adult, unless the request to 405
inspect or to obtain a copy of the record is for the purpose of 406
acquiring information that is subject to release as a public 407
record under this section and the judge who imposed the sentence 408
or made the adjudication with respect to the person, or the 409
judge's successor in office, finds that the information sought in 410
the public record is necessary to support what appears to be a 411
justiciable claim of the person. 412

(9) Upon written request made and signed by a journalist on 413
or after December 16, 1999, a public office, or person responsible 414
for public records, having custody of the records of the agency 415
employing a specified peace officer, parole officer, prosecuting 416
attorney, assistant prosecuting attorney, correctional employee, 417
youth services employee, firefighter, EMT, ~~or~~ investigator of the 418
bureau of criminal identification and investigation, or federal 419
law enforcement officer shall disclose to the journalist the 420
address of the actual personal residence of the peace officer, 421
parole officer, prosecuting attorney, assistant prosecuting 422
attorney, correctional employee, youth services employee, 423
firefighter, EMT, ~~or~~ investigator of the bureau of criminal 424

identification and investigation, or federal law enforcement 425
officer and, if the peace officer's, parole officer's, prosecuting 426
attorney's, assistant prosecuting attorney's, correctional 427
employee's, youth services employee's, firefighter's, EMT's, ~~or~~ 428
investigator of the bureau of criminal identification and 429
investigation's, or federal law enforcement officer's spouse, 430
former spouse, or child is employed by a public office, the name 431
and address of the employer of the peace officer's, parole 432
officer's, prosecuting attorney's, assistant prosecuting 433
attorney's, correctional employee's, youth services employee's, 434
firefighter's, EMT's, ~~or~~ investigator of the bureau of criminal 435
identification and investigation's, or federal law enforcement 436
officer's spouse, former spouse, or child. The request shall 437
include the journalist's name and title and the name and address 438
of the journalist's employer and shall state that disclosure of 439
the information sought would be in the public interest. 440

As used in this division, "journalist" means a person engaged 441
in, connected with, or employed by any news medium, including a 442
newspaper, magazine, press association, news agency, or wire 443
service, a radio or television station, or a similar medium, for 444
the purpose of gathering, processing, transmitting, compiling, 445
editing, or disseminating information for the general public. 446

(C)(1) If a person allegedly is aggrieved by the failure of a 447
public office or the person responsible for public records to 448
promptly prepare a public record and to make it available to the 449
person for inspection in accordance with division (B) of this 450
section or by any other failure of a public office or the person 451
responsible for public records to comply with an obligation in 452
accordance with division (B) of this section, the person allegedly 453
aggrieved may commence a mandamus action to obtain a judgment that 454
orders the public office or the person responsible for the public 455
record to comply with division (B) of this section, that awards 456

court costs and reasonable attorney's fees to the person that 457
instituted the mandamus action, and, if applicable, that includes 458
an order fixing statutory damages under division (C)(1) of this 459
section. The mandamus action may be commenced in the court of 460
common pleas of the county in which division (B) of this section 461
allegedly was not complied with, in the supreme court pursuant to 462
its original jurisdiction under Section 2 of Article IV, Ohio 463
Constitution, or in the court of appeals for the appellate 464
district in which division (B) of this section allegedly was not 465
complied with pursuant to its original jurisdiction under Section 466
3 of Article IV, Ohio Constitution. 467

If a requestor transmits a written request by hand delivery 468
or certified mail to inspect or receive copies of any public 469
record in a manner that fairly describes the public record or 470
class of public records to the public office or person responsible 471
for the requested public records, except as otherwise provided in 472
this section, the requestor shall be entitled to recover the 473
amount of statutory damages set forth in this division if a court 474
determines that the public office or the person responsible for 475
public records failed to comply with an obligation in accordance 476
with division (B) of this section. 477

The amount of statutory damages shall be fixed at one hundred 478
dollars for each business day during which the public office or 479
person responsible for the requested public records failed to 480
comply with an obligation in accordance with division (B) of this 481
section, beginning with the day on which the requester files a 482
mandamus action to recover statutory damages, up to a maximum of 483
one thousand dollars. The award of statutory damages shall not be 484
construed as a penalty, but as compensation for injury arising 485
from lost use of the requested information. The existence of this 486
injury shall be conclusively presumed. The award of statutory 487
damages shall be in addition to all other remedies authorized by 488

this section. 489

The court may reduce an award of statutory damages or not 490
award statutory damages if the court determines both of the 491
following: 492

(a) That, based on the ordinary application of statutory law 493
and case law as it existed at the time of the conduct or 494
threatened conduct of the public office or person responsible for 495
the requested public records that allegedly constitutes a failure 496
to comply with an obligation in accordance with division (B) of 497
this section and that was the basis of the mandamus action, a 498
well-informed public office or person responsible for the 499
requested public records reasonably would believe that the conduct 500
or threatened conduct of the public office or person responsible 501
for the requested public records did not constitute a failure to 502
comply with an obligation in accordance with division (B) of this 503
section; 504

(b) That a well-informed public office or person responsible 505
for the requested public records reasonably would believe that the 506
conduct or threatened conduct of the public office or person 507
responsible for the requested public records would serve the 508
public policy that underlies the authority that is asserted as 509
permitting that conduct or threatened conduct. 510

(2)(a) If the court issues a writ of mandamus that orders the 511
public office or the person responsible for the public record to 512
comply with division (B) of this section and determines that the 513
circumstances described in division (C)(1) of this section exist, 514
the court shall determine and award to the relator all court 515
costs. 516

(b) If the court renders a judgment that orders the public 517
office or the person responsible for the public record to comply 518
with division (B) of this section, the court may award reasonable 519

attorney's fees subject to reduction as described in division 520
(C)(2)(c) of this section. The court shall award reasonable 521
attorney's fees, subject to reduction as described in division 522
(C)(2)(c) of this section when either of the following applies: 523

(i) The public office or the person responsible for the 524
public records failed to respond affirmatively or negatively to 525
the public records request in accordance with the time allowed 526
under division (B) of this section. 527

(ii) The public office or the person responsible for the 528
public records promised to permit the relator to inspect or 529
receive copies of the public records requested within a specified 530
period of time but failed to fulfill that promise within that 531
specified period of time. 532

(c) Court costs and reasonable attorney's fees awarded under 533
this section shall be construed as remedial and not punitive. 534
Reasonable attorney's fees shall include reasonable fees incurred 535
to produce proof of the reasonableness and amount of the fees and 536
to otherwise litigate entitlement to the fees. The court may 537
reduce an award of attorney's fees to the relator or not award 538
attorney's fees to the relator if the court determines both of the 539
following: 540

(i) That, based on the ordinary application of statutory law 541
and case law as it existed at the time of the conduct or 542
threatened conduct of the public office or person responsible for 543
the requested public records that allegedly constitutes a failure 544
to comply with an obligation in accordance with division (B) of 545
this section and that was the basis of the mandamus action, a 546
well-informed public office or person responsible for the 547
requested public records reasonably would believe that the conduct 548
or threatened conduct of the public office or person responsible 549
for the requested public records did not constitute a failure to 550
comply with an obligation in accordance with division (B) of this 551

section; 552

(ii) That a well-informed public office or person responsible 553
for the requested public records reasonably would believe that the 554
conduct or threatened conduct of the public office or person 555
responsible for the requested public records as described in 556
division (C)(2)(c)(i) of this section would serve the public 557
policy that underlies the authority that is asserted as permitting 558
that conduct or threatened conduct. 559

(D) Chapter 1347. of the Revised Code does not limit the 560
provisions of this section. 561

(E)(1) To ensure that all employees of public offices are 562
appropriately educated about a public office's obligations under 563
division (B) of this section, all elected officials or their 564
appropriate designees shall attend training approved by the 565
attorney general as provided in section 109.43 of the Revised 566
Code. In addition, all public offices shall adopt a public records 567
policy in compliance with this section for responding to public 568
records requests. In adopting a public records policy under this 569
division, a public office may obtain guidance from the model 570
public records policy developed and provided to the public office 571
by the attorney general under section 109.43 of the Revised Code. 572
Except as otherwise provided in this section, the policy may not 573
limit the number of public records that the public office will 574
make available to a single person, may not limit the number of 575
public records that it will make available during a fixed period 576
of time, and may not establish a fixed period of time before it 577
will respond to a request for inspection or copying of public 578
records, unless that period is less than eight hours. 579

(2) The public office shall distribute the public records 580
policy adopted by the public office under division (E)(1) of this 581
section to the employee of the public office who is the records 582
custodian or records manager or otherwise has custody of the 583

records of that office. The public office shall require that 584
employee to acknowledge receipt of the copy of the public records 585
policy. The public office shall create a poster that describes its 586
public records policy and shall post the poster in a conspicuous 587
place in the public office and in all locations where the public 588
office has branch offices. The public office may post its public 589
records policy on the internet web site of the public office if 590
the public office maintains an internet web site. A public office 591
that has established a manual or handbook of its general policies 592
and procedures for all employees of the public office shall 593
include the public records policy of the public office in the 594
manual or handbook. 595

(F)(1) The bureau of motor vehicles may adopt rules pursuant 596
to Chapter 119. of the Revised Code to reasonably limit the number 597
of bulk commercial special extraction requests made by a person 598
for the same records or for updated records during a calendar 599
year. The rules may include provisions for charges to be made for 600
bulk commercial special extraction requests for the actual cost of 601
the bureau, plus special extraction costs, plus ten per cent. The 602
bureau may charge for expenses for redacting information, the 603
release of which is prohibited by law. 604

(2) As used in division (F)(1) of this section: 605

(a) "Actual cost" means the cost of depleted supplies, 606
records storage media costs, actual mailing and alternative 607
delivery costs, or other transmitting costs, and any direct 608
equipment operating and maintenance costs, including actual costs 609
paid to private contractors for copying services. 610

(b) "Bulk commercial special extraction request" means a 611
request for copies of a record for information in a format other 612
than the format already available, or information that cannot be 613
extracted without examination of all items in a records series, 614
class of records, or data base by a person who intends to use or 615

forward the copies for surveys, marketing, solicitation, or resale 616
for commercial purposes. "Bulk commercial special extraction 617
request" does not include a request by a person who gives 618
assurance to the bureau that the person making the request does 619
not intend to use or forward the requested copies for surveys, 620
marketing, solicitation, or resale for commercial purposes. 621

(c) "Commercial" means profit-seeking production, buying, or 622
selling of any good, service, or other product. 623

(d) "Special extraction costs" means the cost of the time 624
spent by the lowest paid employee competent to perform the task, 625
the actual amount paid to outside private contractors employed by 626
the bureau, or the actual cost incurred to create computer 627
programs to make the special extraction. "Special extraction 628
costs" include any charges paid to a public agency for computer or 629
records services. 630

(3) For purposes of divisions (F)(1) and (2) of this section, 631
"surveys, marketing, solicitation, or resale for commercial 632
purposes" shall be narrowly construed and does not include 633
reporting or gathering news, reporting or gathering information to 634
assist citizen oversight or understanding of the operation or 635
activities of government, or nonprofit educational research. 636

Sec. 149.45. (A) As used in this section: 637

(1) "Personal information" means any of the following: 638

(a) An individual's social security number; 639

(b) An individual's federal tax identification number; 640

(c) An individual's driver's license number or state 641
identification number; 642

(d) An individual's checking account number, savings account 643
number, or credit card number. 644

(2) "Public record" and "peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information" have the same meanings as in section 149.43 of the Revised Code.

(3) "Truncate" means to redact all but the last four digits of an individual's social security number.

(4) "Federal law enforcement officer" means any officer of the United States who is authorized by federal law to conduct any investigation of, and make any arrest for, any offense against the United States in violation of federal law.

(B)(1) No public office or person responsible for a public office's public records shall make available to the general public on the internet any document that contains an individual's social security number without otherwise redacting, encrypting, or truncating the social security number.

(2) A public office or person responsible for a public office's public records that prior to the effective date of this section made available to the general public on the internet any document that contains an individual's social security number shall redact, encrypt, or truncate the social security number from that document.

(3) Divisions (B)(1) and (2) of this section do not apply to documents that are only accessible through the internet with a password.

(C)(1) An individual may request that a public office or a person responsible for a public office's public records redact personal information of that individual from any record made available to the general public on the internet. An individual who makes a request for redaction pursuant to this division shall make

the request in writing on a form developed by the attorney general 676
and shall specify the personal information to be redacted and 677
provide any information that identifies the location of that 678
personal information within a document that contains that personal 679
information. 680

(2) Upon receiving a request for a redaction pursuant to 681
division (C)(1) of this section, a public office or a person 682
responsible for a public office's public records shall act within 683
five business days in accordance with the request to redact the 684
personal information of the individual from any record made 685
available to the general public on the internet, if practicable. 686
If a redaction is not practicable, the public office or person 687
responsible for the public office's public records shall verbally 688
or in writing within five business days after receiving the 689
written request explain to the individual why the redaction is 690
impracticable. 691

(3) The attorney general shall develop a form to be used by 692
an individual to request a redaction pursuant to division (C)(1) 693
of this section. The form shall include a place to provide any 694
information that identifies the location of the personal 695
information to be redacted. 696

(D)(1) A peace officer, parole officer, prosecuting attorney, 697
assistant prosecuting attorney, correctional employee, youth 698
services employee, firefighter, EMT, ~~or~~ investigator of the bureau 699
of criminal identification and investigation, or federal law 700
enforcement officer may request that a public office other than a 701
county auditor or a person responsible for the public records of a 702
public office other than a county auditor redact the address of 703
the person making the request from any record made available to 704
the general public on the internet that includes peace officer, 705
parole officer, prosecuting attorney, assistant prosecuting 706
attorney, correctional employee, youth services employee, 707

firefighter, EMT, ~~or~~ investigator of the bureau of criminal 708
identification and investigation, or federal law enforcement 709
officer residential and familial information of the person making 710
the request. A person who makes a request for a redaction pursuant 711
to this division shall make the request in writing and on a form 712
developed by the attorney general. 713

(2) Upon receiving a written request for a redaction pursuant 714
to division (D)(1) of this section, a public office other than a 715
county auditor or a person responsible for the public records of a 716
public office other than a county auditor shall act within five 717
business days in accordance with the request to redact the address 718
of the peace officer, parole officer, prosecuting attorney, 719
assistant prosecuting attorney, correctional employee, youth 720
services employee, firefighter, EMT, ~~or~~ investigator of the bureau 721
of criminal identification and investigation, or federal law 722
enforcement officer making the request from any record made 723
available to the general public on the internet that includes 724
peace officer, parole officer, prosecuting attorney, assistant 725
prosecuting attorney, correctional employee, youth services 726
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 727
criminal identification and investigation, or federal law 728
enforcement officer residential and familial information of the 729
person making the request, if practicable. If a redaction is not 730
practicable, the public office or person responsible for the 731
public office's public records shall verbally or in writing within 732
five business days after receiving the written request explain to 733
the peace officer, parole officer, prosecuting attorney, assistant 734
prosecuting attorney, correctional employee, youth services 735
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 736
criminal identification and investigation, or federal law 737
enforcement officer why the redaction is impracticable. 738

(3) Except as provided in this section and section 319.28 of 739

the Revised Code, a public office other than an employer of a 740
peace officer, parole officer, prosecuting attorney, assistant 741
prosecuting attorney, correctional employee, youth services 742
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 743
criminal identification and investigation, or federal law 744
enforcement officer or a person responsible for the public records 745
of the employer is not required to redact the residential and 746
familial information of the peace officer, parole officer, 747
prosecuting attorney, assistant prosecuting attorney, correctional 748
employee, youth services employee, firefighter, EMT, ~~or~~ 749
investigator of the bureau of criminal identification and 750
investigation, or federal law enforcement officer from other 751
records maintained by the public office. 752

(4) The attorney general shall develop a form to be used by a 753
peace officer, parole officer, prosecuting attorney, assistant 754
prosecuting attorney, correctional employee, youth services 755
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 756
criminal identification and investigation, or federal law 757
enforcement officer to request a redaction pursuant to division 758
(D)(1) of this section. The form shall include a place to provide 759
any information that identifies the location of the address of a 760
peace officer, parole officer, prosecuting attorney, assistant 761
prosecuting attorney, correctional employee, youth services 762
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 763
criminal identification and investigation, or federal law 764
enforcement officer to be redacted. 765

(E)(1) If a public office or a person responsible for a 766
public office's public records becomes aware that an electronic 767
record of that public office that is made available to the general 768
public on the internet contains an individual's social security 769
number that was mistakenly not redacted, encrypted, or truncated 770
as required by division (B)(1) or (2) of this section, the public 771

office or person responsible for the public office's public 772
records shall redact, encrypt, or truncate the individual's social 773
security number within a reasonable period of time. 774

(2) A public office or a person responsible for a public 775
office's public records is not liable in damages in a civil action 776
for any harm an individual allegedly sustains as a result of the 777
inclusion of that individual's personal information on any record 778
made available to the general public on the internet or any harm a 779
peace officer, parole officer, prosecuting attorney, assistant 780
prosecuting attorney, correctional employee, youth services 781
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 782
criminal identification and investigation, or federal law 783
enforcement officer sustains as a result of the inclusion of the 784
address of the peace officer, parole officer, prosecuting 785
attorney, assistant prosecuting attorney, correctional employee, 786
youth services employee, firefighter, EMT, ~~or~~ investigator of the 787
bureau of criminal identification and investigation, or federal 788
law enforcement officer on any record made available to the 789
general public on the internet in violation of this section unless 790
the public office or person responsible for the public office's 791
public records acted with malicious purpose, in bad faith, or in a 792
wanton or reckless manner or division (A)(6)(a) or (c) of section 793
2744.03 of the Revised Code applies. 794

Sec. 319.28. (A) Except as otherwise provided in division (B) 795
of this section, on or before the first Monday of August, 796
annually, the county auditor shall compile and make up a general 797
tax list of real and public utility property in the county, either 798
in tabular form and alphabetical order, or, with the consent of 799
the county treasurer, by listing all parcels in a permanent parcel 800
number sequence to which a separate alphabetical index is keyed, 801
containing the names of the several persons, companies, firms, 802
partnerships, associations, and corporations in whose names real 803

property has been listed in each township, municipal corporation, 804
special district, or separate school district, or part of either 805
in the auditor's county, placing separately, in appropriate 806
columns opposite each name, the description of each tract, lot, or 807
parcel of real estate, the value of each tract, lot, or parcel, 808
the value of the improvements thereon, and of the names of the 809
several public utilities whose property, subject to taxation on 810
the general tax list and duplicate, has been apportioned by the 811
department of taxation to the county, and the amount so 812
apportioned to each township, municipal corporation, special 813
district, or separate school district or part of either in the 814
auditor's county, as shown by the certificates of apportionment of 815
public utility property. If the name of the owner of any tract, 816
lot, or parcel of real estate is unknown to the auditor, "unknown" 817
shall be entered in the column of names opposite said tract, lot, 818
or parcel. Such lists shall be prepared in duplicate. On or before 819
the first Monday of September in each year, the auditor shall 820
correct such lists in accordance with the additions and deductions 821
ordered by the tax commissioner and by the county board of 822
revision, and shall certify and on the first day of October 823
deliver one copy thereof to the county treasurer. The copies 824
prepared by the auditor shall constitute the auditor's general tax 825
list and treasurer's general duplicate of real and public utility 826
property for the current year. 827

Once a permanent parcel numbering system has been established 828
in any county as provided by the preceding paragraph, such system 829
shall remain in effect until otherwise agreed upon by the county 830
auditor and county treasurer. 831

(B)(1) A peace officer, parole officer, prosecuting attorney, 832
assistant prosecuting attorney, correctional employee, youth 833
services employee, firefighter, EMT, ~~or~~ investigator of the bureau 834
of criminal identification and investigation, or federal law 835

enforcement officer may submit a written request by affidavit to 836
the county auditor requesting the county auditor to remove the 837
name of the peace officer, parole officer, prosecuting attorney, 838
assistant prosecuting attorney, correctional employee, youth 839
services employee, firefighter, EMT, ~~or~~ investigator of the bureau 840
of criminal identification and investigation, or federal law 841
enforcement officer from any record made available to the general 842
public on the internet or a publicly accessible database and the 843
general tax list of real and public utility property and the 844
general duplicate of real and public utility property and insert 845
the initials of the peace officer, parole officer, prosecuting 846
attorney, assistant prosecuting attorney, correctional employee, 847
youth services employee, firefighter, EMT, ~~or~~ investigator of the 848
bureau of criminal identification and investigation, or federal 849
law enforcement officer on any record made available to the 850
general public on the internet or a publicly accessible database 851
and the general tax list of real and public utility property and 852
the general duplicate of real and public utility property as the 853
name of the peace officer, parole officer, prosecuting attorney, 854
assistant prosecuting attorney, correctional employee, youth 855
services employee, firefighter, EMT, ~~or~~ investigator of the bureau 856
of criminal identification and investigation, or federal law 857
enforcement officer that appears on the deed. 858

(2) Upon receiving a written request by affidavit described 859
in division (B)(1) of this section, the county auditor shall act 860
within five business days in accordance with the request to remove 861
the name of the peace officer, parole officer, prosecuting 862
attorney, assistant prosecuting attorney, correctional employee, 863
youth services employee, firefighter, EMT, ~~or~~ investigator of the 864
bureau of criminal identification and investigation, or federal 865
law enforcement officer from any record made available to the 866
general public on the internet or a publicly accessible database 867
and the general tax list of real and public utility property and 868

the general duplicate of real and public utility property and 869
insert initials of the peace officer, parole officer, prosecuting 870
attorney, assistant prosecuting attorney, correctional employee, 871
youth services employee, firefighter, EMT, ~~or~~ investigator of the 872
bureau of criminal identification and investigation, or federal 873
law enforcement officer on any record made available to the 874
general public on the internet or a publicly accessible database 875
and the general tax list of real and public utility property and 876
the general duplicate of real and public utility property, if 877
practicable. If the removal and insertion is not practicable, the 878
county auditor shall verbally or in writing within five business 879
days after receiving the written request explain to the peace 880
officer, parole officer, prosecuting attorney, assistant 881
prosecuting attorney, correctional employee, youth services 882
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 883
criminal identification and investigation, or federal law 884
enforcement officer why the removal and insertion is 885
impracticable. 886

(C) As used in this section, "federal law enforcement 887
officer" means any officer of the United States who is authorized 888
by federal law to conduct any investigation of, and make any 889
arrest for, any offense against the United States in violation of 890
federal law. 891

Sec. 319.54. (A) On all moneys collected by the county 892
treasurer on any tax duplicate of the county, other than estate 893
tax duplicates, and on all moneys received as advance payments of 894
personal property and classified property taxes, the county 895
auditor, on settlement with the treasurer and tax commissioner, on 896
or before the date prescribed by law for such settlement or any 897
lawful extension of such date, shall be allowed as compensation 898
for the county auditor's services the following percentages: 899

(1) On the first one hundred thousand dollars, two and one-half per cent; 900
901

(2) On the next two million dollars, eight thousand three hundred eighteen ten-thousandths of one per cent; 902
903

(3) On the next two million dollars, six thousand six hundred fifty-five ten-thousandths of one per cent; 904
905

(4) On all further sums, one thousand six hundred sixty-three ten-thousandths of one per cent. 906
907

If any settlement is not made on or before the date 908
prescribed by law for such settlement or any lawful extension of 909
such date, the aggregate compensation allowed to the auditor shall 910
be reduced one per cent for each day such settlement is delayed 911
after the prescribed date. No penalty shall apply if the auditor 912
and treasurer grant all requests for advances up to ninety per 913
cent of the settlement pursuant to section 321.34 of the Revised 914
Code. The compensation allowed in accordance with this section on 915
settlements made before the dates prescribed by law, or the 916
reduced compensation allowed in accordance with this section on 917
settlements made after the date prescribed by law or any lawful 918
extension of such date, shall be apportioned ratably by the 919
auditor and deducted from the shares or portions of the revenue 920
payable to the state as well as to the county, townships, 921
municipal corporations, and school districts. 922

(B) For the purpose of reimbursing county auditors for the 923
expenses associated with the increased number of applications for 924
reductions in real property taxes under sections 323.152 and 925
4503.065 of the Revised Code that result from the amendment of 926
those sections by Am. Sub. H.B. 119 of the 127th general assembly, 927
there shall be paid from the state's general revenue fund to the 928
county treasury, to the credit of the real estate assessment fund 929
created by section 325.31 of the Revised Code, an amount equal to 930

one per cent of the total annual amount of property tax relief 931
reimbursement paid to that county under sections 323.156 and 932
4503.068 of the Revised Code for the preceding tax year. Payments 933
made under this division shall be made at the same times and in 934
the same manner as payments made under section 323.156 of the 935
Revised Code. 936

(C) From all moneys collected by the county treasurer on any 937
tax duplicate of the county, other than estate tax duplicates, and 938
on all moneys received as advance payments of personal property 939
and classified property taxes, there shall be paid into the county 940
treasury to the credit of the real estate assessment fund created 941
by section 325.31 of the Revised Code, an amount to be determined 942
by the county auditor, which shall not exceed the percentages 943
prescribed in divisions (C)(1) and (2) of this section. 944

(1) For payments made after June 30, 2007, and before 2011, 945
the following percentages: 946

(a) On the first five hundred thousand dollars, four per 947
cent; 948

(b) On the next five million dollars, two per cent; 949

(c) On the next five million dollars, one per cent; 950

(d) On all further sums not exceeding one hundred fifty 951
million dollars, three-quarters of one per cent; 952

(e) On amounts exceeding one hundred fifty million dollars, 953
five hundred eighty-five thousandths of one per cent. 954

(2) For payments made in or after 2011, the following 955
percentages: 956

(a) On the first five hundred thousand dollars, four per 957
cent; 958

(b) On the next ten million dollars, two per cent; 959

(c) On amounts exceeding ten million five hundred thousand 960

dollars, three-fourths of one per cent. 961

Such compensation shall be apportioned ratably by the auditor 962
and deducted from the shares or portions of the revenue payable to 963
the state as well as to the county, townships, municipal 964
corporations, and school districts. 965

(D) Each county auditor shall receive four per cent of the 966
amount of tax collected and paid into the county treasury, on 967
property omitted and placed by the county auditor on the tax 968
duplicate. 969

(E) On all estate tax moneys collected by the county 970
treasurer, the county auditor, on settlement semiannually with the 971
tax commissioner, shall be allowed, as compensation for the 972
auditor's services under Chapter 5731. of the Revised Code, the 973
following percentages: 974

(1) Four per cent on the first one hundred thousand dollars; 975

(2) One-half of one per cent on all additional sums. 976

Such percentages shall be computed upon the amount collected 977
and reported at each semiannual settlement, and shall be for the 978
use of the general fund of the county. 979

(F) On all cigarette license moneys collected by the county 980
treasurer, the county auditor, on settlement semiannually with the 981
treasurer, shall be allowed as compensation for the auditor's 982
services in the issuing of such licenses one-half of one per cent 983
of such moneys, to be apportioned ratably and deducted from the 984
shares of the revenue payable to the county and subdivisions, for 985
the use of the general fund of the county. 986

(G) The county auditor shall charge and receive fees as 987
follows: 988

(1) For deeds of land sold for taxes to be paid by the 989
purchaser, five dollars; 990

(2) For the transfer or entry of land, lot, or part of lot, 991
or the transfer or entry on or after January 1, 2000, of a used 992
manufactured home or mobile home as defined in section 5739.0210 993
of the Revised Code, fifty cents for each transfer or entry, to be 994
paid by the person requiring it; 995

(3) For receiving statements of value and administering 996
section 319.202 of the Revised Code, one dollar, or ten cents for 997
each one hundred dollars or fraction of one hundred dollars, 998
whichever is greater, of the value of the real property 999
transferred or, for sales occurring on or after January 1, 2000, 1000
the value of the used manufactured home or used mobile home, as 1001
defined in section 5739.0210 of the Revised Code, transferred, 1002
except no fee shall be charged when the transfer is made: 1003

(a) To or from the United States, this state, or any 1004
instrumentality, agency, or political subdivision of the United 1005
States or this state; 1006

(b) Solely in order to provide or release security for a debt 1007
or obligation; 1008

(c) To confirm or correct a deed previously executed and 1009
recorded or when a current owner on any record made available to 1010
the general public on the internet or a publicly accessible 1011
database and the general tax list of real and public utility 1012
property and the general duplicate of real and public utility 1013
property is a peace officer, parole officer, prosecuting attorney, 1014
assistant prosecuting attorney, correctional employee, youth 1015
services employee, firefighter, EMT, ~~or~~ investigator of the bureau 1016
of criminal identification and investigation, or federal law 1017
enforcement officer and is changing the current owner name listed 1018
on any record made available to the general public on the internet 1019
or a publicly accessible database and the general tax list of real 1020
and public utility property and the general duplicate of real and 1021
public utility property to the initials of the current owner as 1022

prescribed in division (B)(1) of section 319.28 of the Revised Code; 1023
1024

(d) To evidence a gift, in trust or otherwise and whether revocable or irrevocable, between husband and wife, or parent and child or the spouse of either; 1025
1026
1027

(e) On sale for delinquent taxes or assessments; 1028

(f) Pursuant to court order, to the extent that such transfer is not the result of a sale effected or completed pursuant to such order; 1029
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1031

(g) Pursuant to a reorganization of corporations or unincorporated associations or pursuant to the dissolution of a corporation, to the extent that the corporation conveys the property to a stockholder as a distribution in kind of the corporation's assets in exchange for the stockholder's shares in the dissolved corporation; 1032
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(h) By a subsidiary corporation to its parent corporation for no consideration, nominal consideration, or in sole consideration of the cancellation or surrender of the subsidiary's stock; 1038
1039
1040

(i) By lease, whether or not it extends to mineral or mineral rights, unless the lease is for a term of years renewable forever; 1041
1042

(j) When the value of the real property or the manufactured or mobile home or the value of the interest that is conveyed does not exceed one hundred dollars; 1043
1044
1045

(k) Of an occupied residential property, including a manufactured or mobile home, being transferred to the builder of a new residence or to the dealer of a new manufactured or mobile home when the former residence is traded as part of the consideration for the new residence or new manufactured or mobile home; 1046
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1051

(l) To a grantee other than a dealer in real property or in 1052

manufactured or mobile homes, solely for the purpose of, and as a 1053
step in, the prompt sale of the real property or manufactured or 1054
mobile home to others; 1055

(m) To or from a person when no money or other valuable and 1056
tangible consideration readily convertible into money is paid or 1057
to be paid for the real estate or manufactured or mobile home and 1058
the transaction is not a gift; 1059

(n) Pursuant to division (B) of section 317.22 of the Revised 1060
Code, or section 2113.61 of the Revised Code, between spouses or 1061
to a surviving spouse pursuant to section 5302.17 of the Revised 1062
Code as it existed prior to April 4, 1985, between persons 1063
pursuant to section 5302.17 or 5302.18 of the Revised Code on or 1064
after April 4, 1985, to a person who is a surviving, survivorship 1065
tenant pursuant to section 5302.17 of the Revised Code on or after 1066
April 4, 1985, or pursuant to section 5309.45 of the Revised Code; 1067

(o) To a trustee acting on behalf of minor children of the 1068
deceased; 1069

(p) Of an easement or right-of-way when the value of the 1070
interest conveyed does not exceed one thousand dollars; 1071

(q) Of property sold to a surviving spouse pursuant to 1072
section 2106.16 of the Revised Code; 1073

(r) To or from an organization exempt from federal income 1074
taxation under section 501(c)(3) of the "Internal Revenue Code of 1075
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such 1076
transfer is without consideration and is in furtherance of the 1077
charitable or public purposes of such organization; 1078

(s) Among the heirs at law or devisees, including a surviving 1079
spouse, of a common decedent, when no consideration in money is 1080
paid or to be paid for the real property or manufactured or mobile 1081
home; 1082

(t) To a trustee of a trust, when the grantor of the trust 1083
has reserved an unlimited power to revoke the trust; 1084

(u) To the grantor of a trust by a trustee of the trust, when 1085
the transfer is made to the grantor pursuant to the exercise of 1086
the grantor's power to revoke the trust or to withdraw trust 1087
assets; 1088

(v) To the beneficiaries of a trust if the fee was paid on 1089
the transfer from the grantor of the trust to the trustee or if 1090
the transfer is made pursuant to trust provisions which became 1091
irrevocable at the death of the grantor; 1092

(w) To a corporation for incorporation into a sports facility 1093
constructed pursuant to section 307.696 of the Revised Code; 1094

(x) Between persons pursuant to section 5302.18 of the 1095
Revised Code; 1096

(y) From a county land reutilization corporation organized 1097
under Chapter 1724. of the Revised Code to a third party. 1098

The auditor shall compute and collect the fee. The auditor 1099
shall maintain a numbered receipt system, as prescribed by the tax 1100
commissioner, and use such receipt system to provide a receipt to 1101
each person paying a fee. The auditor shall deposit the receipts 1102
of the fees on conveyances in the county treasury daily to the 1103
credit of the general fund of the county, except that fees charged 1104
and received under division (G)(3) of this section for a transfer 1105
of real property to a county land reutilization corporation shall 1106
be credited to the county land reutilization corporation fund 1107
established under section 321.263 of the Revised Code. 1108

The real property transfer fee provided for in division 1109
(G)(3) of this section shall be applicable to any conveyance of 1110
real property presented to the auditor on or after January 1, 1111
1968, regardless of its time of execution or delivery. 1112

The transfer fee for a used manufactured home or used mobile 1113
home shall be computed by and paid to the county auditor of the 1114
county in which the home is located immediately prior to the 1115
transfer. 1116

(H) As used in this section, "federal law enforcement 1117
officer" means any officer of the United States who is authorized 1118
by federal law to conduct any investigation of, and make any 1119
arrest for, any offense against the United States in violation of 1120
federal law. 1121

Section 2. That existing sections 149.43, 149.45, 319.28, and 1122
319.54 of the Revised Code are hereby repealed. 1123