

**As Reported by the Senate Insurance, Commerce and Labor  
Committee**

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**Sub. H. B. No. 383**

**Representative Slaby**

**Cosponsors: Representatives Grossman, Combs, McGregor, Roegner,  
Bubp, Letson, Amstutz, Barnes, Blair, Blessing, Boose, Huffman, Milkovich,  
Rose, Sears, Stebelton, Winburn, Young Speaker Batchelder  
Senators Bacon, Schaffer, Jones**

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**A B I L L**

To amend section 1345.01 and to enact sections 1  
4722.01 to 4722.04 and 4722.06 to 4722.08 of the 2  
Revised Code to make changes relative to 3  
residential construction and the Consumer Sales 4  
Practices Act and to establish laws governing the 5  
practices of home construction service suppliers. 6

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

**Section 1.** That section 1345.01 be amended and sections 7  
4722.01, 4722.02, 4722.03, 4722.04, 4722.06, 4722.07, and 4722.08 8  
of the Revised Code be enacted to read as follows: 9

**Sec. 1345.01.** As used in sections 1345.01 to 1345.13 of the 10  
Revised Code: 11

(A) "Consumer transaction" means a sale, lease, assignment, 12  
award by chance, or other transfer of an item of goods, a service, 13  
a franchise, or an intangible, to an individual for purposes that 14  
are primarily personal, family, or household, or solicitation to 15

supply any of these things. "Consumer transaction" does not 16  
include transactions between persons, defined in sections 4905.03 17  
and 5725.01 of the Revised Code, and their customers, except for 18  
transactions involving a loan made pursuant to sections 1321.35 to 19  
1321.48 of the Revised Code and transactions in connection with 20  
residential mortgages between loan officers, mortgage brokers, or 21  
nonbank mortgage lenders and their customers; transactions 22  
involving a home construction service contract as defined in 23  
section 4722.01 of the Revised Code; transactions between 24  
certified public accountants or public accountants and their 25  
clients; transactions between attorneys, physicians, or dentists 26  
and their clients or patients; and transactions between 27  
veterinarians and their patients that pertain to medical treatment 28  
but not ancillary services. 29

(B) "Person" includes an individual, corporation, government, 30  
governmental subdivision or agency, business trust, estate, trust, 31  
partnership, association, cooperative, or other legal entity. 32

(C) "Supplier" means a seller, lessor, assignor, franchisor, 33  
or other person engaged in the business of effecting or soliciting 34  
consumer transactions, whether or not the person deals directly 35  
with the consumer. If the consumer transaction is in connection 36  
with a residential mortgage, "supplier" does not include an 37  
assignee or purchaser of the loan for value, except as otherwise 38  
provided in section 1345.091 of the Revised Code. For purposes of 39  
this division, in a consumer transaction in connection with a 40  
residential mortgage, "seller" means a loan officer, mortgage 41  
broker, or nonbank mortgage lender. 42

(D) "Consumer" means a person who engages in a consumer 43  
transaction with a supplier. 44

(E) "Knowledge" means actual awareness, but such actual 45  
awareness may be inferred where objective manifestations indicate 46  
that the individual involved acted with such awareness. 47

(F) "Natural gas service" means the sale of natural gas, 48  
exclusive of any distribution or ancillary service. 49

(G) "Public telecommunications service" means the 50  
transmission by electromagnetic or other means, other than by a 51  
telephone company as defined in section 4927.01 of the Revised 52  
Code, of signs, signals, writings, images, sounds, messages, or 53  
data originating in this state regardless of actual call routing. 54  
"Public telecommunications service" excludes a system, including 55  
its construction, maintenance, or operation, for the provision of 56  
telecommunications service, or any portion of such service, by any 57  
entity for the sole and exclusive use of that entity, its parent, 58  
a subsidiary, or an affiliated entity, and not for resale, 59  
directly or indirectly; the provision of terminal equipment used 60  
to originate telecommunications service; broadcast transmission by 61  
radio, television, or satellite broadcast stations regulated by 62  
the federal government; or cable television service. 63

(H)(1) "Loan officer" means an individual who for 64  
compensation or gain, or in anticipation of compensation or gain, 65  
takes or offers to take a residential mortgage loan application; 66  
assists or offers to assist a buyer in obtaining or applying to 67  
obtain a residential mortgage loan by, among other things, 68  
advising on loan terms, including rates, fees, and other costs; 69  
offers or negotiates terms of a residential mortgage loan; or 70  
issues or offers to issue a commitment for a residential mortgage 71  
loan. "Loan officer" also includes a loan originator as defined in 72  
division (E)(1) of section 1322.01 of the Revised Code. 73

(2) "Loan officer" does not include an employee of a bank, 74  
savings bank, savings and loan association, credit union, or 75  
credit union service organization organized under the laws of this 76  
state, another state, or the United States; an employee of a 77  
subsidiary of such a bank, savings bank, savings and loan 78  
association, or credit union; or an employee of an affiliate that 79

(a) controls, is controlled by, or is under common control with, 80  
such a bank, savings bank, savings and loan association, or credit 81  
union and (b) is subject to examination, supervision, and 82  
regulation, including with respect to the affiliate's compliance 83  
with applicable consumer protection requirements, by the board of 84  
governors of the federal reserve system, the comptroller of the 85  
currency, the office of thrift supervision, the federal deposit 86  
insurance corporation, or the national credit union 87  
administration. 88

(I) "Residential mortgage" or "mortgage" means an obligation 89  
to pay a sum of money evidenced by a note and secured by a lien 90  
upon real property located within this state containing two or 91  
fewer residential units or on which two or fewer residential units 92  
are to be constructed and includes such an obligation on a 93  
residential condominium or cooperative unit. 94

(J)(1) "Mortgage broker" means any of the following: 95

(a) A person that holds that person out as being able to 96  
assist a buyer in obtaining a mortgage and charges or receives 97  
from either the buyer or lender money or other valuable 98  
consideration readily convertible into money for providing this 99  
assistance; 100

(b) A person that solicits financial and mortgage information 101  
from the public, provides that information to a mortgage broker or 102  
a person that makes residential mortgage loans, and charges or 103  
receives from either of them money or other valuable consideration 104  
readily convertible into money for providing the information; 105

(c) A person engaged in table-funding or warehouse-lending 106  
mortgage loans that are residential mortgage loans. 107

(2) "Mortgage broker" does not include a bank, savings bank, 108  
savings and loan association, credit union, or credit union 109  
service organization organized under the laws of this state, 110

another state, or the United States; a subsidiary of such a bank, 111  
savings bank, savings and loan association, or credit union; an 112  
affiliate that (a) controls, is controlled by, or is under common 113  
control with, such a bank, savings bank, savings and loan 114  
association, or credit union and (b) is subject to examination, 115  
supervision, and regulation, including with respect to the 116  
affiliate's compliance with applicable consumer protection 117  
requirements, by the board of governors of the federal reserve 118  
system, the comptroller of the currency, the office of thrift 119  
supervision, the federal deposit insurance corporation, or the 120  
national credit union administration; or an employee of any such 121  
entity. 122

(K) "Nonbank mortgage lender" means any person that engages 123  
in a consumer transaction in connection with a residential 124  
mortgage, except for a bank, savings bank, savings and loan 125  
association, credit union, or credit union service organization 126  
organized under the laws of this state, another state, or the 127  
United States; a subsidiary of such a bank, savings bank, savings 128  
and loan association, or credit union; or an affiliate that (1) 129  
controls, is controlled by, or is under common control with, such 130  
a bank, savings bank, savings and loan association, or credit 131  
union and (2) is subject to examination, supervision, and 132  
regulation, including with respect to the affiliate's compliance 133  
with applicable consumer protection requirements, by the board of 134  
governors of the federal reserve system, the comptroller of the 135  
currency, the office of thrift supervision, the federal deposit 136  
insurance corporation, or the national credit union 137  
administration. 138

(L) For purposes of divisions (H), (J), and (K) of this 139  
section: 140

(1) "Control" of another entity means ownership, control, or 141  
power to vote twenty-five per cent or more of the outstanding 142

shares of any class of voting securities of the other entity, 143  
directly or indirectly or acting through one or more other 144  
persons. 145

(2) "Credit union service organization" means a CUSO as 146  
defined in 12 C.F.R. 702.2. 147

**Sec. 4722.01.** As used in this chapter: 148

(A) "Cost-plus contract" means a contract entered into 149  
between an owner and a home construction service supplier under 150  
which payment to the supplier is based on the cost of a product 151  
plus the supplier's rate for labor to install the product plus an 152  
agreed percentage of profit or a stipulated fee. 153

(B) "Home construction service" means the construction of a 154  
residential building. "Home construction service" does not include 155  
construction performed on a structure that contains four or more 156  
dwelling units, except for work on an individual dwelling unit 157  
within that structure, or construction performed on the common 158  
area of a condominium property. 159

(C) "Home construction service contract" means a contract 160  
between an owner and a supplier to perform home construction 161  
services, including services rendered based on a cost-plus 162  
contract, for an amount exceeding twenty-five thousand dollars. 163

(D) "Home construction service supplier" or "supplier" means 164  
a person who contracts with an owner to provide home construction 165  
services for compensation and who maintains in force a general 166  
liability insurance policy in an amount of not less than two 167  
hundred fifty thousand dollars. 168

(E) "Owner" means the person who contracts with a home 169  
construction service supplier. "Owner" may include the owner of 170  
the property, a tenant who occupies the dwelling unit on which the 171  
home construction service is performed, or a person the owner 172

authorizes to act on the owner's behalf to contract for a home 173  
construction service, and any other person who contracts for a 174  
home construction service. 175

(F) "Residential building" means a one-, two-, or 176  
three-family dwelling and any accessory construction incidental to 177  
the dwelling. "Residential building" does not include any of the 178  
following: 179

(1) An industrialized unit as described in section 3781.06 of 180  
the Revised Code; 181

(2) A manufactured home as described in section 3781.06 of 182  
the Revised Code; 183

(3) A mobile home as described in section 4501.01 of the 184  
Revised Code. 185

(G) "Workmanlike manner" means the home construction service 186  
supplier has engaged in construction that meets or exceeds the 187  
minimum quantifiable standards promulgated by the Ohio home 188  
builders association. 189

**Sec. 4722.02.** (A) Except as provided in division (C) of this 190  
section, no home construction service supplier shall perform any 191  
home construction service the cost of which equals or exceeds 192  
twenty-five thousand dollars unless the supplier enters into a 193  
written home construction services contract with the owner. The 194  
contract shall include all agreements and conditions related to 195  
the home construction service, including all of the following: 196

(1) The supplier's name, physical business address, business 197  
telephone number, and taxpayer identification number; 198

(2) The owner's name, address, and telephone number; 199

(3) The address or location of the property where the home 200  
construction service is to be performed; 201

(4) A general description of the home construction service, 202  
including the goods and services to be furnished as part of the 203  
service; 204

(5) The anticipated date or time period the home construction 205  
service is to begin and the anticipated date or time period it is 206  
to be completed; 207

(6) The total estimated cost of the home construction 208  
service; 209

(7) Any cost of installation, delivery, or other cost that 210  
the total estimated cost does not cover; 211

(8) A copy of the supplier's certificate of insurance showing 212  
general liability coverage in an amount of not less than two 213  
hundred fifty thousand dollars; 214

(9) The dated signatures of the owner and the supplier. 215

(B)(1) If the total amount of reasonably unforeseen, but 216  
necessary, excess costs of a home construction service at any time 217  
exceeds five thousand dollars over the course of the entire home 218  
construction contract, prior to performing the work related to the 219  
excess costs, the home construction service supplier shall provide 220  
an owner with a notice that contains a written or oral estimate, 221  
depending on which type the owner has designated in the contract. 222

(2) To determine the type of notice an owner requires when 223  
the costs of a home construction service exceed the estimate 224  
provided in the contract, the contract shall include a statement 225  
in substantially the following language: 226

"EXCESS COSTS 227

IF AT ANY TIME A HOME CONSTRUCTION SERVICE REQUIRES EXTRA 228  
COSTS ABOVE THE COST SPECIFIED OR ESTIMATED IN THE CONTRACT THAT 229  
WERE REASONABLY UNFORESEEN, BUT NECESSARY, AND THE TOTAL OF ALL 230  
EXTRA COSTS TO DATE EXCEEDS TEN PER CENT OF THE CONTRACT COST, YOU 231

<u>HAVE A RIGHT TO AN ESTIMATE OF THOSE EXCESS COSTS BEFORE THE HOME</u>	232
<u>CONSTRUCTION SERVICE SUPPLIER BEGINS WORK RELATED TO THOSE COSTS.</u>	233
<u>INITIAL YOUR CHOICE OF THE TYPE OF ESTIMATE YOU REQUIRE:</u>	234
<u>..... written estimate ..... oral estimate"</u>	235
<u>(3) If the contract stipulates that the specified cost of the</u>	236
<u>home construction service is a firm price and the home</u>	237
<u>construction service supplier will not charge the owner with any</u>	238
<u>excess costs, the home construction service supplier need not</u>	239
<u>comply with the notice requirements of this division.</u>	240
<u>(C) A home construction service supplier who enters into a</u>	241
<u>cost-plus contract with an owner for a home construction service</u>	242
<u>need not comply with the requirements in divisions (A) and (B) of</u>	243
<u>this section.</u>	244
<u>Sec. 4722.03. (A) No home construction service supplier shall</u>	245
<u>do any of the following:</u>	246
<u>(1) Prior to commencing work related to the home construction</u>	247
<u>service, fail to enter into a written contract that complies with</u>	248
<u>this chapter;</u>	249
<u>(2) After entering into a contract with an owner and prior to</u>	250
<u>commencing any work that is related to an excess cost, fail to</u>	251
<u>provide an estimate of the excess costs as this chapter requires;</u>	252
<u>(3) After entering into a contract with an owner, do any of</u>	253
<u>the following:</u>	254
<u>(a) Fail to disclose, prior to the owner's acceptance of any</u>	255
<u>goods or work related to an excess cost, that in failing to</u>	256
<u>approve an excess cost, completion of the work may not be possible</u>	257
<u>and a charge may be imposed for any disassembly, reassembly, or</u>	258
<u>partially completed work, which shall be directly related to the</u>	259
<u>actual labor or parts involved;</u>	260
<u>(b) Charge for any excess cost that the owner has not</u>	261

<u>approved;</u>	262
<u>(c) Represent that repairs or work have been performed when such is not the fact;</u>	263
<u>(d) Fail to perform the home construction service in a workmanlike manner;</u>	264
<u>(e) Fail to tender to the owner, within a reasonable time and upon the owner's request, any replaced parts, unless the parts are to be rebuilt or sold by the home construction service supplier, or returned to the manufacturer in connection with a warranted repair or service, and the intended reuse or return is made known to the owner prior to commencing any repair or services;</u>	265
<u>(f) Fail to provide a full refund within a reasonable time period for any goods or services that the home construction service supplier has failed to deliver in accordance with the terms and conditions of the contract required by section 4722.02 of the Revised Code and for which the supplier has received payment;</u>	266
<u>(g) Fail to provide to the owner, within a reasonable time and upon the owner's request, a written, itemized receipt for any item of goods that is left with, or turned over to, the home construction service supplier for repair or services. The receipt shall include all of the following:</u>	267
<u>(i) The identity of the person who will perform the repair or services;</u>	268
<u>(ii) The name and dated signature of the person or representative who actually accepts the goods;</u>	269
<u>(iii) A description, including make and model number or other features that will reasonably identify the goods that are turned over, and the repair or services that are to be performed.</u>	270
<u>(4) Make the performance of any home construction service</u>	271

<u>contingent upon an owner's waiver of any rights this chapter</u>	292
<u>provides;</u>	293
<u>(5) Represent that repairs, services, or work is necessary to</u>	294
<u>comply with the residential building code when such is not the</u>	295
<u>fact;</u>	296
<u>(6) Represent that an item of goods or any part thereof that</u>	297
<u>is being inspected or diagnosed for a home construction service is</u>	298
<u>in a dangerous condition, or that its continued use may be</u>	299
<u>harmful, when such is not the fact;</u>	300
<u>(7) Intentionally understate or intentionally misstate the</u>	301
<u>estimated cost of the home construction service;</u>	302
<u>(8) Intentionally misrepresent any aspect of the transaction</u>	303
<u>or the nature or the quality of the work or materials;</u>	304
<u>(9) Fail at the time any owner signs or initials any document</u>	305
<u>to provide the owner with a copy of the document within a</u>	306
<u>reasonable time period;</u>	307
<u>(10) Fail to disclose to the owner prior to the commencement</u>	308
<u>of any repair or service that any part of the repair or service</u>	309
<u>will be performed by a person other than the home construction</u>	310
<u>service supplier or employee of the supplier if the contract</u>	311
<u>disclaims any warranty of the repair or service that the other</u>	312
<u>person performs;</u>	313
<u>(11) Represent that repairs or services must be performed</u>	314
<u>away from the property on which the home construction service is</u>	315
<u>being performed when that is not the fact.</u>	316
<u>(B) A home construction service supplier who enters into a</u>	317
<u>cost-plus contract with an owner for a home construction service</u>	318
<u>need not comply with the requirements regarding excess costs</u>	319
<u>provided in this section.</u>	320
<b><u>Sec. 4722.04. A home construction service supplier may take</u></b>	321

as a down payment not more than ten per cent of the contract price 322  
before the supplier's performance that is required by the contract 323  
begins, except a supplier may take as a down payment not more than 324  
seventy-five per cent of the total cost of any special order item 325  
that is otherwise not returnable or usable before the supplier's 326  
performance that is required by the contract begins. This section 327  
does not apply to a home construction service supplier who enters 328  
into a cost-plus contract. A supplier may accept payments from a 329  
construction loan in connection with a home construction service 330  
contract. 331

Sec. 4722.06. (A) If, by the attorney general's own inquiries 332  
or as a result of complaints, the attorney general has reasonable 333  
cause to believe that a person has engaged or is engaging in an 334  
act or practice that violates this chapter, the attorney general 335  
may investigate. 336

(B) For this purpose, the attorney general may administer 337  
oaths, subpoena witnesses, adduce evidence, and require the 338  
production of relevant matter. 339

If matter that the attorney general requires to be produced 340  
is located outside the state, the attorney general may designate 341  
representatives, including officials of the state in which the 342  
matter is located, to inspect the matter on the attorney general's 343  
behalf, and the attorney general may respond to similar requests 344  
from officials of other states. The person subpoenaed may make the 345  
matter available to the attorney general at a convenient location 346  
within the state or pay the reasonable and necessary expenses for 347  
the attorney general or the attorney general's representative to 348  
examine the matter at the place where it is located, provided that 349  
expenses shall not be charged to a party not subsequently found to 350  
have engaged in an act or practice violative of this chapter. 351

(C) Within twenty days after a subpoena has been served, a 352

motion to extend the return day, or to modify or quash the 353  
subpoena, stating good cause, may be filed in the court of common 354  
pleas of Franklin county or the county in which the person served 355  
resides or has the person's principal place of business. 356

(D) A person subpoenaed under this section shall comply with 357  
the terms of the subpoena, unless the parties agree to modify the 358  
terms of the subpoena or unless the court has modified or quashed 359  
the subpoena, extended the return day of the subpoena, or issued 360  
any other order with respect to the subpoena prior to its return 361  
day. 362

If a person fails without lawful excuse to obey a subpoena or 363  
to produce relevant matter, the attorney general may apply to the 364  
court of common pleas of the county in which the person subpoenaed 365  
resides or has the person's principal place of business for an 366  
order compelling compliance. 367

(E) The attorney general may request that an individual who 368  
refuses to testify or to produce relevant matter on the ground 369  
that the testimony or matter may incriminate the individual be 370  
ordered by the court to provide the testimony or matter. With the 371  
exception of a prosecution for perjury and an action for damages 372  
under this chapter, an individual who complies with a court order 373  
to provide testimony or matter, after asserting a privilege 374  
against self-incrimination to which the individual is entitled by 375  
law, shall not be subjected to a criminal proceeding or to a civil 376  
penalty or forfeiture on the basis of the testimony or matter 377  
required to be disclosed or testimony or matter discovered through 378  
that testimony or matter. 379

(F) The attorney general may: 380

(1) During an investigation under this section, afford, in a 381  
manner considered appropriate to the attorney general, a supplier 382  
an opportunity to cease and desist from any suspected violation. 383

The attorney general may suspend the investigation during the time 384  
period that the attorney general permits the supplier to cease and 385  
desist; however, the suspension of the investigation or the 386  
affording of an opportunity to cease and desist shall not 387  
prejudice or prohibit any further investigation by the attorney 388  
general under this section. 389

(2) Terminate an investigation under this section upon 390  
acceptance of a written assurance of voluntary compliance from a 391  
supplier who is suspected of a violation of this chapter. 392

Acceptance of an assurance may be conditioned upon an 393  
undertaking to reimburse or to take other appropriate action with 394  
respect to identifiable owners damaged by an alleged violation of 395  
this chapter. An assurance of compliance given by a supplier is 396  
not evidence of violation of this chapter. The attorney general 397  
may, at any time, reopen an investigation terminated by the 398  
acceptance of an assurance of voluntary compliance, if the 399  
attorney general believes that further proceedings are in the 400  
public interest. Evidence of a violation of an assurance of 401  
voluntary compliance is prima-facie evidence of an act or practice 402  
in violation of this chapter, if presented after the violation in 403  
an action brought under this chapter. An assurance of voluntary 404  
compliance may be filed with the court and if approved by the 405  
court, entered as a consent judgment. 406

(G) The procedures available to the attorney general under 407  
this section are cumulative and concurrent, and the exercise of 408  
one procedure by the attorney general does not preclude or require 409  
the exercise of any other procedure. 410

**Sec. 4722.07.** (A) If the attorney general, by the attorney 411  
general's own inquiries or as a result of complaints, has 412  
reasonable cause to believe that a supplier has engaged or is 413  
engaging in an act or practice that violates this chapter, and 414

that the action would be in the public interest, the attorney 415  
general may bring any of the following: 416

(1) An action to obtain a declaratory judgment that the act 417  
or practice violates this chapter; 418

(2)(a) An action, with notice as required by Civil Rule 65, 419  
to obtain a temporary restraining order, preliminary injunction, 420  
or permanent injunction to restrain the act or practice. If the 421  
attorney general shows by a preponderance of the evidence that the 422  
supplier has violated or is violating this chapter, the court may 423  
issue a temporary restraining order, preliminary injunction, or 424  
permanent injunction to restrain and prevent the act or practice. 425

(b) On motion of the attorney general, or on its own motion, 426  
the court may impose a civil penalty of not more than five 427  
thousand dollars for each day of violation of a temporary 428  
restraining order, preliminary injunction, or permanent injunction 429  
issued under this section, if the supplier received notice of the 430  
action. The civil penalties shall be paid as provided in division 431  
(G) of this section. 432

(c) Upon the commencement of an action under division (A)(2) 433  
of this section against a supplier who operates under a license, 434  
permit, certificate, commission, or other authorization issued by 435  
the supreme court or by a board, commission, department, division, 436  
or other agency of this state, the attorney general shall 437  
immediately notify the supreme court or agency that such an action 438  
has been commenced against the supplier. 439

(3) A class action under Civil Rule 23, as amended, on behalf 440  
of owners who have engaged in home construction service contracts 441  
in this state for damage caused by an act or practice described in 442  
this chapter. 443

(B) On motion of the attorney general and without bond, in 444  
the attorney general's action under this section, the court may 445

make appropriate orders, including appointment of a referee or a receiver, for sequestration of assets, to reimburse owners found to have been damaged, to carry out a home construction service contract in accordance with an owner's reasonable expectations, to strike or limit the application of unconscionable clauses of contracts so as to avoid an unconscionable result, or to grant other appropriate relief. The court may assess the expenses of a referee or receiver against the supplier. 446  
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(C) Any moneys or property recovered by the attorney general in an action under this section that cannot with due diligence within five years be restored by a referee to owners shall be unclaimed funds reportable under Chapter 169. of the Revised Code. 454  
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(D) In addition to the other remedies provided in this section, the attorney general may request and the court may impose a civil penalty of not more than twenty-five thousand dollars against the supplier for each violation of an act or practice described in this chapter. The civil penalties shall be paid as provided in division (G) of this section. 458  
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(E) No action may be brought by the attorney general under this section to recover for a home construction service contract more than two years after the occurrence of a violation. 464  
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(F) If a court determines that provision has been made for reimbursement or other appropriate corrective action, insofar as practicable, with respect to all consumers damaged by a violation, or in any other appropriate case, the attorney general, with court approval, may terminate enforcement proceedings brought by the attorney general upon acceptance of an assurance from the supplier of voluntary compliance with this chapter, with respect to the alleged violation. The assurance shall be filed with the court and entered as a consent judgment. A consent judgment is not evidence of prior violation of such chapter. Disregard of the terms of a consent judgment entered upon an assurance shall be treated as a 467  
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violation of an injunction issued under this section. 478

(G) Civil penalties ordered pursuant to divisions (A) or (D) 479  
of this section shall be paid as follows: one-fourth of the amount 480  
to the treasurer of the county in which the action is brought and 481  
three-fourths to the consumer protection enforcement fund created 482  
by section 1345.51 of the Revised Code. 483

(H) The remedies available to the attorney general under this 484  
section are cumulative and concurrent, and the exercise of one 485  
remedy by the attorney general does not preclude or require the 486  
exercise of any other remedy. 487

(I) In carrying out the attorney general's official duties, 488  
the attorney general shall not disclose publicly the identity of 489  
any supplier who is or was the subject of an investigation under 490  
this chapter or any facts developed during such an investigation 491  
unless those matters have become a matter of public record in 492  
enforcement proceedings, or the supplier who is the subject of the 493  
investigation gives written consent to public disclosure of those 494  
matters. 495

(J) The attorney general shall cooperate with state and local 496  
officials, officials of other states, and officials of the federal 497  
government in the administration of statutes comparable to this 498  
chapter. 499

**Sec. 4722.08.** For a violation of Chapter 4722. of the Revised 500  
Code, an owner has a cause of action and is entitled to relief as 501  
follows: 502

(A) Where the violation was an act prohibited by section 503  
4722.02, 4722.03, or 4722.04 of the Revised Code, the owner may, 504  
in an individual action, rescind the transaction or recover the 505  
owner's actual economic damages plus an amount not exceeding five 506  
thousand dollars in noneconomic damages. 507

(B) In any action for rescission, revocation of the 508  
transaction must occur within a reasonable time after the owner 509  
discovers or should have discovered the ground for it and before 510  
any substantial change in condition of the subject of the 511  
transaction. 512

(C) Any owner may seek a declaratory judgment, an injunction, 513  
or other appropriate relief against an act or practice that 514  
violates this chapter. 515

(D) The court may award to the prevailing party a reasonable 516  
attorney's fee limited to the work reasonably performed, if either 517  
of the following apply: 518

(1) The owner complaining of the act or practice that 519  
violated this chapter has brought or maintained an action that is 520  
groundless, and the owner filed or maintained the action in bad 521  
faith; 522

(2) The home construction service supplier has knowingly 523  
committed an act or practice that violates this chapter. 524

(E) As used in this section, "actual economic damages" means 525  
damages for direct, incidental, or consequential pecuniary losses 526  
resulting from a violation of Chapter 4722. of the Revised Code 527  
and does not include damages for noneconomic loss as defined in 528  
section 2315.18 of the Revised Code. 529

(F) Nothing in this section shall preclude an owner from also 530  
proceeding with a cause of action under any other theory of law. 531

**Section 2.** That existing section 1345.01 of the Revised Code 532  
is hereby repealed. 533