

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, DECEMBER 4, 2012

TWO HUNDRED SEVENTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, December 4, 2012, 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Stan Kirtlan of Buckeye Christian Church in Grove City, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of the previous legislative day was read and approved.

The following guests of the House of Representatives were recognized by Speaker Batchelder prior to the commencement of business:

Ryan Hawks received H.R. 474, presented by Representative Rosenberger-86th district.

Matt, Tammy, Christopher, and Danny Dixon, guests of Representative Brenner-2nd district.

### CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Am. Sub. H. B. No. 461**-Representative Stebelton, et al., were taken up for consideration.

**Am. Sub. H. B. No. 461**-Representative Stebelton.

Cosponsors: Representatives Adams, R., Gonzales, Grossman, Henne, McGregor, Okey, Yuko, Bubp, Antonio, Boyd, Celeste, Combs, Huffman, Letson, Milkovich, Murray, O'Brien, Pillich, Reece, Speaker Batchelder. Senators Wagoner, Skindell, Obhof, Oelslager, Bacon, Turner, Balderson, Burke, Coley, Eklund, Hite, Hughes, Jones, Kearney, Lehner, Manning, Patton, Peterson, Seitz.

To amend sections 2317.02, 3105.18, and 3105.64 and to enact sections 3105.41, 3105.42, 3105.43, 3105.44, 3105.45, 3105.46, 3105.47, 3105.48, 3105.49, 3105.50, 3105.51, 3105.52, 3105.53, and 3105.54 of the Revised Code to establish a statutory collaborative family law process to aid in the resolution of family law disputes, to clarify when an order of spousal support may be modified, and to clarify the circumstances under which a client's statements may compel an attorney to testify regarding attorney-client communications.

The question being, "Shall the Senate amendments be concurred in?"

The Honorable William G. Batchelder, Speaker  
 The Ohio House of Representatives  
 Columbus, Ohio

Speaker Batchelder,

Pursuant to House Rule No. 57, I respectfully request that I be excused from voting on the Senate amendments to **Am. Sub. H. B. No. 461**-Representative Stebelton, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ NICHOLAS J. CELEBREZZE  
 NICHOLAS J. CELEBREZZE  
 State Representative  
 15th House District

The request was granted.

The yeas and nays were taken and resulted - yeas 88, nays 2, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boose
Boyce	Brenner	Bubp	Buchy
Budish	Butler	Carney	Celeste
Cera	Clyde	Combs	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Driehaus	Duffey	Fende	Foley
Gardner	Garland	Gerberry	Gonzales
Goodwin	Grossman	Hackett	Hagan, C.
Hagan, R.	Hall	Hayes	Heard
Henne	Hill	Hottinger	Huffman
Johnson	Kozlowski	Landis	Letson
Lundy	Maag	Mallory	McClain
McGregor	Milkovich	Murray	Newbold
Okey	Pelanda	Phillips	Pillich
Ramos	Reece	Roegner	Rosenberger
Ruhl	Scherer	Schuring	Sears
Smith	Sprague	Stautberg	Stebelton
Stinziano	Sykes	Szollosi	Terhar
Thompson	Uecker	Wachtmann	Williams
Winburn	Young	Yuko	Batchelder-88.

Representatives Lynch and Patmon voted in the negative-2.

The Senate amendments were concurred in.

**REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS  
FOR SECOND CONSIDERATION**

Representative Phillips reported for the Rules and Reference Committee recommending that the following House Bill and Senate Bill be considered for the second time and referred to the following committees for consideration.

**H.B. No. 614** - Representative Huffman, et al

TO REQUIRE THAT RULES GOVERNING MATERNITY UNITS, NEWBORN CARE NURSERIES, AND MATERNITY HOMES INCLUDE CERTAIN PROVISIONS PERTAINING TO THE AUTHORITY TO MAKE DECISIONS REGARDING THE TRANSFER OF PATIENTS TO OTHER FACILITIES.

To the committee on Health and Aging

**Sub. S.B. No. 298** - Senator Cafaro, et al

TO ALTER THE CONDITIONS UNDER WHICH A D-51 LIQUOR PERMIT MAY BE ISSUED.

To the committee on Commerce, Labor and Technology

LOUIS W. BLESSING  
ANDREW BRENNER  
CHERYL GROSSMAN  
ARMOND BUDISH  
MATT SZOLLOSI

JOHN ADAMS  
ANNE GONZALES  
DOROTHY PELANDA  
DEBBIE PHILLIPS

Representative Blessing moved that the House and Constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of the House Bill and Senate Bill contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

Said House Bill and Senate Bill were considered the second time and referred as recommended.

**MOTIONS AND RESOLUTIONS**

Representative Phillips reported for the Rules and Reference Committee recommending that the following House Resolutions be read by title only and approved:

**H.R. No. 499** - Speaker Batchelder, Representatives Budish, Adams, J., Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blair, Boose, Boyce, Boyd, Brenner, Bulp, Buchy, Butler, Carney, Celebrezze, Celeste, Cera, Clyde, Combs, Conditt, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gerberry,

Gonzales, Goodwin, Goyal, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Hottinger, Huffman, Johnson, Kozlowski, Landis, Letson, Luckie, Lundy, Lynch, Maag, Mallory, Martin, McClain, McGregor, Milkovich, Murray, Newbold, O'Brien, Okey, Patmon, Pelanda, Phillips, Pillich, Ramos, Reece, Roegner, Rosenberger, Ruhl, Scherer, Schuring, Sears, Slaby, Slesnick, Smith, Sprague, Stautberg, Stebelton, Stinziano, Sykes, Szollosi, Terhar, Thompson, Uecker, Wachtmann, Williams, Winburn, Young, Yuko

Honoring Representative Louis W. Blessing, Jr. for his service to the Ohio House of Representatives.

**H.R. No. 500** - Speaker Batchelder, Representatives Budish, Adams, J., Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blair, Blessing, Boose, Boyce, Boyd, Brenner, Buchy, Butler, Carney, Celebrezze, Celeste, Cera, Clyde, Combs, Conditt, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gerberry, Gonzales, Goodwin, Goyal, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Hottinger, Huffman, Johnson, Kozlowski, Landis, Letson, Luckie, Lundy, Lynch, Maag, Mallory, Martin, McClain, McGregor, Milkovich, Murray, Newbold, O'Brien, Okey, Patmon, Pelanda, Phillips, Pillich, Ramos, Reece, Roegner, Rosenberger, Ruhl, Scherer, Schuring, Sears, Slaby, Slesnick, Smith, Sprague, Stautberg, Stebelton, Stinziano, Sykes, Szollosi, Terhar, Thompson, Uecker, Wachtmann, Williams, Winburn, Young, Yuko

Honoring Representative Danny R. Bulp for his service to the Ohio House of Representatives.

**H.R. No. 501** - Speaker Batchelder, Representatives Budish, Adams, J., Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blair, Blessing, Boose, Boyce, Boyd, Brenner, Bulp, Buchy, Butler, Carney, Celebrezze, Cera, Clyde, Combs, Conditt, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gerberry, Gonzales, Goodwin, Goyal, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Hottinger, Huffman, Johnson, Kozlowski, Landis, Letson, Luckie, Lundy, Lynch, Maag, Mallory, Martin, McClain, McGregor, Milkovich, Murray, Newbold, O'Brien, Okey, Patmon, Pelanda, Phillips, Pillich, Ramos, Reece, Roegner, Rosenberger, Ruhl, Scherer, Schuring, Sears, Slaby, Slesnick, Smith, Sprague, Stautberg, Stebelton, Stinziano, Sykes, Szollosi, Terhar, Thompson, Uecker, Wachtmann, Williams, Winburn, Young, Yuko

Honoring Representative Ted Celeste for his service to the Ohio House of Representatives.

**H.R. No. 502** - Speaker Batchelder, Representatives Budish, Adams, J., Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blair, Blessing, Boose, Boyce, Boyd, Brenner, Bulp, Buchy, Butler, Carney, Celebrezze, Celeste, Cera, Clyde, Conditt, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gerberry,

Gonzales, Goodwin, Goyal, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Hottinger, Huffman, Johnson, Kozlowski, Landis, Letson, Luckie, Lundy, Lynch, Maag, Mallory, Martin, McClain, McGregor, Milkovich, Murray, Newbold, O'Brien, Okey, Patmon, Pelanda, Phillips, Pillich, Ramos, Reece, Roegner, Rosenberger, Ruhl, Scherer, Schuring, Sears, Slaby, Slesnick, Smith, Sprague, Stautberg, Stebelton, Stinziano, Sykes, Szollosi, Terhar, Thompson, Uecker, Wachtmann, Williams, Winburn, Young, Yuko

Honoring Representative Courtney Combs for his service to the Ohio House of Representatives.

**H.R. No. 503** - Speaker Batchelder, Representatives Budish, Adams, J., Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blair, Blessing, Boose, Boyce, Boyd, Brenner, Bulp, Buchy, Butler, Carney, Celebrezze, Celeste, Cera, Clyde, Combs, Conditt, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gerberry, Gonzales, Goodwin, Goyal, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Hottinger, Huffman, Johnson, Kozlowski, Landis, Letson, Luckie, Lundy, Lynch, Maag, Mallory, Martin, McClain, McGregor, Milkovich, Murray, Newbold, O'Brien, Okey, Patmon, Pelanda, Phillips, Pillich, Ramos, Reece, Roegner, Rosenberger, Ruhl, Scherer, Schuring, Sears, Slaby, Slesnick, Smith, Sprague, Stautberg, Stebelton, Stinziano, Sykes, Szollosi, Terhar, Thompson, Uecker, Wachtmann, Williams, Winburn, Young, Yuko

Honoring Representative Lorraine M. Fende for her service to the Ohio House of Representatives.

**H.R. No. 504** - Speaker Batchelder, Representatives Budish, Adams, J., Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blair, Blessing, Boose, Boyce, Boyd, Brenner, Bulp, Buchy, Butler, Carney, Celebrezze, Celeste, Cera, Clyde, Combs, Conditt, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Garland, Gerberry, Gonzales, Goodwin, Goyal, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Hottinger, Huffman, Johnson, Kozlowski, Landis, Letson, Luckie, Lundy, Lynch, Maag, Mallory, Martin, McClain, McGregor, Milkovich, Murray, Newbold, O'Brien, Okey, Patmon, Pelanda, Phillips, Pillich, Ramos, Reece, Roegner, Rosenberger, Ruhl, Scherer, Schuring, Sears, Slaby, Slesnick, Smith, Sprague, Stautberg, Stebelton, Stinziano, Sykes, Szollosi, Terhar, Thompson, Uecker, Wachtmann, Williams, Winburn, Young, Yuko

Honoring Representative Randy Gardner for his service to the Ohio House of Representatives.

**H.R. No. 505** - Speaker Batchelder, Representatives Budish, Adams, J., Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blair, Blessing, Boose, Boyce, Boyd, Brenner, Bulp, Buchy, Butler, Carney, Celebrezze, Celeste, Cera, Clyde, Combs, Conditt, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Gerberry,

Gonzales, Goodwin, Goyal, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Hottinger, Huffman, Johnson, Kozlowski, Landis, Letson, Luckie, Lundy, Lynch, Maag, Mallory, Martin, McClain, McGregor, Milkovich, Murray, Newbold, O'Brien, Okey, Patmon, Pelanda, Phillips, Pillich, Ramos, Reece, Roegner, Rosenberger, Ruhl, Scherer, Schuring, Sears, Slaby, Slesnick, Smith, Sprague, Stautberg, Stebelton, Stinziano, Sykes, Szollosi, Terhar, Thompson, Uecker, Wachtmann, Williams, Winburn, Young, Yuko

Honoring Representative Nancy J. Garland for her service to the Ohio House of Representatives.

**H.R. No. 506** - Speaker Batchelder, Representatives Budish, Adams, J., Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blair, Blessing, Boose, Boyce, Boyd, Brenner, Bulp, Buchy, Butler, Carney, Celebrezze, Celeste, Cera, Clyde, Combs, Conditt, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gerberry, Gonzales, Goyal, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Hottinger, Huffman, Johnson, Kozlowski, Landis, Letson, Luckie, Lundy, Lynch, Maag, Mallory, Martin, McClain, McGregor, Milkovich, Murray, Newbold, O'Brien, Okey, Patmon, Pelanda, Phillips, Pillich, Ramos, Reece, Roegner, Rosenberger, Ruhl, Scherer, Schuring, Sears, Slaby, Slesnick, Smith, Sprague, Stautberg, Stebelton, Stinziano, Sykes, Szollosi, Terhar, Thompson, Uecker, Wachtmann, Williams, Winburn, Young, Yuko

Honoring Representative Bruce W. Goodwin for his service to the Ohio House of Representatives.

**H.R. No. 507** - Speaker Batchelder, Representatives Budish, Adams, J., Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blair, Blessing, Boose, Boyce, Boyd, Brenner, Bulp, Buchy, Butler, Carney, Celebrezze, Celeste, Cera, Clyde, Combs, Conditt, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gerberry, Gonzales, Goodwin, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Hottinger, Huffman, Johnson, Kozlowski, Landis, Letson, Luckie, Lundy, Lynch, Maag, Mallory, Martin, McClain, McGregor, Milkovich, Murray, Newbold, O'Brien, Okey, Patmon, Pelanda, Phillips, Pillich, Ramos, Reece, Roegner, Rosenberger, Ruhl, Scherer, Schuring, Sears, Slaby, Slesnick, Smith, Sprague, Stautberg, Stebelton, Stinziano, Sykes, Szollosi, Terhar, Thompson, Uecker, Wachtmann, Williams, Winburn, Young, Yuko

Honoring Representative Jay P. Goyal for his service to the Ohio House of Representatives.

**H.R. No. 508** - Speaker Batchelder, Representatives Budish, Adams, J., Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blair, Blessing, Boose, Boyce, Boyd, Brenner, Bulp, Buchy, Butler, Carney, Celebrezze, Celeste, Cera, Clyde, Combs, Conditt, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland,

Gerberry, Gonzales, Goodwin, Goyal, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Hottinger, Huffman, Johnson, Landis, Letson, Luckie, Lundy, Lynch, Maag, Mallory, Martin, McClain, McGregor, Milkovich, Murray, Newbold, O'Brien, Okey, Patmon, Pelanda, Phillips, Pillich, Ramos, Reece, Roegner, Rosenberger, Ruhl, Scherer, Schuring, Sears, Slaby, Slesnick, Smith, Sprague, Stautberg, Stebelton, Stinziano, Sykes, Szollosi, Terhar, Thompson, Uecker, Wachtmann, Williams, Winburn, Young, Yuko

Honoring Representative Casey Kozlowski for his service to the Ohio House of Representatives.

**H.R. No. 509** - Speaker Batchelder, Representatives Budish, Adams, J., Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blair, Blessing, Boose, Boyce, Boyd, Brenner, Bubp, Buchy, Butler, Carney, Celebrezze, Celeste, Cera, Clyde, Combs, Conditt, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gerberry, Gonzales, Goodwin, Goyal, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Hottinger, Huffman, Johnson, Kozlowski, Landis, Letson, Luckie, Lundy, Lynch, Maag, Mallory, McClain, McGregor, Milkovich, Murray, Newbold, O'Brien, Okey, Patmon, Pelanda, Phillips, Pillich, Ramos, Reece, Roegner, Rosenberger, Ruhl, Scherer, Schuring, Sears, Slaby, Slesnick, Smith, Sprague, Stautberg, Stebelton, Stinziano, Sykes, Szollosi, Terhar, Thompson, Uecker, Wachtmann, Williams, Winburn, Young, Yuko

Honoring Representative Jarrod B. Martin for his service to the Ohio House of Representatives.

**H.R. No. 510** - Speaker Batchelder, Representatives Budish, Adams, J., Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blair, Blessing, Boose, Boyce, Boyd, Brenner, Bubp, Buchy, Butler, Carney, Celebrezze, Celeste, Cera, Clyde, Combs, Conditt, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gerberry, Gonzales, Goodwin, Goyal, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Hottinger, Huffman, Johnson, Landis, Letson, Luckie, Lundy, Lynch, Maag, Mallory, Martin, McClain, McGregor, Milkovich, Newbold, O'Brien, Okey, Patmon, Pelanda, Phillips, Pillich, Ramos, Reece, Roegner, Rosenberger, Ruhl, Scherer, Schuring, Sears, Slaby, Slesnick, Smith, Sprague, Stautberg, Stebelton, Stinziano, Sykes, Szollosi, Terhar, Thompson, Uecker, Wachtmann, Williams, Winburn, Young, Yuko  
Honoring Representative Dennis Murray for his service to the Ohio House of Representatives.

**H.R. No. 511** - Speaker Batchelder, Representatives Budish, Adams, J., Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blair, Blessing, Boose, Boyce, Boyd, Brenner, Bubp, Buchy, Butler, Carney, Celebrezze, Celeste, Cera, Clyde, Combs, Conditt, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gerberry, Gonzales, Goodwin, Goyal, Grossman, Hackett, Hagan, C., Hagan,



R., Hall, Hayes, Heard, Henne, Hill, Hottinger, Huffman, Johnson, Landis, Letson, Luckie, Lundy, Lynch, Maag, Mallory, Martin, McClain, McGregor, Milkovich, Murray, O'Brien, Okey, Patmon, Pelanda, Phillips, Pillich, Ramos, Reece, Roegner, Rosenberger, Ruhl, Scherer, Schuring, Sears, Slaby, Slesnick, Smith, Sprague, Stautberg, Stebelton, Stinziano, Sykes, Szollosi, Terhar, Thompson, Uecker, Wachtmann, Williams, Winburn, Young, Yuko  
Honoring Representative Craig Newbold for his service to the Ohio House of Representatives.

**H.R. No. 512** - Speaker Batchelder, Representatives Budish, Adams, J., Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blair, Blessing, Boose, Boyce, Boyd, Brenner, Bubp, Buchy, Butler, Carney, Celebrezze, Celeste, Cera, Clyde, Combs, Conditt, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gerberry, Gonzales, Goodwin, Goyal, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Hottinger, Huffman, Johnson, Landis, Letson, Luckie, Lundy, Lynch, Maag, Mallory, Martin, McClain, McGregor, Milkovich, Murray, Newbold, O'Brien, Patmon, Pelanda, Phillips, Pillich, Ramos, Reece, Roegner, Rosenberger, Ruhl, Scherer, Schuring, Sears, Slaby, Slesnick, Smith, Sprague, Stautberg, Stebelton, Stinziano, Sykes, Szollosi, Terhar, Thompson, Uecker, Wachtmann, Williams, Winburn, Young, Yuko  
Honoring Representative Mark D. Okey for his service to the Ohio House of Representatives.

**H.R. No. 513** - Speaker Batchelder, Representatives Budish, Adams, J., Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blair, Blessing, Boose, Boyce, Boyd, Brenner, Bubp, Buchy, Butler, Carney, Celebrezze, Celeste, Cera, Clyde, Combs, Conditt, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gerberry, Gonzales, Goodwin, Goyal, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Hottinger, Huffman, Johnson, Landis, Letson, Luckie, Lundy, Lynch, Maag, Mallory, Martin, McClain, McGregor, Milkovich, Murray, Newbold, O'Brien, Okey, Patmon, Pelanda, Phillips, Pillich, Ramos, Reece, Roegner, Rosenberger, Ruhl, Scherer, Schuring, Sears, Slaby, Slesnick, Smith, Sprague, Stautberg, Stebelton, Stinziano, Sykes, Szollosi, Terhar, Thompson, Wachtmann, Williams, Winburn, Young, Yuko  
Honoring Representative Joseph Uecker for his service to the Ohio House of Representatives.

**H.R. No. 514** - Speaker Batchelder, Representatives Budish, Adams, J., Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blair, Blessing, Boose, Boyce, Boyd, Brenner, Bubp, Buchy, Butler, Carney, Celebrezze, Celeste, Cera, Clyde, Combs, Conditt, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gerberry, Gonzales, Goodwin, Goyal, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Hottinger, Huffman, Johnson, Landis, Letson, Luckie, Lundy, Lynch, Maag, Mallory, Martin, McClain, McGregor, Milkovich, Murray, Newbold, O'Brien, Okey, Patmon, Pelanda, Phillips,

Pillich, Ramos, Reece, Roegner, Rosenberger, Ruhl, Scherer, Schuring, Sears, Slaby, Slesnick, Smith, Sprague, Stautberg, Stebelton, Stinziano, Sykes, Szollosi, Terhar, Thompson, Uecker, Wachtmann, Williams, Winburn, Young Honoring Representative Kenny Yuko for his service to the Ohio House of Representatives.

/s/LOUIS BLESSING  
Louis Blessing, Chair

Representative Blessing moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolutions contained therein be approved.

The motion was agreed to.

**BILLS FOR THIRD CONSIDERATION**

**Sub. H. B. No. 278**-Representatives Stebelton, Okey.  
Cosponsors: Representatives Adams, R., Bubp, Combs, Foley, Grossman, Hollington, Huffman, Letson, Maag, McGregor, McKenney, Murray.

To amend sections 3901.21, 3937.30, 3937.31, 3937.32, 3937.33, 3937.34, 3937.35, 4509.01, 4509.20, 4509.41, and 4509.51 of the Revised Code to make changes to the law governing automobile insurance policies, to increase the minimum amounts required for valid proof of financial responsibility, to make it an unfair and deceptive act or practice in the business of insurance to charge excessive, inadequate, or unfairly discriminatory premium rates in private passenger automobile insurance based solely on the insured's residence location, and to reduce from two years to one year the minimum policy period for automobile insurance policies, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 85, nays 7, as follows:

Those who voted in the affirmative were: Representatives

- |           |            |           |             |
|-----------|------------|-----------|-------------|
| Adams J.  | Adams R.   | Amstutz   | Anielski    |
| Antonio   | Ashford    | Baker     | Beck        |
| Blair     | Blessing   | Boose     | Brenner     |
| Bubp      | Buchy      | Budish    | Butler      |
| Carney    | Celebrezze | Celeste   | Cera        |
| Clyde     | Combs      | Conditt   | Damschroder |
| DeVitis   | Derickson  | Dovilla   | Driehaus    |
| Duffey    | Fende      | Foley     | Gardner     |
| Garland   | Gerberry   | Gonzales  | Goodwin     |
| Grossman  | Hackett    | Hagan, C. | Hagan, R.   |
| Hall      | Hayes      | Heard     | Henne       |
| Hill      | Hottinger  | Huffman   | Johnson     |
| Kozlowski | Landis     | Letson    | Lundy       |
| Lynch     | Maag       | Mallory   | Martin      |

McClain	McGregor	Milkovich	Murray
Newbold	Okey	Pelanda	Phillips
Pillich	Ramos	Roegner	Rosenberger
Ruhl	Scherer	Schuring	Sears
Smith	Sprague	Stautberg	Stebelton
Stinziano	Sykes	Szollosi	Terhar
Thompson	Wachtmann	Young	Yuko
			Batchelder-85.

Representatives Barnes, Boyce, Patmon, Reece, Uecker, Williams, and Winburn voted in the negative-7.

The bill passed.

Representative Stebelton moved to amend the title as follows:

Add the names: "Antonio, Ashford, Beck, Blessing, Carney, Celebrezze, Damschroder, Fende, Garland, Hackett, Hagan, R., Hayes, Heard, Henne, Hottinger, Lynch, Mallory, McClain, Newbold, Pillich, Sears, Sprague, Stinziano, Szollosi, Yuko, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 496**-Representatives Hackett, Garland.

Cosponsors: Representatives Hagan, R., Stebelton, Wachtmann, Antonio, Celeste.

To amend sections 102.02, 102.022, 102.03, 2152.54, 2919.271, 2945.37, 4732.01, 4732.02, 4732.03, 4732.06, 4732.07, 4732.09, 4732.10, 4732.11, 4732.12, 4732.13, 4732.14, 4732.141, 4732.16, 4732.17, 4732.172, 4732.173, 4732.18, 4732.21, 4732.22, 4732.31, 4755.13, 4757.42, 5120.55, and 5122.01, to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4732.16 (4732.15), 4732.172 (4732.171), and 4732.173 (4732.172), to enact new sections 4732.16 and 4732.173 and sections 4732.142, 4732.151, 4732.221, and 4732.32, and to repeal sections 4732.15, 4732.171, and 4732.23 of the Revised Code to revise the laws governing the practice of psychology, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 92, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boose
Boyce	Brenner	Bubp	Buchy
Budish	Butler	Carney	Celebrezze
Celeste	Cera	Clyde	Combs
Conditt	Damschroder	DeVitis	Derickson

Dovilla	Driehaus	Duffey	Fende
Foley	Gardner	Garland	Gerberry
Gonzales	Goodwin	Grossman	Hackett
Hagan, C.	Hagan, R.	Hall	Hayes
Heard	Henne	Hill	Hottinger
Huffman	Johnson	Kozlowski	Landis
Letson	Lundy	Lynch	Maag
Mallory	Martin	McClain	McGregor
Milkovich	Murray	Newbold	Okey
Patmon	Pelanda	Phillips	Pillich
Ramos	Reece	Roegner	Rosenberger
Ruhl	Scherer	Schuring	Sears
Smith	Sprague	Stautberg	Stebelton
Stinziano	Sykes	Szollosi	Terhar
Thompson	Uecker	Wachtmann	Williams
Winburn	Young	Yuko	Batchelder-92.

The bill passed.

Representative Hackett moved to amend the title as follows:

Add the names: "Boose, Carney, Combs, Driehaus, McClain, Milkovich, Newbold, Ramos, Sears, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 567**-Representative Sears.

Cosponsors: Representatives Gonzales, Hackett, Hill, Stebelton, Thompson, Carney, Celeste, Garland.

To amend sections 1701.03, 1705.03, 1705.04, 1705.53, 1785.01, 1785.02, 1785.03, 2305.234, 2305.51, 2921.22, 3107.014, 3701.74, 3721.21, 4723.16, 4725.33, 4729.161, 4731.226, 4731.65, 4732.28, 4734.17, 4755.471, 4757.03, 4757.10, 4757.16, 4757.22, 4757.23, 4757.27, 4757.28, 4757.29, 4757.30, 4757.31, 4757.33, 4757.36, 4757.41, 5101.61, and 5123.61; to enact sections 4757.13 and 4757.37; and to repeal section 4757.12 of the Revised Code to modify counselor, social worker, and marriage and family therapist licensing law; to provide certain professional rights to such licensees; and to permit the Department of Developmental Disabilities to conduct assessments of residents of intermediate care facilities for individuals with intellectual disabilities, for the first quarter of calendar year 2013, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 91, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boose
Boyce	Brenner	Bubp	Buchy
Budish	Butler	Carney	Celebrezze
Celeste	Cera	Clyde	Combs
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Duffey	Fende
Foley	Gardner	Garland	Gerberry
Gonzales	Grossman	Hackett	Hagan, C.
Hagan, R.	Hall	Hayes	Heard
Henne	Hill	Hottinger	Huffman
Johnson	Kozlowski	Landis	Letson
Lundy	Lynch	Maag	Mallory
Martin	McClain	McGregor	Milkovich
Murray	Newbold	Okey	Patmon
Pelanda	Phillips	Pillich	Ramos
Reece	Roegner	Rosenberger	Ruhl
Scherer	Schuring	Sears	Smith
Sprague	Stautberg	Stebelton	Stinziano
Sykes	Szollosi	Terhar	Thompson
Uecker	Wachtmann	Williams	Winburn
Young	Yuko		Batchelder-91.

Representative Goodwin voted in the negative-1.

The bill passed.

Representative Sears moved to amend the title as follows:

Add the names: "Antonio, Conditt, Heard, Letson, Milkovich, Ramos, Stinziano, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 333**-Senator Obhof.

Cosponsors: Senators Beagle, Coley, LaRose, Seitz, Bacon, Peterson, Brown, Balderson, Burke, Hughes, Jones, Lehner, Manning, Wagoner, Widener.  
Representative Brenner.

To amend sections 1109.22, 1304.55, 1321.52, and 1322.02 and to enact sections 1321.537, 1321.538, 1322.042, and 1322.043 of the Revised Code to authorize the Superintendent of Financial Institutions to issue a temporary mortgage loan originator license or temporary loan originator license to an out-of-state applicant who meets certain criteria, to make changes regarding derivative transactions by banks, and to make changes to the Uniform Commercial Funds Transfers law regarding remittance transfers, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Foley moved to amend as follows:

In line 12, after "sections" insert "109.572,"; after "1109.22," insert "1181.05, 1181.21,"

In line 13, delete the second "and"

In line 14, after "1322.043" insert ", 1323.01, 1323.02, 1323.03, 1323.04, 1323.05, 1323.06, 1323.07, 1323.08, 1323.09, 1323.10, 1323.11, 1323.12, 1323.13, 1323.14, 1323.15, 1323.16, 1323.17, 1323.18, 1323.19, 1323.20, and 1323.99"

Between lines 14 and 15, insert:

**"Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(1)(a) of this section;

(c) If the request is made pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, any offense specified in section 3319.31 of the Revised Code.

(2) On receipt of a request pursuant to section 3712.09 or 3721.121 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in

division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for employment in a position for which a criminal records check is required by those sections. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(2)(a) of this section.

(3) On receipt of a request pursuant to section 173.27, 173.394, 3701.881, 5111.032, 5111.033, 5111.034, 5123.081, or 5123.169 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check of the person for whom the request is made. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or the date the person was found eligible for intervention in lieu of conviction:

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321,

2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;

(b) Felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(c) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996;

(d) A violation of section 2923.01, 2923.02, or 2923.03 of the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses listed in divisions (A)(3)(a) to (c) of this section;

(e) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in divisions (A)(3)(a) to (d) of this section.

(4) On receipt of a request pursuant to section 2151.86 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more OVI or OVUAC violations committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed



in division (A)(4)(a) of this section.

(5) Upon receipt of a request pursuant to section 5104.012 or 5104.013 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.02 or 2923.03 of the Revised Code that relates to a crime specified in this division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in division (A)(5)(a) of this section.

(6) Upon receipt of a request pursuant to section 5153.111 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322,

2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(6)(a) of this section.

(7) On receipt of a request for a criminal records check from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to a felony in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. Subject to division (F) of this section, the superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

(8) On receipt of a request pursuant to section 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1323.05, or 4763.05 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for a license, permit, or certification from the department of commerce or a division in the department. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: a violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the Revised Code; any other criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities, as set forth in Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of the Revised Code; or any existing or former law of this state, any other state, or the United States that is substantially equivalent to those offenses.

(9) On receipt of a request for a criminal records check from the treasurer of state under section 113.041 of the Revised Code or from an individual under section 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4776.021, or 4779.091 of the Revised Code, accompanied by a completed form prescribed under division (C)(1) of this section and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or any other state. Subject to division (F) of this section, the superintendent shall send the results of a check requested under section 113.041 of the Revised Code to the treasurer of state and shall send the results of a check requested under any of the other listed sections to the licensing board specified by the individual in the request.

(10) On receipt of a request pursuant to section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any criminal offense under any existing or former law of this state, any other state, or the United States.

(11) On receipt of a request for a criminal records check from an appointing or licensing authority under section 3772.07 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner prescribed in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to or no contest to any offense under any existing or former law of this state, any other state, or the United States that is a disqualifying offense as defined in section 3772.07 of the Revised Code or substantially equivalent to such an offense.

(12) On receipt of a request pursuant to section 2151.33 or 2151.412 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check

with respect to any person for whom a criminal records check is required by that section. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(12)(a) of this section.

(B) Subject to division (F) of this section, the superintendent shall conduct any criminal records check to be conducted under this section as follows:

(1) The superintendent shall review or cause to be reviewed any relevant information gathered and compiled by the bureau under division (A) of section 109.57 of the Revised Code that relates to the person who is the subject of the criminal records check, including, if the criminal records check was requested under section 113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1323.05, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant information contained in records that have been sealed under section 2953.32 of the Revised Code;

(2) If the request received by the superintendent asks for information from the federal bureau of investigation, the superintendent shall request from the federal bureau of investigation any information it has with respect to the person who is the subject of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 if the request is made pursuant to section 2151.86, 5104.012, or 5104.013 of the Revised Code or if any other Revised Code section requires fingerprint-based checks of that nature, and shall review or cause to be reviewed any information the superintendent receives from that bureau. If a request under section 3319.39 of the Revised Code asks only for information from the federal bureau of investigation, the superintendent shall not conduct the review prescribed by division (B)(1) of this section.

(3) The superintendent or the superintendent's designee may request

criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code.

(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or (12) of this section, whichever division requires the superintendent to conduct the criminal records check. The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law.

(5) The superintendent shall send the results of the criminal records check to the person to whom it is to be sent not later than the following number of days after the date the superintendent receives the request for the criminal records check, the completed form prescribed under division (C)(1) of this section, and the set of fingerprint impressions obtained in the manner described in division (C)(2) of this section:

(a) If the superintendent is required by division (A) of this section (other than division (A)(3) of this section) to conduct the criminal records check, thirty;

(b) If the superintendent is required by division (A)(3) of this section to conduct the criminal records check, sixty.

(C)(1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from any person for whom a criminal records check is to be conducted under this section. The form that the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is to be conducted under this section. Any person for whom a records check is to be conducted under this section shall obtain the fingerprint impressions at a county sheriff's office, municipal police department, or any other entity with the ability to make fingerprint impressions on the standard impression sheets prescribed by the superintendent. The office, department, or entity may charge the person a reasonable fee for making the impressions. The standard impression sheets the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(3) Subject to division (D) of this section, the superintendent shall prescribe and charge a reasonable fee for providing a criminal records check under this section. The person requesting the criminal records check shall pay the fee prescribed pursuant to this division. In the case of a request under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2151.412, or 5111.032 of the Revised Code, the fee shall be paid in the manner specified in that section.

(4) The superintendent of the bureau of criminal identification and investigation may prescribe methods of forwarding fingerprint impressions and information necessary to conduct a criminal records check, which methods shall include, but not be limited to, an electronic method.

(D) The results of a criminal records check conducted under this section, other than a criminal records check specified in division (A)(7) of this section, are valid for the person who is the subject of the criminal records check for a period of one year from the date upon which the superintendent completes the criminal records check. If during that period the superintendent receives another request for a criminal records check to be conducted under this section for that person, the superintendent shall provide the results from the previous criminal records check of the person at a lower fee than the fee prescribed for the initial criminal records check.

(E) When the superintendent receives a request for information from a registered private provider, the superintendent shall proceed as if the request was received from a school district board of education under section 3319.39 of the Revised Code. The superintendent shall apply division (A)(1)(c) of this section to any such request for an applicant who is a teacher.

(F)(1) All information regarding the results of a criminal records check conducted under this section that the superintendent reports or sends under division (A)(7) or (9) of this section to the director of public safety, the treasurer of state, or the person, board, or entity that made the request for the criminal records check shall relate to the conviction of the subject person, or the subject person's plea of guilty to, a criminal offense.

(2) Division (F)(1) of this section does not limit, restrict, or preclude the superintendent's release of information that relates to an adjudication of a child as a delinquent child, or that relates to a criminal conviction of a person under eighteen years of age if the person's case was transferred back to a juvenile court under division (B)(2) or (3) of section 2152.121 of the Revised Code and the juvenile court imposed a disposition or serious youthful offender disposition upon the person under either division, if either of the following applies with respect to the adjudication or conviction:

(a) The adjudication or conviction was for a violation of section 2903.01 or 2903.02 of the Revised Code.

(b) The adjudication or conviction was for a sexually oriented offense, as defined in section 2950.01 of the Revised Code, the juvenile court was required to classify the child a juvenile offender registrant for that offense under section 2152.82, 2152.83, or 2152.86 of the Revised Code, and that classification has not been removed.

(G) As used in this section:

(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and

investigation in accordance with division (B) of this section.

(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

(3) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.

(4) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program."

Between lines 155 and 156, insert:

"**Sec. 1181.05.** (A) As used in this section, "consumer finance company" means any person required to be licensed or registered under Chapter 1321., 1322., 1323., 4712., 4727., or 4728. or sections 1315.21 to 1315.30 of the Revised Code.

(B) Neither the superintendent of financial institutions nor any other employee of the division of financial institutions shall do any of the following: be interested, directly or indirectly, in any bank, savings and loan association, savings bank, credit union, or consumer finance company, that is under the supervision of the superintendent of financial institutions; directly or indirectly borrow money from any such financial institution or company; serve as a director or officer of or be employed by any such financial institution or company; or own an equity interest in any such financial institution or company. For purposes of this section, an equity interest does not include the ownership of an account in a mutual savings and loan association or in a savings bank that does not have permanent stock or the ownership of a share account in a credit union.

(C) Subject to division (G) of this section, an employee of the division of financial institutions may retain any extension of credit that otherwise would be prohibited by division (B) of this section if both of the following apply:

(1) The employee obtained the extension of credit prior to October 29, 1995, or the commencement of the employee's employment with the division, or as a result of a change in the employee's marital status, the consummation of a merger, acquisition, transfer of assets, or other change in corporate ownership beyond the employee's control, or the sale of the extension of credit in the secondary market or other business transaction beyond the employee's control.

(2) The employee liquidates the extension of credit under its original terms and without renegotiation.

If the employee chooses to retain the extension of credit, the employee

shall immediately provide written notice of the retention to the employee's supervisor. Thereafter, the employee shall be disqualified from participating in any decision, examination, audit, or other action that may affect that particular creditor.

(D) Subject to division (G) of this section, an employee of the division of financial institutions may retain any ownership of or beneficial interest in the securities of a financial institution or consumer finance company that is under the supervision of the division of financial institutions, or of a holding company or subsidiary of such a financial institution or company, which ownership or beneficial interest otherwise would be prohibited by division (B) of this section, if the ownership or beneficial interest is acquired by the employee through inheritance or gift, prior to October 29, 1995, or the commencement of the employee's employment with the division, or as a result of a change in the employee's marital status or the consummation of a merger, acquisition, transfer of assets, or other change in corporate ownership beyond the employee's control.

If the employee chooses to retain the ownership or beneficial interest, the employee shall immediately provide written notice of the retention to the employee's supervisor. Thereafter, the employee shall be disqualified from participating in any decision, examination, audit, or other action that may affect the issuer of the securities. However, if the ownership of or beneficial interest in the securities and the subsequent disqualification required by this division impair the employee's ability to perform the employee's duties, the employee may be ordered to divest self of the ownership of or beneficial interest in the securities.

(E) Notwithstanding division (B) of this section, an employee of the division of financial institutions may have an indirect interest in the securities of a financial institution or consumer finance company that is under the supervision of the division of financial institutions, which interest arises through ownership of or beneficial interest in the securities of a publicly held mutual fund or investment trust, if the employee owns or has a beneficial interest in less than five per cent of the securities of the mutual fund or investment trust, and the mutual fund or investment trust is not advised or sponsored by a financial institution or consumer finance company that is under the supervision of the division of financial institutions. If the mutual fund or investment trust is subsequently advised or sponsored by a financial institution or consumer finance company that is under the supervision of the division of financial institutions, the employee shall immediately provide written notice of the ownership of or beneficial interest in the securities to the employee's supervisor. Thereafter, the employee shall be disqualified from participating in any decision, examination, audit, or other action that may affect the financial institution or consumer finance company. However, if the ownership of or beneficial interest in the securities and the subsequent disqualification required by this division impair the employee's ability to perform the employee's duties, the employee may be ordered to divest self of the ownership of or beneficial interest in the securities.

(F)(1) For purposes of this section, the interests of an employee's spouse



or dependent child arising through the ownership or control of securities shall be considered the interests of the employee, unless the interests are solely the financial interest and responsibility of the spouse or dependent child, the interests are not in any way derived from the income, assets, or activity of the employee, and any financial or economic benefit from the interests is for the personal use of the spouse or dependent child.

(2) If an employee's spouse or dependent child obtains interests arising through the ownership or control of securities and, pursuant to division (F)(1) of this section, the interests are not considered the interests of the employee, the employee shall immediately provide written notice of the interests to the employee's supervisor. Thereafter, the employee shall be disqualified from participating in any decision, examination, audit, or other action that may affect the issuer of the securities.

(G) For purposes of divisions (C) and (D) of this section, both of the following apply:

(1) With respect to any employee of the former division of consumer finance who, on the first day of the first pay period commencing after the effective date of this section, becomes an employee of the division of financial institutions, the employee's employment with the division of financial institutions is deemed to commence on the first day of the first pay period commencing after the effective date of this section.

(2) With respect to any employee who, on October 29, 1995, became an employee of the division of financial institutions, the employee may, notwithstanding divisions (C) and (D) of this section, retain any extension of credit by a consumer finance company that was obtained at any time prior to the first day of the first pay period commencing after the effective date of this section, or retain any ownership of or beneficial interest in the securities of a consumer finance company, or of a holding company or subsidiary of such a company, that was acquired at any time prior to the first day of the first pay period commencing after the effective date of this section. If the employee chooses to retain the extension of credit or the ownership or beneficial interest, the employee shall comply with divisions (C) and (D) of this section.

**Sec. 1181.21.** (A) As used in this section, "consumer finance company" has the same meaning as in section 1181.05 of the Revised Code.

(B) The superintendent of financial institutions shall see that the laws relating to consumer finance companies are executed and enforced.

(C) The deputy superintendent for consumer finance shall be the principal supervisor of consumer finance companies. In that position the deputy superintendent for consumer finance shall, notwithstanding section 1321.421, division (A) of section 1321.76, and sections 1321.07, 1321.55, 1322.06, 1323.12, 4727.05, and 4728.05 of the Revised Code, be responsible for conducting examinations and preparing examination reports under those sections. In addition, the deputy superintendent for consumer finance shall,

notwithstanding sections 1315.27, 1321.10, 1321.43, 1321.54, 1321.77, 1322.12, 1323.11, 4712.14, 4727.13, and 4728.10 of the Revised Code, have the authority to adopt rules and standards in accordance with those sections. In performing or exercising any of the examination, rule-making, or other regulatory functions, powers, or duties vested by this division in the deputy superintendent for consumer finance, the deputy superintendent for consumer finance shall be subject to the control of the superintendent of financial institutions and the director of commerce."

In line 182, after "(b)" strike the balance of the line

Strike through lines 183 through 184

In line 185, strike through "(c)"

In line 189, strike through "(d)" and insert " (c)"

In line 242, after the period, strike through the balance of the line

Strike through lines 243 through 247

In line 248, strike through "violation."

In line 277, strike through "(d)" and insert " (c)"

In line 286, strike through "or (c)"

Between lines 511 and 512, insert:

" **Sec. 1323.01.** As used in this chapter:

(A) "Mortgage servicer" or "servicer" means a person who engages directly or indirectly, whether for compensation, gain for another, or on the person's own behalf, in the business of receiving scheduled periodic payments from a borrower pursuant to the terms of a residential mortgage loan, including amounts received for deposit in an escrow account, and applying those payments received toward principal, interest, and other obligations of the borrower including amounts to be paid from an escrow account.

"Mortgage servicer" includes a person who makes or holds a loan if that person also services the loan.

"Mortgage servicer" does not include any of the following:

(1) The federal deposit insurance corporation or the resolution trust corporation, in connection with assets acquired, assigned, sold, or transferred pursuant to the "Federal Deposit Insurance Corporation Act," 64 Stat. 873 (1950), 12 U.S.C. 1823(c), or as receiver or conservator of an insured depository institution;

(2) The government national mortgage association, the federal national mortgage association, the federal home loan mortgage corporation, the resolution trust corporation, or the federal deposit insurance corporation, in any case in which the assignment, sale, or transfer of the servicing of the mortgage loan is preceded by:

(a) Termination of the contract for servicing the loan for cause;

(b) Commencement of proceedings for bankruptcy of the servicer;

(c) Commencement of proceedings by the federal deposit insurance corporation or the resolution trust corporation for conservatorship or receivership of the servicer or an entity by which the servicer is owned or controlled.

(3) The national credit union administration, in connection with assets acquired, assigned, sold, or transferred pursuant to federal law, or as a receiver or conservator of an insured credit union;

(4) Any political subdivision or any public agency of the United States or any state.

(B) "Mortgage lender" means a person engaged in the business of making residential mortgage loans for compensation or gain.

(C) "Residential mortgage" and "residential mortgage loan" mean an obligation to pay a sum of money evidenced by a note and secured by a lien upon real property located within this state containing four or fewer residential units and includes such an obligation on a residential condominium or cooperative unit.

(D) "Employee" means an individual for whom a person pays a wage or salary, pays social security and unemployment taxes, provides workers' compensation coverage, and withholds local, state, and federal income taxes. "Employee" includes any individual who acts as an operations manager of a registered mortgage servicer, but for whom the servicer is prevented by law from making income tax withholdings.

(E) "Operations manager" means the employee or owner responsible for the everyday operations, compliance requirements, and management of a registrant or applicant.

(F) "Superintendent of financial institutions" or "superintendent" includes the deputy superintendent for consumer finance as provided in section 1181.21 of the Revised Code.

(G) "Credit union" means an entity chartered under Chapter 1733. of the Revised Code or under similar laws of another state or the United States. "Credit union" includes a credit union service organization consisting of multiple credit unions.

**Sec. 1323.02.** (A) This chapter shall be known as the "residential mortgage servicers registration act."

(B) This chapter does not apply to any of the following:

(1) Any entity that is chartered and lawfully doing business as a bank, savings bank, trust company, savings and loan association, or credit union under the authority of any law of this state, another state, or the United States;

(2) Life, property, or casualty insurance companies licensed to do business in this state;

(3) Any attorney or law firm acting on behalf of any mortgage note holder or mortgage servicer when acting in connection with the practice of law in this state, except as otherwise provided in division (D) of this section;

(4) Any political subdivision, or any governmental or other public agency, corporation, or instrumentality in or of the United States or any state;

(5) An institution of higher education as defined in section 1713.01 of the Revised Code;

(6) A debt collector acting under the name of, and as agent for, a mortgage servicer registrant to collect a debt in default.

(C) Mortgage lenders registered under section 1321.52 of the Revised Code and mortgage brokers registered under section 1322.02 of the Revised Code are exempt from the registration requirements of section 1323.03 of the Revised Code but shall comply with divisions (C), (D), (F), and (G) of section 1323.15, and sections 1323.16, 1323.17, and 1323.18 of the Revised Code in connection with the servicing of residential mortgage loans. Any violation of these sections is an unfair and deceptive practice in violation of section 1345.02 of the Revised Code and may result in administrative action and penalties the superintendent of financial institutions of the department of commerce imposes pursuant to sections 1321.54 and 1322.10 of the Revised Code.

(D) Any attorney or law firm primarily engaged in debt collection shall comply with division (D) of section 1323.15 and section 1323.18 of the Revised Code when acting as a mortgage servicer, notwithstanding the general exemption from this chapter. Any violation by an attorney of division (D) of section 1323.15 or section 1323.18 of the Revised Code, in connection with any debt collection activity that is not considered the practice of law, is deemed to be an unfair and deceptive practice in violation of section 1345.02 of the Revised Code.

**Sec. 1323.03.** (A) No person, on that person's own behalf or on behalf of any other person, shall do either of the following unless that person is registered as a mortgage servicer and has a certificate of registration from the superintendent of financial institutions of the department of commerce:

(1) Engage in the business of collecting money, credit, or choses in action for residential mortgage loans or otherwise act as a mortgage servicer;

(2) Collect accelerated mortgage payments from a biweekly or other accelerated payment plan that the person operates, arranges, or offers to arrange for compensation or gain in connection with a residential mortgage loan.

(B) Any person who acts in willful violation of division (A) of this section, after receiving written notice of the violation from the superintendent or a court, may not collect any amounts as interest or charges on that loan. Any

amounts collected shall be credited as a principal reduction to the loan.

(C)(1) When a registration expires for any reason and the former registrant continues to service residential mortgage loans in violation of division (A) of this section, the superintendent may take administrative action, including action on any subsequent application for a certificate of registration.

(2) A servicer with an expired registration may not collect, charge, or retain any late fee, bad check charge except as incurred, charge related to default, cost to realize on its security interest, or prepayment penalty on any residential mortgage loan unless that servicer applies to the superintendent for a registration renewal and a certificate of registration prior to the first day of August of the year the registration expires and the superintendent approves that application.

(D) No person shall conduct the business of a mortgage servicer in association with any exempt business if the superintendent has ordered that exempt business, in writing, to desist from conduct that the superintendent found to be a mere conduit for the mortgage servicer and that the association of the servicer and the exempt business is intended to conceal an evasion of this chapter or the rules adopted under it. Any determination made pursuant to this division shall be made in accordance with Chapter 119. of the Revised Code.

**Sec. 1323.04.** (A) Any application for registration as a mortgage servicer shall be in writing, under oath, and in the form the superintendent of financial institutions of the department of commerce prescribes. It shall contain an undertaking by the applicant to abide by this chapter and any other information that the superintendent requires. Applicants that are foreign corporations shall obtain and maintain a license pursuant to Chapter 1703. of the Revised Code before seeking registration or registration renewal as a mortgage servicer.

(B) Upon an applicant's filing an application and paying a nonrefundable two-hundred-dollar investigation fee, a nonrefundable one-thousand-dollar annual registration fee, and any additional fee required by law, the superintendent shall investigate the relevant facts. If the application requires investigation outside this state, the applicant may be required to advance sufficient funds to pay any of the actual expenses when it appears that these expenses will exceed two hundred dollars. The superintendent shall furnish an itemized statement of any expenses the applicant is required to pay. The superintendent shall not issue any certificate of registration unless all the required fees have been paid.

(C) An applicant shall designate an employee or owner who has at least three years' experience in the mortgage, collections, servicing, or lending field as the applicant's operations manager. No operations manager shall be employed by any other mortgage servicer while acting as an operations manager. Any operations manager must be acceptable to the superintendent.

(D) The superintendent may consider an application for registration as a mortgage servicer withdrawn if that application does not contain all of the

information required under division (A) of this section and the applicant does not submit that information within ninety days after the superintendent requests the information in writing.

(E) The superintendent of financial institutions shall deposit any licensing fee, charge, or fine received pursuant to this chapter into the consumer finance fund in the state treasury, created under section 1321.21 of the Revised Code, unless otherwise specified by law.

**Sec. 1323.05.** (A)(1) Any investigation the superintendent of financial institutions of the department of commerce undertakes with respect to an application for registration as a mortgage servicer shall include a civil records check of the applicant, including any individual whose identity is required to be disclosed in the application, and criminal records check at the time of the initial application and every five years thereafter, or upon a change of control of the registrant if the persons acquiring control have not had a criminal records check submitted to the superintendent within the past five years.

(2) Where the applicant is a business entity, the superintendent may require a civil and criminal background check of those persons that the superintendent determines have the authority to direct and control the operations of the applicant.

(B) When conducting a criminal background check, the superintendent shall request the superintendent of the bureau of criminal identification and investigation, or a vendor the superintendent approves, to conduct a criminal records check based on the applicant's fingerprints or if fingerprints are unreadable, based on the applicant's social security number in accordance with division (A)(8) of section 109.572 of the Revised Code. Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent of financial institutions shall request that criminal record information from the federal bureau of investigation be obtained as part of the criminal records check.

(C) The applicant shall pay any fee required under division (C)(3) of section 109.572 of the Revised Code.

**Sec. 1323.06.** (A) The superintendent of financial institutions of the department of commerce shall issue a certificate of registration as a mortgage servicer to an applicant if the superintendent finds that the applicant's financial responsibility, experience, character, and general fitness command the confidence of the public and warrant the belief that the business will be operated honestly and fairly in compliance with the purposes of this chapter and the rules adopted under it, and that the applicant has the requisite bond or applicable net worth as this chapter requires.

(B) Upon finding an applicant does not meet the conditions set forth in this chapter, the superintendent shall issue a notice of intent to deny an application for registration or renewal. The superintendent shall immediately notify the applicant of the denial, the grounds for the denial, and the applicant's opportunity to be heard on the action in accordance with Chapter 119. of the

Revised Code.

(C) Any certificate issued pursuant to this section shall expire on the first day of July next after its issue, and on the first day of July in each succeeding year unless renewed by filing a renewal application and payment of an annual fee and any additional fee required by law, on or before the last day of June of each year.

**Sec. 1323.07.** (A) To renew a registration as a mortgage servicer, a registrant shall timely file a renewal application on a form the superintendent of financial institutions of the department of commerce prescribes, along with any additional information that the superintendent requires.

(B) As a condition of renewal, a registrant must provide proof that the designated operations manager meets the criteria for initial approval set forth in section 1323.05 of the Revised Code and that the mortgage servicer meets the minimum standards for the issuance of the certificate of registration under sections 1323.04 to 1323.06 of the Revised Code.

(C) The superintendent shall not grant any renewal if the applicant's certificate of registration is subject to an order of suspension, revocation, or an unpaid and past due fine the superintendent has imposed.

(D) If an application for renewal of a certificate of registration does not contain all the information this section requires, and if the registrant does not submit that information to the superintendent within ninety days after the superintendent requests the information in writing, the superintendent may consider the application withdrawn.

**Sec. 1323.08.** At any time there is a change of five per cent or more in the ownership of a registrant, the superintendent of financial institutions of the department of commerce may make any investigation necessary to determine whether any fact or condition presently exists that would have warranted the superintendent denying the original application had the fact or condition existed at the time of that application. If the superintendent finds such a fact or condition, the superintendent may revoke the registrant's registration and certificate pursuant to Chapter 119. of the Revised Code.

**Sec. 1323.09.** (A) Each place of business to which borrowers are regularly directed to remit payment shall display its own certificate of registration. The superintendent of financial institutions of the department of commerce may issue additional certificates of registration to the same person for additional places of business upon compliance with the requirements governing the issuance of a single certificate.

(B)(1) Any change in the place of business to a location outside the original municipal corporation requires a new certificate of registration. A registrant who makes such a change of location shall submit a new application, pay the registration fee and, if the superintendent requires, pay an investigation fee of two hundred dollars. The registrant must have the new certificate before

operating in the new location.

(2) A registrant who wishes to change its place of business within the same municipal corporation shall give written notice of the change in advance to the superintendent, who shall provide a certificate for the new address without cost.

(C) A registrant that changes its name shall give written notice of the change to the superintendent prior to acting as a mortgage servicer under the new name. The superintendent shall provide a certificate in the new name without cost.

(D) A registrant shall keep each certificate conspicuously posted in each place of business. A certificate of registration is not transferable or assignable.

**Sec. 1323.10.** (A) Any person who acts as a mortgage servicer, if not bonded pursuant to division (B) of this section, shall maintain at all times both of the following:

(1) A net worth of at least two hundred fifty thousand dollars;

(2) For each additional certificate of registration beyond the first, assets of at least fifty thousand dollars either in use or readily available for use in the conduct of the business.

(B) Any person acting as a mortgage servicer by arranging biweekly or other accelerated payment plans and collecting those payments shall obtain and maintain in effect at all times a corporate surety bond issued by a bonding company or insurance company authorized to do business in this state. The servicer shall file a copy of the bond with the superintendent of financial institutions of the department of commerce. The bond shall meet all of the following conditions:

(1) Be in favor of the superintendent;

(2) Have a base penal sum of two hundred fifty thousand dollars for the first location and an additional penal sum of ten thousand dollars for each additional location that requires a separate certificate of registration;

(3) Have a term that coincides with the term of registration;

(4) Be for the exclusive benefit of any individual borrower injured by any violation of this chapter or the rules adopted under it by a servicer, its employees, or agent;

(5) Have an aggregate liability of the corporate surety for any and all breaches of the conditions of the bond not to exceed the penal sum of the bond.

(C)(1) A mortgage servicer shall give notice to the superintendent by certified mail of any action that is brought by a borrower against the servicer alleging injury by a violation of this chapter and of any judgment that is entered against the servicer by a borrower injured by that violation. The notice shall provide details sufficient to identify the action or judgment. The servicer shall



file the notice with the superintendent within ten days after the commencement of the action or receipt of the notice of entry of a judgment.

(2) A corporate surety shall give notice of any payment to the superintendent by certified mail within ten days after it pays any claim or judgment, with details sufficient to identify the person and the claim or judgment paid.

(D) Whenever the penal sum of the corporate surety bond is reduced by one or more recoveries or payments, a servicer shall furnish a new or additional bond under this section, so that the total or aggregate penal sum of the bond or bonds equals the sum required by this section, or shall furnish an endorsement executed by the corporate surety reinstating the bond to the required penal sum set forth in division (B) of this section.

(E) The liability of the corporate surety on the bond to the superintendent and to any borrower injured by a violation of this chapter is not affected in any way by any misrepresentation, breach of warranty, or failure to pay the premium, by any act or omission upon the part of the servicer, by the insolvency or bankruptcy of the servicer, or by the insolvency of the servicer's estate. The servicer shall maintain in effect liability for any act or omission that occurs during the term of the corporate surety bond for at least two years after the date on which the corporate surety bond is terminated or canceled.

(F) Neither the servicer nor the corporate surety shall cancel a corporate surety bond except upon notice to the superintendent by certified mail, return receipt requested. A cancellation is not effective until thirty days after the superintendent receives the notice.

(G) No servicer shall fail to comply with this section. Any servicer that fails to comply shall cease acting as a mortgage servicer in this state until that servicer complies with this section.

**Sec. 1323.11.** (A) The superintendent of financial institutions of the department of commerce may adopt, in accordance with Chapter 119. of the Revised Code, rules to administer and enforce this chapter and to carry out its purposes.

(B) The superintendent may investigate alleged violations of this chapter or the rules adopted under it, or complaints concerning any violation. In conducting an investigation, the superintendent, by subpoena, may compel witnesses to testify in relation to any matter over which the superintendent has jurisdiction, and may require the production or photocopying of any book, record, or other document pertaining to such matter. If a person fails to comply with the subpoena, or permit photocopying of any document subpoenaed, a court of common pleas, upon the superintendent's application, shall compel obedience by attachment proceedings for contempt or a refusal to testify.

(C)(1) In accordance with Chapter 119. of the Revised Code, the superintendent may revoke, suspend, or refuse to renew any registration issued

under this chapter if the superintendent finds any of the following:

(a) A violation of or failure to comply with any provision of this chapter or the rules adopted under it, Chapter 1345. of the Revised Code, federal debt collection laws, or any other law applicable to the business the registrant conducts under the registrant's certificate of registration;

(b) The registrant has been convicted of or pleaded guilty or no contest in a domestic, foreign, or military court to any felony or any criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, breach of trust, dishonesty, or drug trafficking, or any criminal offense involving money or securities;

(c) The registrant's certificate of registration, license, or comparable authority as a mortgage servicer has been revoked in any other state.

(2) The superintendent may impose a monetary fine pursuant to division (F) of this section in addition to, or instead of, any revocation, suspension, or denial or in settlement of matters subject to claims under division (C)(1)(a) of this section.

(3) Except as otherwise provided in section 1323.03 of the Revised Code, the revocation, suspension, or refusal to renew a registration does not impair the obligation of any pre-existing lawful contract made under this chapter if a mortgage servicer makes a good faith effort to promptly transfer its collection rights to a registrant or person exempt from registration. A servicer that does not make the requisite good faith effort is subject to additional monetary fines and legal or administrative action by the superintendent.

(4) Nothing in division (C) of this section limits a court's ability to impose a cease and desist order preventing any further business or servicing activity.

(D) The superintendent may apply to the court of common pleas for an order enjoining any violation of this chapter. Upon a showing that a person has committed or is about to commit a violation of this chapter, the court shall grant an injunction, restraining order, or other appropriate relief. If the application to a court is for an order enjoining a person from acting as a registrant or mortgage servicer in violation of division (A) of section 1323.03 of the Revised Code, the superintendent may request, and the court may impose, a civil penalty for that unregistered or unlicensed conduct in an amount not to exceed five thousand dollars per violation.

(E) The superintendent may issue a cease and desist order if the superintendent determines that a person is engaged in or may be engaged in activities that violate this chapter or the rules adopted under it, after notice and a hearing conducted in accordance with Chapter 119. of the Revised Code.

(F)(1) The superintendent may impose a fine of not more than one thousand dollars for each day a violation of this chapter or the rules adopted under it is committed, repeated, or continued. In determining the amount of a

fine to impose, the superintendent may consider all of the following:

(a) The seriousness of the violation;

(b) The servicer's good faith efforts to prevent the violation;

(c) The servicer's history regarding violations and compliance with the superintendent's orders;

(d) The servicer's financial resources;

(e) Any other matters the superintendent considers appropriate in enforcing this chapter.

(2) Monetary fines imposed under this section do not preclude any criminal fine described in section 1323.99 of the Revised Code.

(G) All fines collected pursuant to this section shall be paid to the treasurer of state to the credit of the consumer finance fund created in section 1321.21 of the Revised Code.

**Sec. 1323.12.** (A)(1) A mortgage servicer shall keep separate records pertaining to each loan serviced. The servicer shall preserve those records for so long as the servicer has responsibility for the loan and retain copies of those records for at least four years even if the servicer transfers the original copies for any reason. At any time responsibility for the loan is transferred to another servicer, the servicer who is ceasing responsibility shall transfer all original loan documents and records to the servicer who is assuming responsibility for the loan. Any system of electronic imaging of required records shall be approved by the superintendent of financial institutions of the department of commerce prior to its use but at no time shall such a system be a substitute for maintaining original documents as this section requires.

(2) As often as necessary, the superintendent may make or cause to be made an examination of records pertaining to loans serviced for the purpose of determining whether the servicer is complying with this chapter and of verifying any registrant's annual report.

(B)(1) The superintendent may require each servicer to file each year a report under oath or affirmation, on forms the superintendent supplies, concerning the business and operations for the preceding calendar year. A servicer that operates two or more registered offices or who operates registered offices with one or more affiliated servicers, may file a composite report of the group of registered offices in lieu of individual reports.

(2) The reports provided under division (B)(1) of this section are not public records as defined in section 149.43 of the Revised Code and are not open to public inspection.

(C)(1) The following information is confidential:

(a) Examination information, and any information leading to or arising from an examination;

(b) Investigation information, and any information arising from or leading to an investigation.

(2) The information described in division (C) of this section is confidential for all purposes except when it is necessary for the superintendent to take official action regarding the affairs of a servicer or in connection with criminal or civil proceedings to be initiated by a prosecuting attorney or the attorney general. This information may be introduced into evidence or disclosed pursuant to section 1181.25 of the Revised Code.

(D) All application information is a public record as defined in section 149.43 of the Revised Code, except social security numbers, employer identification numbers, financial account numbers, the identity of the institution where financial accounts are maintained, personal financial information, fingerprint cards and the information contained on such cards, and criminal background information.

(E) Nothing in this section prevents the superintendent from releasing information relating to servicers or exchanging that information with other financial institution regulatory authorities. For this purpose, a "financial institution regulatory authority" includes a regulator of a business activity in which a servicer is engaged or has applied to engage, to the extent that the regulator has jurisdiction over a servicer engaged in that business activity. A servicer is engaged in a business activity, and a regulator of that business activity has jurisdiction over the servicer, whether the servicer conducts the activity directly or a subsidiary or affiliate of the servicer conducts the activity.

(F) Nothing in this section prevents the superintendent of financial institutions from releasing information relating to mortgage servicers to the attorney general, to the superintendent of real estate and professional licensing of the department of commerce for purposes relating to the administration of Chapters 4735. and 4763. of the Revised Code, to the superintendent of insurance for purposes relating to the administration of Chapter 3953. of the Revised Code, to the commissioner of securities of the department of commerce for purposes relating to the administration of Chapter 1707. of the Revised Code, or to local law enforcement agencies and local prosecutors. Information released pursuant to this section remains confidential. The superintendent of financial institutions, by rule, may designate additional state agencies and regulatory authorities as entities with which to share this confidential information.

**Sec. 1323.13.** No person, in connection with any examination or investigation conducted by the superintendent of financial institutions of the department of commerce under this chapter, shall knowingly do any of the following:

(A) Circumvent, interfere with, obstruct, or fail to cooperate, including making a false or misleading statement, failing to produce records, or intimidating or suborning any witness;

(B) Withhold, abstract, remove, mutilate, destroy, or secrete any books,

records, computer records, or other information:

(C) Tamper with, alter, or manufacture any evidence.

**Sec. 1323.14.** (A) No mortgage servicer, through its operations manager or otherwise, shall fail to reasonably supervise persons the servicer employs or associates with, or to establish reasonable procedures to avoid violations of this chapter or the rules adopted under it, violations of applicable state and federal consumer and lending laws or rules by persons the servicer employs or associates with.

(B) Within ten business days of any change in a mortgage servicer's statutory agent designation or address, the servicer shall file with the superintendent of financial institutions of the department of commerce evidence that the servicer has filed such changes with the secretary of state.

(C)(1) At least thirty days prior to the closure of a registered office location, a mortgage servicer shall notify the superintendent by filing a notice of closure on a form approved by the superintendent. The notice shall indicate the custodian of the records and where the records will be maintained. Within five business days after the closure, the servicer shall surrender the certificate of registration issued to that location by returning it to the superintendent.

(2) The closure of an office and the surrender of a certificate does not affect a mortgage servicer's civil or criminal liability for acts committed before the surrender.

(D) A mortgage servicer shall maintain books and records in compliance with this chapter and make them available to the superintendent of financial institutions of the department of commerce. After any closure, records remain subject to examination and or investigation. The servicer shall send the superintendent written notice of any change in the location of the records or the custodian of those records.

**Sec. 1323.15.** (A) No mortgage servicer shall refuse to provide information regarding the amount required to pay in full a residential mortgage loan when the borrower or a person the borrower designates makes that request in writing. The servicer shall provide the requested payoff statement without charge one time during any twelve-month period. If additional payoff statements are requested, the servicer may charge an amount not in excess of three dollars for each additional statement. The servicer shall provide any payoff statement within five business days of the request.

(B) No mortgage servicer shall obtain a certificate of registration through any false or fraudulent representation of a material fact or any omission of a material fact required by state or federal law, or make any substantial misrepresentation in the registration application.

(C) No mortgage servicer shall make false or misleading statements of a material fact, omissions of statements required by state or federal law, or false promises regarding a material fact, through advertising or other means, or

engage in a continued course of misrepresentations.

(D) No mortgage servicer shall engage in conduct that constitutes improper, fraudulent, or dishonest dealings.

(E) No mortgage servicer or applicant for registration shall fail to notify the superintendent of financial institutions of the department of commerce within thirty days after the servicer or applicant has:

(1) Been convicted of or pleaded guilty or no contest in a domestic, foreign, or military court to any felony;

(2) Been convicted of or pleaded guilty or no contest in a domestic, foreign, or military court to any criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, breach of trust, dishonesty, or drug trafficking, or any criminal offense involving money or securities;

(3) Had a mortgage servicer registration, license, or comparable authority revoked in any other state.

(F) No mortgage servicer shall knowingly make, propose, or solicit fraudulent, false, or misleading statements on any mortgage servicing document or on any document related to an accounting of payments remitted or disbursed. For purposes of this division, "fraudulent, false, or misleading statements" does not include mathematical errors, inadvertent transposition of numbers, typographical errors, or any other bona fide error.

(G) No mortgage servicer shall knowingly instruct, solicit, propose, or otherwise cause a borrower to sign in blank a document.

**Sec. 1323.16.** (A) In addition to the duties imposed by common law or state or federal law, in the course of servicing residential mortgage loans in this state, a mortgage servicer shall do all of the following:

(1) Act with good faith and fair dealing in any transaction, practice, or course of business associated with servicing;

(2) Act with reasonable skill, care, and diligence;

(3) Act in good faith to provide the borrower with the facts relating to the nature and extent of any delinquency or default and the amounts owed or necessary to reinstate the loan or cure the default;

(4) Subject to the servicer's duties and obligations under its mortgage servicing contract, attempt a resolution, modification, or workout to the delinquency of a borrower who requests assistance;

(5) Make a good faith effort to correct any erroneous information it has provided to any credit reporting agency;

(6) Provide information regarding the amount required to pay in full a residential mortgage loan within five business days when requested by the

borrower or by another person designated in writing by the borrower. The servicer shall provide the requested payoff statement without charge once during any twelve-month period. If additional payoff statements are requested, the servicer may charge an amount not in excess of three dollars for each additional statement.

(7) Make all payments from any escrow account in a timely manner, so as to avoid the assessment of late fees, penalties, or consequential damages, notwithstanding any loan delinquency, unless there are insufficient funds in the escrow account to cover the payments;

(8) Accept and credit each residential mortgage loan payment received on the date received;

(9) Take all steps necessary to terminate a foreclosure action when the condition giving rise to action has been fully cured. Upon cure of a default, the servicer shall reinstate the borrower to the same position as if the default had not occurred, and nullify, as of the date of the cure, any acceleration of any obligation under the residential mortgage loan or note arising from the default.

(10) In addition to the duties enumerated in this chapter, any mortgage servicer for a government-insured loan shall comply with the loss mitigation standards and guidelines as required by the insuring entity.

(B) When establishing a loan modification solution for a borrower, a mortgage servicer shall seek to achieve long-term sustainability for the borrower.

**Sec. 1323.17.** No mortgage servicer shall do any of the following in connection with a residential mortgage loan:

(A) Collect, charge, or retain any fee from the borrower unless the fee is reasonable, for a bona fide service rendered, and specifically authorized by the residential mortgage loan and permitted by law;

(B) Initiate a foreclosure action without proof of ownership as evidenced by a declaration signed under penalty of perjury, stating that the party in interest has reviewed the original note and all subsequent assignments and has concluded that the party in interest owns the note or mortgage;

(C) Fail to provide written notice to the borrower before acquiring and placing hazard, homeowner's, or flood insurance on a property or acquiring and placing such insurance if the mortgage servicer knows, or has reason to know, that a policy for such insurance is in effect;

(D) Acquire and place hazard, homeowner's, or flood insurance on a property for an amount that exceeds the greater of the insurable improvements to the property, the last known coverage amount that was sufficient to meet the borrower's insurance obligations, or the unpaid balance owed by the borrower;

(E) Fail to refund unearned premiums for insurance the mortgage servicer or its agents placed upon the borrower, providing there is reasonable evidence that the needed coverage had been obtained, the forced placement is not

necessary, and the property is properly insured in accordance with the loan or note.

**Sec. 1323.18.** (A) No mortgage servicer shall use unfair, deceptive or unconscionable means to collect or attempt to collect any claim in connection with a residential mortgage loan. Without limiting the general application of the foregoing, the following actions violate this section:

(1) The collection or the attempt to collect any interest or other charge, fee, or expense that is incidental to the principal obligation, unless expressly authorized by the agreement creating the obligation and by law, including division (A) of section 1323.17 of the Revised Code;

(2) Any communication with a borrower if the mortgage servicer knows that the borrower is represented by an attorney and the attorney's name and address are known or could be easily ascertained. This prohibition does not apply if the borrower's attorney fails to respond within thirty days to answer correspondence, return phone calls, or discuss the obligation in question, or the attorney consents to the servicer having direct communication with the borrower;

(3) Placing a telephone call or otherwise communicating by telephone with a borrower or third party, at any place including a place of employment, and falsely stating that the call is "urgent" or an "emergency";

(4) Using profane or obscene language or language that is intended to unreasonably abuse the listener or reader;

(5) Placing telephone calls without disclosure of the caller's identity and with the intent to annoy, harass, or threaten any person at the number called;

(6) Causing expense to any person in the form of long distance telephone tolls, text messaging fees, or other charges the servicer causes by concealing the true purpose of the communication;

(7) Causing a telephone to ring or engaging any person in a telephone conversation repeatedly or continuously, or at unusual times or times known to be inconvenient, with the intent to annoy, abuse, oppress, or threaten any person at the called number.

(B) The requirements set forth in this section are in addition to any other requirement set forth in federal or state law regulating the conduct of collection activities, including the Federal Fair Debt Collection Practices Act, 91 Stat. 874 (1977), 15 U.S.C. 1692 et seq.

**Sec. 1323.19.** (A) No mortgage servicer, in conducting a mortgage servicer business, shall engage in any unfair, deceptive or unconscionable act in violation of Chapter 1345. of the Revised Code. Any violation of the sections set forth in division (C), (D), (F), or (G) of section 1323.15 or section 1323.16, 1323.17, or 1323.18 of the Revised Code is an unfair and deceptive act or practice in violation of section 1345.02 of the Revised Code. The attorney



general may take enforcement action and a borrower may seek recovery under Chapter 1345. of the Revised Code for the violations set forth in this division.

(B) A borrower injured by a violation of division (A) of this section may not recover damages, attorney's fees, and costs under Chapter 1345. of the Revised Code if the borrower has recovered damages in a cause of action initiated under section 1323.20 of the Revised Code and the damages sought under Chapter 1345. of the Revised Code are based on the same acts or circumstances as the damages awarded under section 1323.20 of the Revised Code.

**Sec. 1323.20.** (A) A borrower injured by a violation of this chapter may recover damages in an amount not less than all improper charges or fees paid to the mortgage servicer, plus reasonable attorney's fees and court costs, and also may be awarded punitive damages.

(B) Nothing in this section prevents recovery under division (B) or (C)(2) of section 1323.03 of the Revised Code.

(C) A borrower may not recover damages, attorney's fees, or costs under this section if the borrower also recovered damages in an action initiated under any section of Chapter 1321. or 1345. of the Revised Code and the damages so awarded were based on the same acts or circumstances as the damages sought under this section.

**Sec. 1323.99.** (A) Whoever violates division (A)(1) or (2) of section 1323.03, or division (F) or (G) of section 1323.15 of the Revised Code is guilty of a felony of the fifth degree.

(B) Whoever violates section 1323.13 of the Revised Code with the intent to interfere or obstruct an examination or investigation is guilty of a felony of the fourth degree."

In line 512, after "sections" insert "109.572,"; after "1109.22," insert "1181.05, 1181.21,"

After line 513, insert:

**"Section 3.** Section 1323.03 of the Revised Code takes effect six months after the effective date of this act. During that six-month period, the Superintendent of Financial Institutions of the Department of Commerce may take applications for registration as a mortgage servicer, process the applications, and issue certificates of registration as the Superintendent is able. During that time, no mortgage servicer is required to have a certificate of registration and the Superintendent is not obligated to issue certificates until the Superintendent is able.

**Section 4.** Section 109.572 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that

amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act."

In line 1 of the title, after "sections" insert "109.572,"; after "1109.22," insert "1181.05, 1181.21,"

In line 3 of the title, delete "and"; after "1322.043" insert ", 1323.01 to 1323.20, and 1323.99"

In line 9 of the title, delete "and"

In line 11 of the title, after "transfers" insert ", to require registration of residential mortgage servicers, to regulate residential mortgage servicers, and to adopt civil and criminal penalties for violations of the bill's provisions"

The question being, "Shall the motion to amend be agreed to?"

Representative Huffman moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 55, nays 36, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Blair	Blessing
Boose	Brenner	Bubp	Buchy
Butler	Conditt	Damschroder	DeVitis
Derickson	Dovilla	Duffey	Gardner
Gonzales	Grossman	Hackett	Hagan, C.
Hall	Hayes	Henne	Hill
Hottinger	Huffman	Johnson	Kozlowski
Landis	Lynch	Maag	Martin
McClain	McGregor	Newbold	Pelanda
Roegner	Rosenberger	Ruhl	Scherer
Schuring	Sears	Smith	Sprague
Stebelton	Terhar	Thompson	Uecker
Wachtmann	Young		Batchelder-55.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barnes	Boyce
Budish	Carney	Celebrezze	Celeste
Cera	Clyde	Combs	Driehaus
Fende	Foley	Garland	Gerberry
Goodwin	Hagan, R.	Heard	Letson
Lundy	Mallory	Milkovich	Murray
Okey	Patmon	Phillips	Pillich
Ramos	Reece	Stinziano	Sykes
Szollosi	Williams	Winburn	Yuko-36.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

The Honorable William G. Batchelder, Speaker  
The Ohio House of Representatives  
Columbus, Ohio

Speaker Batchelder,

Pursuant to House Rule No. 57, I respectfully request that I be excused from voting on **Sub. S. B. No. 333**-Senator Obhof, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ PETER STAUTBERG  
PETER STAUTBERG  
State Representative  
34th House District

The request was granted.

The yeas and nays were taken and resulted - yeas 90, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boose
Boyce	Brenner	Bubp	Buchy
Budish	Butler	Carney	Celebrezze
Celeste	Cera	Clyde	Combs
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Duffey	Fende
Foley	Gardner	Garland	Gerberry
Gonzales	Goodwin	Grossman	Hackett
Hagan, C.	Hagan, R.	Hall	Hayes
Heard	Henne	Hill	Hottinger
Huffman	Johnson	Kozlowski	Landis
Letson	Lundy	Maag	Mallory
Martin	McClain	McGregor	Milkovich
Murray	Newbold	Okey	Patmon
Pelanda	Phillips	Pillich	Ramos
Reece	Roegner	Rosenberger	Ruhl
Scherer	Schuring	Sears	Smith
Sprague	Stebelton	Stinziano	Sykes
Szollosi	Terhar	Thompson	Uecker
Wachtmann	Williams	Winburn	Young
Yuko			Batchelder-90.

Representative Lynch voted in the negative-1.

The bill passed.

Representative Adams, R. moved to amend the title as follows:

Add the names: "Adams, R., Antonio, Blessing, Garland, Grossman, Hackett, Ruhl, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Message from the Speaker

Pursuant to Section 3 of Am. H.B. 473, 129th General Assembly, the Speaker hereby appoints the following public members to the Advisory Group to the Division of Soil and Water Resources in the Department of Natural Resources:

Larry Antosch – representing agribusiness;

Brian Barger – representing independent businesses.

Message from the Speaker

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes changes to the following standing committees:

Financial Institutions, Housing, and Urban Development:  
remove Representative Goyal;  
appoint Representative Garland.

Economic and Small Business Development:  
remove Representative Goyal;  
appoint Representative Garland.

On motion of Representative Blessing, the House recessed.

The House met pursuant to recess.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the House amendments to:

**Sub. S. B. No. 141** -Senators Gillmor, Hite - et al.

Attest:

Vincent L. Keeran,  
Clerk.

## Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Sub. H. B. No. 143** -Representatives Stinziano, O'Brien

Cosponsors: Representatives Grossman, Mallory, Milkovich, Hagan, R., Foley, Clyde, Letson, Yuko, Reece, Combs, Murray, Garland, Antonio, Henne, Sears, Ashford, Boyce, Carney, Celebrezze, Celeste, Goyal, Hackett, Newbold, Pillich, Ramos, Sprague, Williams Senators Tavares, Bacon, Beagle, Brown, Cafaro, Eklund, Faber, Gentile, Hite, Hughes, Jones, Kearney, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Seitz, Skindell, Turner, Wagoner, Widener

To amend sections 3314.03, 3319.303, and 3326.11 and to enact sections 3313.539, 3314.142, 3326.27, 3707.51, 3707.511, and 3707.52 of the Revised Code with regard to concussions and head injuries in youth sports.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

Vincent L. Keeran,  
Clerk.

The Senate amendments were laid over under the Rule.

## Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Am. Sub. H. B. No. 325** -Representative Landis

Cosponsors: Representatives Adams, R., Anielski, Antonio, Ashford, Baker, Beck, Blair, Boose, Boyce, Boyd, Bulp, Buchy, Budish, Butler, Carney, Celebrezze, Celeste, Cera, Clyde, Combs, Conditt, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gerberry, Goodwin, Goyal, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Hottinger, Huffman, Johnson, Kozlowski, Letson, Lundy, Lynch, Maag, Mallory, Martin, McClain, McGregor, Milkovich, Murray, Newbold, O'Brien, Okey, Pelanda, Phillips, Pillich, Ramos, Roegner, Rosenberger, Ruhl, Scherer, Schuring, Sears, Slaby, M., Smith, Sprague, Stautberg, Stebelton, Stinziano, Sykes, Szollosi, Terhar, Thompson, Uecker, Wachtmann, Williams, Winburn, Young, Yuko, Speaker Batchelder Senators Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Coley, Eklund, Faber, Gentile, Hite, Hughes, Jones, Jordan, Kearney, LaRose, Lehner, Manning,

Niehaus, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Smith, Tavares, Turner, Wagoner, Widener

To amend section 5533.774 and to enact sections 5533.052, 5533.071, 5533.094, 5533.095, 5533.104, 5533.121, 5533.171, 5533.254, 5533.301, 5533.321, 5533.322, 5533.323, 5533.356, 5533.357, 5533.358, 5533.377, 5533.378, 5533.379, 5533.461, 5533.608, 5533.624, 5533.625, 5533.626, 5533.627, 5533.628, 5533.629, 5533.645, 5533.646, 5533.648, 5533.689, 5533.6810, 5533.752, 5533.768, 5533.769, 5533.861, 5533.901, 5533.902, 5533.961, 5533.971, 5533.972, 5533.973, 5533.974, 5533.975, 5533.976, 5533.977, 5533.978, 5533.979, 5533.98, 5533.981, 5533.982, 5533.983, and 5533.984 of the Revised Code to designate a number of memorial highways.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested.

In line 13, after "5533.322," insert "5533.323,"

In line 16, delete "5533.688,"; after "5533.689," insert "5533.6810,"

In line 17, delete "and"

In line 18, after "5533.961" insert "5533.971, 5533.972, 5533.973, 5533.974, 5533.975, 5533.976, 5533.977, 5533.978, 5533.979, 5533.98, 5533.981, 5533.982, 5533.983, and 5533.984"

Between lines 115 and 116, insert:

" **Sec. 5533.323.** In addition to the respective designations in sections 5533.09 and 5533.32 of the Revised Code and any other name prescribed in the Revised Code or otherwise, that portion of the highway known as interstate route number seventy-seven, commencing at mile marker one hundred thirty-three and six-tenths and proceeding in a northerly direction to mile marker one hundred thirty-four and eight-tenths within Summit county only, shall be known as the "Army PFC Robert S. Sombati, Vietnam BSM and OLC PH, Memorial Highway."

The director of transportation may erect suitable markers along the highway indicating its name."

In line 234, delete " memorial highway" and insert " Memorial Highway"

In line 255, delete " **5533.688**" and insert " **5533.689**"

In line 265, delete " **5533.689**" and insert " **5533.6810**"

Between lines 341 and 342, insert:

" **Sec. 5533.971.** In addition to any other name prescribed in the Revised Code or otherwise, that portion of the highway known as state route number one hundred seventy-seven, commencing at the intersection of that route and state route number seventy-three and proceeding in a southeasterly direction to the

intersection of state route one hundred seventy-seven and Stahlheber road in the municipal corporation of Hamilton, shall be known as the "Sgt. David J. Luff, Jr. Memorial Highway."

The director of transportation may erect suitable markers along the highway indicating its name.

Sec. 5533.972. In addition to any other name prescribed in the Revised Code or otherwise, that portion of the highway known as state route number sixty-three, commencing at the intersection of that route and state route number four and proceeding in an easterly direction to the intersection of state route sixty-three and Cincinnati-Dayton road within the municipal corporation of Middletown only, shall be known as the "Sgt. James C. Robinson, Jr. Memorial Highway."

The director of transportation may erect suitable markers along the highway indicating its name.

Sec. 5533.973. In addition to any other name prescribed in the Revised Code or otherwise, that portion of the highway known as state route number seventy-three, commencing at the intersection of that route and state route number four and proceeding in a northeasterly direction to the Warren county boundary in the municipal corporation of Middletown, shall be known as the "LCpl. Billy D. Spencer Memorial Highway."

The director of transportation may erect suitable markers along the highway indicating its name

Sec. 5533.974. In addition to any other name prescribed in the Revised Code or otherwise, that portion of the highway known as state route number one hundred twenty-nine, commencing at the intersection of that route and Cincinnati-Dayton road and proceeding in an easterly direction to the intersection of that route and interstate route number seventy-five within Liberty township only in Butler county, shall be known as the "Cpl. Lucas T. Pyeatt Memorial Highway."

The director of transportation may erect suitable markers along the highway indicating its name.

Sec. 5533.975. In addition to any other name prescribed in the Revised Code or otherwise, that portion of the highway known as state route number four, commencing at the intersection of that route and West Crescentville road and proceeding in a northerly direction to the intersection of that route and Muhlhauser road within the municipal corporation of Fairfield only, shall be known as the "PFC Timothy J. Hines, Jr. Memorial Highway."

The director of transportation may erect suitable markers along the highway indicating its name.

Sec. 5533.976. In addition to any other name prescribed in the Revised Code or otherwise, that portion of the highway known as state route number forty-two, commencing at the intersection of that route and West Chester road

and proceeding in a northeasterly direction to the intersection of that route and Butler Warren road within West Chester township only in Butler county, shall be known as the "SFC Gregory S. Rogers Memorial Highway."

The director of transportation may erect suitable markers along the highway indicating its name.

**Sec. 5533.977.** In addition to any other name prescribed in the Revised Code or otherwise, that portion of the highway known as state route number forty-two, commencing at the intersection of that route and Butler Warren road and proceeding in a northeasterly direction to the intersection of that route and West Main Street in the municipal corporation of Mason, shall be known as the "SFC William B. Woods, Jr. Memorial Highway."

The director of transportation may erect suitable markers along the highway indicating its name.

**Sec. 5533.978.** In addition to any other name prescribed in the Revised Code or otherwise, that portion of the highway known as state route number forty-two, commencing at the intersection of that route and Creek road in the municipal corporation of Sharonville and proceeding in a northeasterly direction to the intersection of that route and Cox road in West Chester township in Butler county, shall be known as the "Sgt. John P. Huling Memorial Highway."

The director of transportation may erect suitable markers along the highway indicating its name.

**Sec. 5533.979.** In addition to any other name prescribed in the Revised Code or otherwise, that portion of the highway known as state route number one hundred twenty-nine, commencing at the intersection of that route and state route number four in the municipal corporation of Hamilton and proceeding in an easterly direction to the intersection of that route and state route seven hundred forty-seven in Liberty township in Butler county, shall be known as the "Staff Sgt. Robert A. Massarelli Memorial Highway."

The director of transportation may erect suitable markers along the highway indicating its name.

**Sec. 5533.98.** In addition to any other name prescribed in the Revised Code or otherwise, that portion of the highway known as state route one hundred twenty-eight, commencing at the intersection of that route and United States route number twenty-seven and proceeding in a northeasterly direction to the intersection of that route and New London road in the municipal corporation of Hamilton, shall be known as the "Cpl. Nickolas H. Olivas Memorial Highway."

The director of transportation may erect suitable markers along the highway indicating its name.

**Sec. 5533.981.** In addition to any other name prescribed in the Revised Code or otherwise, that portion of the highway known as state route number one hundred twenty-seven, commencing at the intersection of that route and High



street and proceeding in a southerly direction to the intersection of that route and Knightsbridge drive within the municipal corporation of Hamilton only, shall be known as the "PFC Marlin T. Rockhold Memorial Highway."

The director of transportation may erect suitable markers along the highway indicating its name.

**Sec. 5533.982.** In addition to any other name prescribed in the Revised Code or otherwise, that portion of the highway known as state route number one hundred twenty-five, commencing at the intersection of that route and Markley road and proceeding in an easterly direction to the intersection of that route and Nagel road within Anderson township only in Hamilton county, shall be known as the "PFC James Miller, IV Memorial Highway."

The director of transportation may erect suitable markers along the highway indicating its name.

**Sec. 5533.983.** In addition to any other name prescribed in the Revised Code or otherwise, that portion of the highway known as state route number four, commencing at the intersection of that route and Grand boulevard and proceeding in a southerly direction to the intersection of that route and Bobmeyer road within the municipal corporation of Hamilton only, shall be known as the "SFC Ricky L. McGinnis Memorial Highway."

The director of transportation may erect suitable markers along the highway indicating its name.

**Sec. 5533.984.** In addition to any other name prescribed in the Revised Code or otherwise, that portion of the highway known as state route number seven hundred forty-seven, commencing at the intersection of that route and Tylersville road and proceeding in a northerly direction to the intersection of that route and state route number one hundred twenty-nine in Liberty township in Butler county, shall be known as the "Chief Warrant Officer 2 Jody L. Egnor Memorial Highway."

The director of transportation may erect suitable markers along the highway indicating its name."

In line 4 of the title, after "5533.322," insert "5533.323,"

In line 7 of the title, delete "5533.688,"; after "5533.689," insert "5533.6810,"

In line 9 of the title, delete "and"; after "5533.961" insert "5533.971, 5533.972, 5533.973, 5533.974, 5533.975, 5533.976, 5533.977, 5533.978, 5533.979, 5533.98, 5533.981, 5533.982, 5533.983, and 5533.984"

Attest:

Vincent L. Keeran,  
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has passed the following bill in which the concurrence of the House is requested:

**Sub. H. B. No. 334**-Representatives Johnson, Bubp  
Cosponsors: Representatives Amstutz, Barnes, Buchy, Butler, Fende, Goodwin, Gonzales, Kozlowski, O'Brien, Peterson, Rosenberger, Stebelton, Uecker, Wachtmann, Yuko, Antonio, Duffey, Garland, Hackett, Adams, R., Anielski, Beck, Blair, Blessing, Boose, Boyd, Celebrezze, Combs, Conditt, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Fedor, Foley, Gardner, Gerberry, Goyal, Grossman, Hagan, C., Hall, Hayes, Henne, Hill, Hottinger, Huffman, Landis, Luckie, Lundy, Lynch, Maag, McClain, McGregor, Milkovich, Newbold, Patmon, Pelanda, Phillips, Roegner, Ruhl, Scherer, Schuring, Sears, Slaby, M., Smith, Sprague, Stautberg, Szollosi, Terhar, Thompson, Winburn, Young, Speaker Batchelder Senators Cafaro, Tavares, Brown, Balderson, Beagle, Burke, Eklund, Faber, Hite, Hughes, Jones, Kearney, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Turner, Wagoner, Widener

To amend sections 2925.01, 2925.03, 2925.11, 2925.55, 2925.56, 2925.57, 2929.01, 3715.05, 3719.013, and 3719.41 and to enact sections 109.89, 3715.051, 3715.052, 3715.053, and 3715.054 of the Revised Code to establish procedures regarding the participation of pharmacies, retailers, and the Attorney General in electronically tracking pseudoephedrine and ephedrine product sales through a national exchange; to specify that certain classes of compounds and individual compounds are schedule I controlled substances; to create the offenses of trafficking in and possession of controlled substance analogs; and to declare an emergency.

As a substitute bill, in which the concurrence of the House is requested.

Attest: Vincent L. Keeran,  
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has passed the following bill in which the concurrence of the House is requested:

**Sub. S. B. No. 207**-Senator Burke

Cosponsors: Senators Jones, Seitz, Wagoner, Tavares, Brown, Balderson, Beagle, Coley, Eklund, Hite, Jordan, Lehner, Patton, Peterson

To enact section 6133.041 of the Revised Code to authorize a joint board of county commissioners to conduct proceedings regarding existing joint county ditches via teleconference or video conference.

Attest:

Vincent L. Keeran,  
Clerk.

Said bill was considered the first time.

Message from the Speaker

The Speaker of the House of Representatives, on November 29, 2012, signed the following:

**Am. S.B. No. 40** - Senator Kearney - et al.

**Sub. S.B. No. 130** - Senators Hughes, Cates - et al.

**Am. S.B. No. 135** - Senator Kearney - et al.

**S.B. No. 199** - Senator Smith - et al.

**Am. S.B. No. 300** - Senators Manning, Wagoner - et al.

**Sub. S.B. No. 301** - Senators Burke, Cafaro - et al.

Message from the Speaker

The Speaker of the House of Representatives, on December 4, 2012, signed the following:

**Am. Sub. H.B. No. 62** - Representative Gonzales - et al.

**H.B. No. 184** - Representative Martin - et al.

On motion of Representative Baker, the House adjourned until Wednesday, December 5, 2012 at 1:30 p.m.

Attest:

JENNIFER E. WOODRING,  
Clerk.