



## *Synopsis of House Committee Amendments\**

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### **Sub. S.B. 320**

127th General Assembly

H. Criminal Justice

The House committee adopted amendments to the Senate-passed version of the bill that do the following:

1. Specify that in addition to the existing penalties for theft, if an offender commits theft by stealing rented property or rental services, the court may order that the offender make restitution pursuant to R.C. 2929.18 or 2929.28.
2. Specify that the restitution described in the preceding paragraph may include, but is not limited to, the cost of repairing or replacing the stolen property, or the cost of repairing the stolen property and any loss of revenue resulting from deprivation of the property due to theft of rental services that is less than or equal to the actual value of the property at the time it was rented.
3. Specify that the section of the Revised Code that explains how to establish evidence of intent to commit theft of rented property also applies to theft of "rental services."
4. Include "rental services" in the definition of "services" that applies in the theft and fraud sections of the Revised Code.
5. Specify that, regarding a successor manufacturer of alcoholic beverages that acquires all or substantially all of the stock or assets of another manufacturer of alcoholic beverages through merger or acquisition, or acquires or is the assignee of a particular product or brand of alcoholic beverage from another manufacturer, the territories for the particular product or brand of alcoholic beverage must not be assigned to another distributor until the successor manufacturer compensates the terminated or nonrenewed distributor for the diminished value of the distributor's business.

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\* This synopsis does not address amendments that may have been adopted on the House floor.

6. Specify that when a distributor of alcoholic beverages receives written notice of termination or nonrenewal of its franchise pursuant to R.C. 1333.85(D), the distribution of beer or wine for 90 days or more without a written contract does not constitute a franchise relationship between the successor manufacturer and the distributor under R.C. 1333.83.

7. Specify that, regarding a successor manufacturer of alcoholic beverages that acquires all or substantially all of the stock or assets of another manufacturer of alcoholic beverages through merger or acquisition, or acquires or is the assignee of a particular product or brand of alcoholic beverage from another manufacturer, except as provided in the paragraphs below, within 75 days after a distributor receives written notice of termination or nonrenewal of its franchise pursuant to R.C. 1333.85(D), the distributor must provide the successor manufacturer with three previous years of financial statements and other relevant and reasonably necessary financial information regarding the diminished value of the distributor's business.

8. Specify that the distributor and successor manufacturer described in the preceding paragraph must negotiate in good faith to determine the diminished value of the distributor's business, and the successor manufacturer must pay the distributor for that diminished value.

9. Specify that if the distributor and successor manufacturer described in the second preceding paragraph are unable to negotiate in good faith or are unable to resolve the distributor's diminished value within 90 days of the date that notice of termination is given, either party may bring an action in the court of common pleas of the county in which the distributor's principal place of business in this state is located within 90 days of the date that notice of termination is given, except that the parties may mutually agree in writing to extend that 90-day period.

10. Specify that the court of common pleas must determine the diminished value of the distributor's business within 90 days after the action is filed and the successor manufacturer must pay the distributor the amount of diminished value the court determines.

11. Specify that upon payment of the amount described in the preceding paragraph by the manufacturer to the distributor, the successor manufacturer may transfer the brands to a new distributor.

12. Specify that, regarding the decision of the court of common pleas described in the second preceding paragraph, either party may appeal that decision to the court of appeals, and that the filing of an appeal does not stay the successor manufacturer's payment of diminished value to the distributor or the successor manufacturer's transfer of brands to a new distributor.

13. Specify that, if the court is unable to determine the diminished value of the distributor's business within 90 days after the action is filed, the court must order the successor manufacturer to pay its last good faith offer to the distributor on the 91st day after the action is filed and must treat the manufacturer's application for that order as a request for emergency injunctive relief without the need for any showing of irreparable harm.

14. Specify that upon payment of the amount of the successor manufacturer's last good faith offer described in the preceding paragraph, the successor manufacturer may transfer the brands to a new distributor.

15. Specify that after the successor manufacturer's payment of the amount described in the preceding paragraph and its transfer of the brands, the court must determine the diminished value of the distributor's business and the successor manufacturer must pay the distributor the amount of the diminished value determined by the court less the amount of its good faith offer previously paid by the successor manufacturer to the distributor.

16. Provide that the parties by mutual agreement extend or shorten any of the time deadlines set forth in paragraphs 5 to 15 of this document.

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12/15/2008

