

I\_131\_2358-1

131st General Assembly  
Regular Session  
2015-2016

. B. No.

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**A BILL**

To amend sections 109.572, 121.08, 2925.01,  
4745.01, 4776.10, and 4776.20 and to enact  
sections 4764.01 to 4764.20 and 4764.99 of the  
Revised Code to require the licensure of home  
inspectors and to create the Ohio Home Inspector  
Board to regulate the licensure and performance  
of home inspectors.

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

**Section 1.** That sections 109.572, 121.08, 2925.01,  
4745.01, 4776.10, and 4776.20 be amended and sections 4764.01,  
4764.02, 4764.03, 4764.04, 4764.05, 4764.06, 4764.07, 4764.08,  
4764.09, 4764.10, 4764.11, 4764.12, 4764.13, 4764.14, 4764.15,  
4764.16, 4764.17, 4764.18, 4764.19, 4764.20, and 4764.99 of the  
Revised Code be enacted to read as follows:

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**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

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superintendent of the bureau of criminal identification and 19  
investigation shall conduct a criminal records check in the 20  
manner described in division (B) of this section to determine 21  
whether any information exists that indicates that the person 22  
who is the subject of the request previously has been convicted 23  
of or pleaded guilty to any of the following: 24

(a) A violation of section 2903.01, 2903.02, 2903.03, 25  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 26  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 27  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 28  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 29  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 30  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 31  
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 32  
sexual penetration in violation of former section 2907.12 of the 33  
Revised Code, a violation of section 2905.04 of the Revised Code 34  
as it existed prior to July 1, 1996, a violation of section 35  
2919.23 of the Revised Code that would have been a violation of 36  
section 2905.04 of the Revised Code as it existed prior to July 37  
1, 1996, had the violation been committed prior to that date, or 38  
a violation of section 2925.11 of the Revised Code that is not a 39  
minor drug possession offense; 40

(b) A violation of an existing or former law of this 41  
state, any other state, or the United States that is 42  
substantially equivalent to any of the offenses listed in 43  
division (A)(1)(a) of this section; 44

(c) If the request is made pursuant to section 3319.39 of 45  
the Revised Code for an applicant who is a teacher, any offense 46  
specified in section 3319.31 of the Revised Code. 47

(2) On receipt of a request pursuant to section 3712.09 or 48

3721.121 of the Revised Code, a completed form prescribed 49  
pursuant to division (C) (1) of this section, and a set of 50  
fingerprint impressions obtained in the manner described in 51  
division (C) (2) of this section, the superintendent of the 52  
bureau of criminal identification and investigation shall 53  
conduct a criminal records check with respect to any person who 54  
has applied for employment in a position for which a criminal 55  
records check is required by those sections. The superintendent 56  
shall conduct the criminal records check in the manner described 57  
in division (B) of this section to determine whether any 58  
information exists that indicates that the person who is the 59  
subject of the request previously has been convicted of or 60  
pleaded guilty to any of the following: 61

(a) A violation of section 2903.01, 2903.02, 2903.03, 62  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 63  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 64  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 65  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 66  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 67  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 68  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 69  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 70

(b) An existing or former law of this state, any other 71  
state, or the United States that is substantially equivalent to 72  
any of the offenses listed in division (A) (2) (a) of this 73  
section. 74

(3) On receipt of a request pursuant to section 173.27, 75  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 76  
5123.081, or 5123.169 of the Revised Code, a completed form 77  
prescribed pursuant to division (C) (1) of this section, and a 78

set of fingerprint impressions obtained in the manner described 79  
in division (C) (2) of this section, the superintendent of the 80  
bureau of criminal identification and investigation shall 81  
conduct a criminal records check of the person for whom the 82  
request is made. The superintendent shall conduct the criminal 83  
records check in the manner described in division (B) of this 84  
section to determine whether any information exists that 85  
indicates that the person who is the subject of the request 86  
previously has been convicted of, has pleaded guilty to, or 87  
(except in the case of a request pursuant to section 5164.34, 88  
5164.341, or 5164.342 of the Revised Code) has been found 89  
eligible for intervention in lieu of conviction for any of the 90  
following, regardless of the date of the conviction, the date of 91  
entry of the guilty plea, or (except in the case of a request 92  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 93  
Revised Code) the date the person was found eligible for 94  
intervention in lieu of conviction: 95

(a) A violation of section 959.13, 959.131, 2903.01, 96  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 97  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 98  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 99  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 100  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 101  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 102  
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 103  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 104  
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 105  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 106  
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 107  
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 108  
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 109

2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 110  
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 111  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 112  
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 113  
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 114

(b) Felonious sexual penetration in violation of former 115  
section 2907.12 of the Revised Code; 116

(c) A violation of section 2905.04 of the Revised Code as 117  
it existed prior to July 1, 1996; 118

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 119  
the Revised Code when the underlying offense that is the object 120  
of the conspiracy, attempt, or complicity is one of the offenses 121  
listed in divisions (A) (3) (a) to (c) of this section; 122

(e) A violation of an existing or former municipal 123  
ordinance or law of this state, any other state, or the United 124  
States that is substantially equivalent to any of the offenses 125  
listed in divisions (A) (3) (a) to (d) of this section. 126

(4) On receipt of a request pursuant to section 2151.86 of 127  
the Revised Code, a completed form prescribed pursuant to 128  
division (C) (1) of this section, and a set of fingerprint 129  
impressions obtained in the manner described in division (C) (2) 130  
of this section, the superintendent of the bureau of criminal 131  
identification and investigation shall conduct a criminal 132  
records check in the manner described in division (B) of this 133  
section to determine whether any information exists that 134  
indicates that the person who is the subject of the request 135  
previously has been convicted of or pleaded guilty to any of the 136  
following: 137

(a) A violation of section 959.13, 2903.01, 2903.02, 138

2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 139  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 140  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 141  
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 142  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 143  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 144  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 145  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 146  
2927.12, or 3716.11 of the Revised Code, a violation of section 147  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 148  
a violation of section 2919.23 of the Revised Code that would 149  
have been a violation of section 2905.04 of the Revised Code as 150  
it existed prior to July 1, 1996, had the violation been 151  
committed prior to that date, a violation of section 2925.11 of 152  
the Revised Code that is not a minor drug possession offense, 153  
two or more OVI or OVUAC violations committed within the three 154  
years immediately preceding the submission of the application or 155  
petition that is the basis of the request, or felonious sexual 156  
penetration in violation of former section 2907.12 of the 157  
Revised Code; 158

(b) A violation of an existing or former law of this 159  
state, any other state, or the United States that is 160  
substantially equivalent to any of the offenses listed in 161  
division (A) (4) (a) of this section. 162

(5) Upon receipt of a request pursuant to section 5104.013 163  
of the Revised Code, a completed form prescribed pursuant to 164  
division (C) (1) of this section, and a set of fingerprint 165  
impressions obtained in the manner described in division (C) (2) 166  
of this section, the superintendent of the bureau of criminal 167  
identification and investigation shall conduct a criminal 168  
records check in the manner described in division (B) of this 169

section to determine whether any information exists that 170  
indicates that the person who is the subject of the request has 171  
been convicted of or pleaded guilty to any of the following: 172

(a) A violation of section 2151.421, 2903.01, 2903.02, 173  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 174  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 175  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 176  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 177  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 178  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 179  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 180  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 181  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 182  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 183  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 184  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 185  
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 186  
3716.11 of the Revised Code, felonious sexual penetration in 187  
violation of former section 2907.12 of the Revised Code, a 188  
violation of section 2905.04 of the Revised Code as it existed 189  
prior to July 1, 1996, a violation of section 2919.23 of the 190  
Revised Code that would have been a violation of section 2905.04 191  
of the Revised Code as it existed prior to July 1, 1996, had the 192  
violation been committed prior to that date, a violation of 193  
section 2925.11 of the Revised Code that is not a minor drug 194  
possession offense, a violation of section 2923.02 or 2923.03 of 195  
the Revised Code that relates to a crime specified in this 196  
division, or a second violation of section 4511.19 of the 197  
Revised Code within five years of the date of application for 198  
licensure or certification. 199

(b) A violation of an existing or former law of this 200

state, any other state, or the United States that is 201  
substantially equivalent to any of the offenses or violations 202  
described in division (A) (5) (a) of this section. 203

(6) Upon receipt of a request pursuant to section 5153.111 204  
of the Revised Code, a completed form prescribed pursuant to 205  
division (C) (1) of this section, and a set of fingerprint 206  
impressions obtained in the manner described in division (C) (2) 207  
of this section, the superintendent of the bureau of criminal 208  
identification and investigation shall conduct a criminal 209  
records check in the manner described in division (B) of this 210  
section to determine whether any information exists that 211  
indicates that the person who is the subject of the request 212  
previously has been convicted of or pleaded guilty to any of the 213  
following: 214

(a) A violation of section 2903.01, 2903.02, 2903.03, 215  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 216  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 217  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 218  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 219  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 220  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 221  
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 222  
Code, felonious sexual penetration in violation of former 223  
section 2907.12 of the Revised Code, a violation of section 224  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 225  
a violation of section 2919.23 of the Revised Code that would 226  
have been a violation of section 2905.04 of the Revised Code as 227  
it existed prior to July 1, 1996, had the violation been 228  
committed prior to that date, or a violation of section 2925.11 229  
of the Revised Code that is not a minor drug possession offense; 230



(b) A violation of an existing or former law of this 231  
state, any other state, or the United States that is 232  
substantially equivalent to any of the offenses listed in 233  
division (A) (6) (a) of this section. 234

(7) On receipt of a request for a criminal records check 235  
from an individual pursuant to section 4749.03 or 4749.06 of the 236  
Revised Code, accompanied by a completed copy of the form 237  
prescribed in division (C) (1) of this section and a set of 238  
fingerprint impressions obtained in a manner described in 239  
division (C) (2) of this section, the superintendent of the 240  
bureau of criminal identification and investigation shall 241  
conduct a criminal records check in the manner described in 242  
division (B) of this section to determine whether any 243  
information exists indicating that the person who is the subject 244  
of the request has been convicted of or pleaded guilty to a 245  
felony in this state or in any other state. If the individual 246  
indicates that a firearm will be carried in the course of 247  
business, the superintendent shall require information from the 248  
federal bureau of investigation as described in division (B) (2) 249  
of this section. Subject to division (F) of this section, the 250  
superintendent shall report the findings of the criminal records 251  
check and any information the federal bureau of investigation 252  
provides to the director of public safety. 253

(8) On receipt of a request pursuant to section 1321.37, 254  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 255  
Code, a completed form prescribed pursuant to division (C) (1) of 256  
this section, and a set of fingerprint impressions obtained in 257  
the manner described in division (C) (2) of this section, the 258  
superintendent of the bureau of criminal identification and 259  
investigation shall conduct a criminal records check with 260  
respect to any person who has applied for a license, permit, or 261

certification from the department of commerce or a division in 262  
the department. The superintendent shall conduct the criminal 263  
records check in the manner described in division (B) of this 264  
section to determine whether any information exists that 265  
indicates that the person who is the subject of the request 266  
previously has been convicted of or pleaded guilty to any of the 267  
following: a violation of section 2913.02, 2913.11, 2913.31, 268  
2913.51, or 2925.03 of the Revised Code; any other criminal 269  
offense involving theft, receiving stolen property, 270  
embezzlement, forgery, fraud, passing bad checks, money 271  
laundering, or drug trafficking, or any criminal offense 272  
involving money or securities, as set forth in Chapters 2909., 273  
2911., 2913., 2915., 2921., 2923., and 2925. of the Revised 274  
Code; or any existing or former law of this state, any other 275  
state, or the United States that is substantially equivalent to 276  
those offenses. 277

(9) On receipt of a request for a criminal records check 278  
from the treasurer of state under section 113.041 of the Revised 279  
Code or from an individual under section 4701.08, 4715.101, 280  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 281  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 282  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 283  
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 284  
4762.031, 4762.06, 4776.021, 4779.091, or 4783.04 of the Revised 285  
Code, accompanied by a completed form prescribed under division 286  
(C) (1) of this section and a set of fingerprint impressions 287  
obtained in the manner described in division (C) (2) of this 288  
section, the superintendent of the bureau of criminal 289  
identification and investigation shall conduct a criminal 290  
records check in the manner described in division (B) of this 291  
section to determine whether any information exists that 292

indicates that the person who is the subject of the request has 293  
been convicted of or pleaded guilty to any criminal offense in 294  
this state or any other state. Subject to division (F) of this 295  
section, the superintendent shall send the results of a check 296  
requested under section 113.041 of the Revised Code to the 297  
treasurer of state and shall send the results of a check 298  
requested under any of the other listed sections to the 299  
licensing board specified by the individual in the request. 300

(10) On receipt of a request pursuant to section 1121.23, 301  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 302  
Code, a completed form prescribed pursuant to division (C)(1) of 303  
this section, and a set of fingerprint impressions obtained in 304  
the manner described in division (C)(2) of this section, the 305  
superintendent of the bureau of criminal identification and 306  
investigation shall conduct a criminal records check in the 307  
manner described in division (B) of this section to determine 308  
whether any information exists that indicates that the person 309  
who is the subject of the request previously has been convicted 310  
of or pleaded guilty to any criminal offense under any existing 311  
or former law of this state, any other state, or the United 312  
States. 313

(11) On receipt of a request for a criminal records check 314  
from an appointing or licensing authority under section 3772.07 315  
of the Revised Code, a completed form prescribed under division 316  
(C)(1) of this section, and a set of fingerprint impressions 317  
obtained in the manner prescribed in division (C)(2) of this 318  
section, the superintendent of the bureau of criminal 319  
identification and investigation shall conduct a criminal 320  
records check in the manner described in division (B) of this 321  
section to determine whether any information exists that 322  
indicates that the person who is the subject of the request 323

previously has been convicted of or pleaded guilty or no contest 324  
to any offense under any existing or former law of this state, 325  
any other state, or the United States that is a disqualifying 326  
offense as defined in section 3772.07 of the Revised Code or 327  
substantially equivalent to such an offense. 328

(12) On receipt of a request pursuant to section 2151.33 329  
or 2151.412 of the Revised Code, a completed form prescribed 330  
pursuant to division (C)(1) of this section, and a set of 331  
fingerprint impressions obtained in the manner described in 332  
division (C)(2) of this section, the superintendent of the 333  
bureau of criminal identification and investigation shall 334  
conduct a criminal records check with respect to any person for 335  
whom a criminal records check is required under that section. 336  
The superintendent shall conduct the criminal records check in 337  
the manner described in division (B) of this section to 338  
determine whether any information exists that indicates that the 339  
person who is the subject of the request previously has been 340  
convicted of or pleaded guilty to any of the following: 341

(a) A violation of section 2903.01, 2903.02, 2903.03, 342  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 343  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 344  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 345  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 346  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 347  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 348  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 349  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 350

(b) An existing or former law of this state, any other 351  
state, or the United States that is substantially equivalent to 352  
any of the offenses listed in division (A)(12)(a) of this 353

section. 354

(13) On receipt of a request pursuant to section 3796.12 355  
of the Revised Code, a completed form prescribed pursuant to 356  
division (C) (1) of this section, and a set of fingerprint 357  
impressions obtained in a manner described in division (C) (2) of 358  
this section, the superintendent of the bureau of criminal 359  
identification and investigation shall conduct a criminal 360  
records check in the manner described in division (B) of this 361  
section to determine whether any information exists that 362  
indicates that the person who is the subject of the request 363  
previously has been convicted of or pleaded guilty to the 364  
following: 365

(a) A disqualifying offense as specified in rules adopted 366  
under division (B) (2) (b) of section 3796.03 of the Revised Code 367  
if the person who is the subject of the request is an 368  
administrator or other person responsible for the daily 369  
operation of, or an owner or prospective owner, officer or 370  
prospective officer, or board member or prospective board member 371  
of, an entity seeking a license from the department of commerce 372  
under Chapter 3796. of the Revised Code; 373

(b) A disqualifying offense as specified in rules adopted 374  
under division (B) (2) (b) of section 3796.04 of the Revised Code 375  
if the person who is the subject of the request is an 376  
administrator or other person responsible for the daily 377  
operation of, or an owner or prospective owner, officer or 378  
prospective officer, or board member or prospective board member 379  
of, an entity seeking a license from the state board of pharmacy 380  
under Chapter 3796. of the Revised Code. 381

(14) On receipt of a request required by section 3796.13 382  
of the Revised Code, a completed form prescribed pursuant to 383

division (C) (1) of this section, and a set of fingerprint 384  
impressions obtained in a manner described in division (C) (2) of 385  
this section, the superintendent of the bureau of criminal 386  
identification and investigation shall conduct a criminal 387  
records check in the manner described in division (B) of this 388  
section to determine whether any information exists that 389  
indicates that the person who is the subject of the request 390  
previously has been convicted of or pleaded guilty to the 391  
following: 392

(a) A disqualifying offense as specified in rules adopted 393  
under division (B) (8) (a) of section 3796.03 of the Revised Code 394  
if the person who is the subject of the request is seeking 395  
employment with an entity licensed by the department of commerce 396  
under Chapter 3796. of the Revised Code; 397

(b) A disqualifying offense as specified in rules adopted 398  
under division (B) (14) (a) of section 3796.04 of the Revised Code 399  
if the person who is the subject of the request is seeking 400  
employment with an entity licensed by the state board of 401  
pharmacy under Chapter 3796. of the Revised Code. 402

(15) On receipt of a request pursuant to division (B) of 403  
section 4764.07 of the Revised Code, a completed form prescribed 404  
under division (C) (1) of this section, and a set of fingerprint 405  
impressions obtained in the manner described in division (C) (2) 406  
of this section, the superintendent of the bureau of criminal 407  
identification and investigation shall conduct a criminal 408  
records check in the manner described in division (B) of this 409  
section to determine whether any information exists indicating 410  
that the person who is the subject of the request has been 411  
convicted of or pleaded guilty to any crime of moral turpitude, 412  
a felony, or an equivalent offense in any other state or the 413

United States. 414

(B) Subject to division (F) of this section, the 415  
superintendent shall conduct any criminal records check to be 416  
conducted under this section as follows: 417

(1) The superintendent shall review or cause to be 418  
reviewed any relevant information gathered and compiled by the 419  
bureau under division (A) of section 109.57 of the Revised Code 420  
that relates to the person who is the subject of the criminal 421  
records check, including, if the criminal records check was 422  
requested under section 113.041, 121.08, 173.27, 173.38, 423  
173.381, 1121.23, 1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 424  
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 425  
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 426  
3796.12, 4749.03, 4749.06, 4763.05, 4764.07, 5104.013, 5164.34, 427  
5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the 428  
Revised Code, any relevant information contained in records that 429  
have been sealed under section 2953.32 of the Revised Code; 430

(2) If the request received by the superintendent asks for 431  
information from the federal bureau of investigation, the 432  
superintendent shall request from the federal bureau of 433  
investigation any information it has with respect to the person 434  
who is the subject of the criminal records check, including 435  
fingerprint-based checks of national crime information databases 436  
as described in 42 U.S.C. 671 if the request is made pursuant to 437  
section 2151.86 or 5104.013 of the Revised Code or if any other 438  
Revised Code section requires fingerprint-based checks of that 439  
nature, and shall review or cause to be reviewed any information 440  
the superintendent receives from that bureau. If a request under 441  
section 3319.39 of the Revised Code asks only for information 442  
from the federal bureau of investigation, the superintendent 443

shall not conduct the review prescribed by division (B) (1) of 444  
this section. 445

(3) The superintendent or the superintendent's designee 446  
may request criminal history records from other states or the 447  
federal government pursuant to the national crime prevention and 448  
privacy compact set forth in section 109.571 of the Revised 449  
Code. 450

(4) The superintendent shall include in the results of the 451  
criminal records check a list or description of the offenses 452  
listed or described in division (A) (1), (2), (3), (4), (5), (6), 453  
(7), (8), (9), (10), (11), (12), (13), or (14) of this section, 454  
whichever division requires the superintendent to conduct the 455  
criminal records check. The superintendent shall exclude from 456  
the results any information the dissemination of which is 457  
prohibited by federal law. 458

(5) The superintendent shall send the results of the 459  
criminal records check to the person to whom it is to be sent 460  
not later than the following number of days after the date the 461  
superintendent receives the request for the criminal records 462  
check, the completed form prescribed under division (C) (1) of 463  
this section, and the set of fingerprint impressions obtained in 464  
the manner described in division (C) (2) of this section: 465

(a) If the superintendent is required by division (A) of 466  
this section (other than division (A) (3) of this section) to 467  
conduct the criminal records check, thirty; 468

(b) If the superintendent is required by division (A) (3) 469  
of this section to conduct the criminal records check, sixty. 470

(C) (1) The superintendent shall prescribe a form to obtain 471  
the information necessary to conduct a criminal records check 472



from any person for whom a criminal records check is to be 473  
conducted under this section. The form that the superintendent 474  
prescribes pursuant to this division may be in a tangible 475  
format, in an electronic format, or in both tangible and 476  
electronic formats. 477

(2) The superintendent shall prescribe standard impression 478  
sheets to obtain the fingerprint impressions of any person for 479  
whom a criminal records check is to be conducted under this 480  
section. Any person for whom a records check is to be conducted 481  
under this section shall obtain the fingerprint impressions at a 482  
county sheriff's office, municipal police department, or any 483  
other entity with the ability to make fingerprint impressions on 484  
the standard impression sheets prescribed by the superintendent. 485  
The office, department, or entity may charge the person a 486  
reasonable fee for making the impressions. The standard 487  
impression sheets the superintendent prescribes pursuant to this 488  
division may be in a tangible format, in an electronic format, 489  
or in both tangible and electronic formats. 490

(3) Subject to division (D) of this section, the 491  
superintendent shall prescribe and charge a reasonable fee for 492  
providing a criminal records check under this section. The 493  
person requesting the criminal records check shall pay the fee 494  
prescribed pursuant to this division. In the case of a request 495  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 496  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 497  
fee shall be paid in the manner specified in that section. 498

(4) The superintendent of the bureau of criminal 499  
identification and investigation may prescribe methods of 500  
forwarding fingerprint impressions and information necessary to 501  
conduct a criminal records check, which methods shall include, 502

but not be limited to, an electronic method. 503

(D) The results of a criminal records check conducted 504  
under this section, other than a criminal records check 505  
specified in division (A)(7) of this section, are valid for the 506  
person who is the subject of the criminal records check for a 507  
period of one year from the date upon which the superintendent 508  
completes the criminal records check. If during that period the 509  
superintendent receives another request for a criminal records 510  
check to be conducted under this section for that person, the 511  
superintendent shall provide the results from the previous 512  
criminal records check of the person at a lower fee than the fee 513  
prescribed for the initial criminal records check. 514

(E) When the superintendent receives a request for 515  
information from a registered private provider, the 516  
superintendent shall proceed as if the request was received from 517  
a school district board of education under section 3319.39 of 518  
the Revised Code. The superintendent shall apply division (A)(1) 519  
(c) of this section to any such request for an applicant who is 520  
a teacher. 521

(F)(1) All information regarding the results of a criminal 522  
records check conducted under this section that the 523  
superintendent reports or sends under division (A)(7) or (9) of 524  
this section to the director of public safety, the treasurer of 525  
state, or the person, board, or entity that made the request for 526  
the criminal records check shall relate to the conviction of the 527  
subject person, or the subject person's plea of guilty to, a 528  
criminal offense. 529

(2) Division (F)(1) of this section does not limit, 530  
restrict, or preclude the superintendent's release of 531  
information that relates to the arrest of a person who is 532

eighteen years of age or older, to an adjudication of a child as 533  
a delinquent child, or to a criminal conviction of a person 534  
under eighteen years of age in circumstances in which a release 535  
of that nature is authorized under division (E) (2), (3), or (4) 536  
of section 109.57 of the Revised Code pursuant to a rule adopted 537  
under division (E) (1) of that section. 538

(G) As used in this section: 539

(1) "Criminal records check" means any criminal records 540  
check conducted by the superintendent of the bureau of criminal 541  
identification and investigation in accordance with division (B) 542  
of this section. 543

(2) "Minor drug possession offense" has the same meaning 544  
as in section 2925.01 of the Revised Code. 545

(3) "OVI or OVUAC violation" means a violation of section 546  
4511.19 of the Revised Code or a violation of an existing or 547  
former law of this state, any other state, or the United States 548  
that is substantially equivalent to section 4511.19 of the 549  
Revised Code. 550

(4) "Registered private provider" means a nonpublic school 551  
or entity registered with the superintendent of public 552  
instruction under section 3310.41 of the Revised Code to 553  
participate in the autism scholarship program or section 3310.58 554  
of the Revised Code to participate in the Jon Peterson special 555  
needs scholarship program. 556

**Sec. 121.08.** (A) There is hereby created in the department 557  
of commerce the position of deputy director of administration. 558  
This officer shall be appointed by the director of commerce, 559  
serve under the director's direction, supervision, and control, 560  
perform the duties the director prescribes, and hold office 561

during the director's pleasure. The director of commerce may 562  
designate an assistant director of commerce to serve as the 563  
deputy director of administration. The deputy director of 564  
administration shall perform the duties prescribed by the 565  
director of commerce in supervising the activities of the 566  
division of administration of the department of commerce. 567

(B) Except as provided in section 121.07 of the Revised 568  
Code, the department of commerce shall have all powers and 569  
perform all duties vested in the deputy director of 570  
administration, the state fire marshal, the superintendent of 571  
financial institutions, the superintendent of real estate and 572  
professional licensing, the superintendent of liquor control, 573  
the superintendent of industrial compliance, the superintendent 574  
of unclaimed funds, and the commissioner of securities, and 575  
shall have all powers and perform all duties vested by law in 576  
all officers, deputies, and employees of those offices. Except 577  
as provided in section 121.07 of the Revised Code, wherever 578  
powers are conferred or duties imposed upon any of those 579  
officers, the powers and duties shall be construed as vested in 580  
the department of commerce. 581

(C) (1) There is hereby created in the department of 582  
commerce a division of financial institutions, which shall have 583  
all powers and perform all duties vested by law in the 584  
superintendent of financial institutions. Wherever powers are 585  
conferred or duties imposed upon the superintendent of financial 586  
institutions, those powers and duties shall be construed as 587  
vested in the division of financial institutions. The division 588  
of financial institutions shall be administered by the 589  
superintendent of financial institutions. 590

(2) All provisions of law governing the superintendent of 591

financial institutions shall apply to and govern the 592  
superintendent of financial institutions provided for in this 593  
section; all authority vested by law in the superintendent of 594  
financial institutions with respect to the management of the 595  
division of financial institutions shall be construed as vested 596  
in the superintendent of financial institutions created by this 597  
section with respect to the division of financial institutions 598  
provided for in this section; and all rights, privileges, and 599  
emoluments conferred by law upon the superintendent of financial 600  
institutions shall be construed as conferred upon the 601  
superintendent of financial institutions as head of the division 602  
of financial institutions. The director of commerce shall not 603  
transfer from the division of financial institutions any of the 604  
functions specified in division (C) (2) of this section. 605

(D) There is hereby created in the department of commerce 606  
a division of liquor control, which shall have all powers and 607  
perform all duties vested by law in the superintendent of liquor 608  
control. Wherever powers are conferred or duties are imposed 609  
upon the superintendent of liquor control, those powers and 610  
duties shall be construed as vested in the division of liquor 611  
control. The division of liquor control shall be administered by 612  
the superintendent of liquor control. 613

(E) The director of commerce shall not be interested, 614  
directly or indirectly, in any firm or corporation which is a 615  
dealer in securities as defined in sections 1707.01 and 1707.14 616  
of the Revised Code, or in any firm or corporation licensed 617  
under sections 1321.01 to 1321.19 of the Revised Code. 618

(F) The director of commerce shall not have any official 619  
connection with a savings and loan association, a savings bank, 620  
a bank, a bank holding company, a savings and loan association 621

holding company, a consumer finance company, or a credit union 622  
that is under the supervision of the division of financial 623  
institutions, or a subsidiary of any of the preceding entities, 624  
or be interested in the business thereof. 625

(G) There is hereby created in the state treasury the 626  
division of administration fund. The fund shall receive 627  
assessments on the operating funds of the department of commerce 628  
in accordance with procedures prescribed by the director of 629  
commerce and approved by the director of budget and management. 630  
All operating expenses of the division of administration shall 631  
be paid from the division of administration fund. 632

(H) There is hereby created in the department of commerce 633  
a division of real estate and professional licensing, which 634  
shall be under the control and supervision of the director of 635  
commerce. The division of real estate and professional licensing 636  
shall be administered by the superintendent of real estate and 637  
professional licensing. The superintendent of real estate and 638  
professional licensing shall exercise the powers and perform the 639  
functions and duties delegated to the superintendent under 640  
Chapters 4735., 4763., 4764., and 4767. of the Revised Code. 641

(I) There is hereby created in the department of commerce 642  
a division of industrial compliance, which shall have all powers 643  
and perform all duties vested by law in the superintendent of 644  
industrial compliance. Wherever powers are conferred or duties 645  
imposed upon the superintendent of industrial compliance, those 646  
powers and duties shall be construed as vested in the division 647  
of industrial compliance. The division of industrial compliance 648  
shall be under the control and supervision of the director of 649  
commerce and be administered by the superintendent of industrial 650  
compliance. 651

(J) There is hereby created in the department of commerce 652  
a division of unclaimed funds, which shall have all powers and 653  
perform all duties delegated to or vested by law in the 654  
superintendent of unclaimed funds. Wherever powers are conferred 655  
or duties imposed upon the superintendent of unclaimed funds, 656  
those powers and duties shall be construed as vested in the 657  
division of unclaimed funds. The division of unclaimed funds 658  
shall be under the control and supervision of the director of 659  
commerce and shall be administered by the superintendent of 660  
unclaimed funds. The superintendent of unclaimed funds shall 661  
exercise the powers and perform the functions and duties 662  
delegated to the superintendent by the director of commerce 663  
under section 121.07 and Chapter 169. of the Revised Code, and 664  
as may otherwise be provided by law. 665

(K) The department of commerce or a division of the 666  
department created by the Revised Code that is acting with 667  
authorization on the department's behalf may request from the 668  
bureau of criminal identification and investigation pursuant to 669  
section 109.572 of the Revised Code, or coordinate with 670  
appropriate federal, state, and local government agencies to 671  
accomplish, criminal records checks for the persons whose 672  
identities are required to be disclosed by an applicant for the 673  
issuance or transfer of a permit, license, certificate of 674  
registration, or certification issued or transferred by the 675  
department or division. At or before the time of making a 676  
request for a criminal records check, the department or division 677  
may require any person whose identity is required to be 678  
disclosed by an applicant for the issuance or transfer of such a 679  
license, permit, certificate of registration, or certification 680  
to submit to the department or division valid fingerprint 681  
impressions in a format and by any media or means acceptable to 682

the bureau of criminal identification and investigation and, 683  
when applicable, the federal bureau of investigation. The 684  
department or division may cause the bureau of criminal 685  
identification and investigation to conduct a criminal records 686  
check through the federal bureau of investigation only if the 687  
person for whom the criminal records check would be conducted 688  
resides or works outside of this state or has resided or worked 689  
outside of this state during the preceding five years, or if a 690  
criminal records check conducted by the bureau of criminal 691  
identification and investigation within this state indicates 692  
that the person may have a criminal record outside of this 693  
state. 694

In the case of a criminal records check under section 695  
109.572 of the Revised Code, the department or division shall 696  
forward to the bureau of criminal identification and 697  
investigation the requisite form, fingerprint impressions, and 698  
fee described in division (C) of that section. When requested by 699  
the department or division in accordance with this section, the 700  
bureau of criminal identification and investigation shall 701  
request from the federal bureau of investigation any information 702  
it has with respect to the person who is the subject of the 703  
requested criminal records check and shall forward the requisite 704  
fingerprint impressions and information to the federal bureau of 705  
investigation for that criminal records check. After conducting 706  
a criminal records check or receiving the results of a criminal 707  
records check from the federal bureau of investigation, the 708  
bureau of criminal identification and investigation shall 709  
provide the results to the department or division. 710

The department or division may require any person about 711  
whom a criminal records check is requested to pay to the 712  
department or division the amount necessary to cover the fee 713



charged to the department or division by the bureau of criminal 714  
identification and investigation under division (C) (3) of 715  
section 109.572 of the Revised Code, including, when applicable, 716  
any fee for a criminal records check conducted by the federal 717  
bureau of investigation. 718

(L) The director of commerce, or the director's designee, 719  
may adopt rules to enhance compliance with statutes pertaining 720  
to, and rules adopted by, divisions under the direction, 721  
supervision, and control of the department or director by 722  
offering incentive-based programs that ensure safety and 723  
soundness while promoting growth and prosperity in the state. 724

**Sec. 2925.01.** As used in this chapter: 725

(A) "Administer," "controlled substance," "controlled 726  
substance analog," "dispense," "distribute," "hypodermic," 727  
"manufacturer," "official written order," "person," 728  
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 729  
"schedule III," "schedule IV," "schedule V," and "wholesaler" 730  
have the same meanings as in section 3719.01 of the Revised 731  
Code. 732

(B) "Drug dependent person" and "drug of abuse" have the 733  
same meanings as in section 3719.011 of the Revised Code. 734

(C) "Drug," "dangerous drug," "licensed health 735  
professional authorized to prescribe drugs," and "prescription" 736  
have the same meanings as in section 4729.01 of the Revised 737  
Code. 738

(D) "Bulk amount" of a controlled substance means any of 739  
the following: 740

(1) For any compound, mixture, preparation, or substance 741  
included in schedule I, schedule II, or schedule III, with the 742

exception of controlled substance analogs, marihuana, cocaine, 743  
L.S.D., heroin, and hashish and except as provided in division 744  
(D) (2) or (5) of this section, whichever of the following is 745  
applicable: 746

(a) An amount equal to or exceeding ten grams or twenty- 747  
five unit doses of a compound, mixture, preparation, or 748  
substance that is or contains any amount of a schedule I opiate 749  
or opium derivative; 750

(b) An amount equal to or exceeding ten grams of a 751  
compound, mixture, preparation, or substance that is or contains 752  
any amount of raw or gum opium; 753

(c) An amount equal to or exceeding thirty grams or ten 754  
unit doses of a compound, mixture, preparation, or substance 755  
that is or contains any amount of a schedule I hallucinogen 756  
other than tetrahydrocannabinol or lysergic acid amide, or a 757  
schedule I stimulant or depressant; 758

(d) An amount equal to or exceeding twenty grams or five 759  
times the maximum daily dose in the usual dose range specified 760  
in a standard pharmaceutical reference manual of a compound, 761  
mixture, preparation, or substance that is or contains any 762  
amount of a schedule II opiate or opium derivative; 763

(e) An amount equal to or exceeding five grams or ten unit 764  
doses of a compound, mixture, preparation, or substance that is 765  
or contains any amount of phencyclidine; 766

(f) An amount equal to or exceeding one hundred twenty 767  
grams or thirty times the maximum daily dose in the usual dose 768  
range specified in a standard pharmaceutical reference manual of 769  
a compound, mixture, preparation, or substance that is or 770  
contains any amount of a schedule II stimulant that is in a 771

final dosage form manufactured by a person authorized by the 772  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 773  
U.S.C.A. 301, as amended, and the federal drug abuse control 774  
laws, as defined in section 3719.01 of the Revised Code, that is 775  
or contains any amount of a schedule II depressant substance or 776  
a schedule II hallucinogenic substance; 777

(g) An amount equal to or exceeding three grams of a 778  
compound, mixture, preparation, or substance that is or contains 779  
any amount of a schedule II stimulant, or any of its salts or 780  
isomers, that is not in a final dosage form manufactured by a 781  
person authorized by the Federal Food, Drug, and Cosmetic Act 782  
and the federal drug abuse control laws. 783

(2) An amount equal to or exceeding one hundred twenty 784  
grams or thirty times the maximum daily dose in the usual dose 785  
range specified in a standard pharmaceutical reference manual of 786  
a compound, mixture, preparation, or substance that is or 787  
contains any amount of a schedule III or IV substance other than 788  
an anabolic steroid or a schedule III opiate or opium 789  
derivative; 790

(3) An amount equal to or exceeding twenty grams or five 791  
times the maximum daily dose in the usual dose range specified 792  
in a standard pharmaceutical reference manual of a compound, 793  
mixture, preparation, or substance that is or contains any 794  
amount of a schedule III opiate or opium derivative; 795

(4) An amount equal to or exceeding two hundred fifty 796  
milliliters or two hundred fifty grams of a compound, mixture, 797  
preparation, or substance that is or contains any amount of a 798  
schedule V substance; 799

(5) An amount equal to or exceeding two hundred solid 800

dosage units, sixteen grams, or sixteen milliliters of a 801  
compound, mixture, preparation, or substance that is or contains 802  
any amount of a schedule III anabolic steroid. 803

(E) "Unit dose" means an amount or unit of a compound, 804  
mixture, or preparation containing a controlled substance that 805  
is separately identifiable and in a form that indicates that it 806  
is the amount or unit by which the controlled substance is 807  
separately administered to or taken by an individual. 808

(F) "Cultivate" includes planting, watering, fertilizing, 809  
or tilling. 810

(G) "Drug abuse offense" means any of the following: 811

(1) A violation of division (A) of section 2913.02 that 812  
constitutes theft of drugs, or a violation of section 2925.02, 813  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 814  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 815  
or 2925.37 of the Revised Code; 816

(2) A violation of an existing or former law of this or 817  
any other state or of the United States that is substantially 818  
equivalent to any section listed in division (G)(1) of this 819  
section; 820

(3) An offense under an existing or former law of this or 821  
any other state, or of the United States, of which planting, 822  
cultivating, harvesting, processing, making, manufacturing, 823  
producing, shipping, transporting, delivering, acquiring, 824  
possessing, storing, distributing, dispensing, selling, inducing 825  
another to use, administering to another, using, or otherwise 826  
dealing with a controlled substance is an element; 827

(4) A conspiracy to commit, attempt to commit, or 828  
complicity in committing or attempting to commit any offense 829

under division (G) (1), (2), or (3) of this section. 830

(H) "Felony drug abuse offense" means any drug abuse 831  
offense that would constitute a felony under the laws of this 832  
state, any other state, or the United States. 833

(I) "Harmful intoxicant" does not include beer or 834  
intoxicating liquor but means any of the following: 835

(1) Any compound, mixture, preparation, or substance the 836  
gas, fumes, or vapor of which when inhaled can induce 837  
intoxication, excitement, giddiness, irrational behavior, 838  
depression, stupefaction, paralysis, unconsciousness, 839  
asphyxiation, or other harmful physiological effects, and 840  
includes, but is not limited to, any of the following: 841

(a) Any volatile organic solvent, plastic cement, model 842  
cement, fingernail polish remover, lacquer thinner, cleaning 843  
fluid, gasoline, or other preparation containing a volatile 844  
organic solvent; 845

(b) Any aerosol propellant; 846

(c) Any fluorocarbon refrigerant; 847

(d) Any anesthetic gas. 848

(2) Gamma Butyrolactone; 849

(3) 1,4 Butanediol. 850

(J) "Manufacture" means to plant, cultivate, harvest, 851  
process, make, prepare, or otherwise engage in any part of the 852  
production of a drug, by propagation, extraction, chemical 853  
synthesis, or compounding, or any combination of the same, and 854  
includes packaging, repackaging, labeling, and other activities 855  
incident to production. 856

(K) "Possess" or "possession" means having control over a 857  
thing or substance, but may not be inferred solely from mere 858  
access to the thing or substance through ownership or occupation 859  
of the premises upon which the thing or substance is found. 860

(L) "Sample drug" means a drug or pharmaceutical 861  
preparation that would be hazardous to health or safety if used 862  
without the supervision of a licensed health professional 863  
authorized to prescribe drugs, or a drug of abuse, and that, at 864  
one time, had been placed in a container plainly marked as a 865  
sample by a manufacturer. 866

(M) "Standard pharmaceutical reference manual" means the 867  
current edition, with cumulative changes if any, of references 868  
that are approved by the state board of pharmacy. 869

(N) "Juvenile" means a person under eighteen years of age. 870

(O) "Counterfeit controlled substance" means any of the 871  
following: 872

(1) Any drug that bears, or whose container or label 873  
bears, a trademark, trade name, or other identifying mark used 874  
without authorization of the owner of rights to that trademark, 875  
trade name, or identifying mark; 876

(2) Any unmarked or unlabeled substance that is 877  
represented to be a controlled substance manufactured, 878  
processed, packed, or distributed by a person other than the 879  
person that manufactured, processed, packed, or distributed it; 880

(3) Any substance that is represented to be a controlled 881  
substance but is not a controlled substance or is a different 882  
controlled substance; 883

(4) Any substance other than a controlled substance that a 884

reasonable person would believe to be a controlled substance 885  
because of its similarity in shape, size, and color, or its 886  
markings, labeling, packaging, distribution, or the price for 887  
which it is sold or offered for sale. 888

(P) An offense is "committed in the vicinity of a school" 889  
if the offender commits the offense on school premises, in a 890  
school building, or within one thousand feet of the boundaries 891  
of any school premises, regardless of whether the offender knows 892  
the offense is being committed on school premises, in a school 893  
building, or within one thousand feet of the boundaries of any 894  
school premises. 895

(Q) "School" means any school operated by a board of 896  
education, any community school established under Chapter 3314. 897  
of the Revised Code, or any nonpublic school for which the state 898  
board of education prescribes minimum standards under section 899  
3301.07 of the Revised Code, whether or not any instruction, 900  
extracurricular activities, or training provided by the school 901  
is being conducted at the time a criminal offense is committed. 902

(R) "School premises" means either of the following: 903

(1) The parcel of real property on which any school is 904  
situated, whether or not any instruction, extracurricular 905  
activities, or training provided by the school is being 906  
conducted on the premises at the time a criminal offense is 907  
committed; 908

(2) Any other parcel of real property that is owned or 909  
leased by a board of education of a school, the governing 910  
authority of a community school established under Chapter 3314. 911  
of the Revised Code, or the governing body of a nonpublic school 912  
for which the state board of education prescribes minimum 913

standards under section 3301.07 of the Revised Code and on which 914  
some of the instruction, extracurricular activities, or training 915  
of the school is conducted, whether or not any instruction, 916  
extracurricular activities, or training provided by the school 917  
is being conducted on the parcel of real property at the time a 918  
criminal offense is committed. 919

(S) "School building" means any building in which any of 920  
the instruction, extracurricular activities, or training 921  
provided by a school is conducted, whether or not any 922  
instruction, extracurricular activities, or training provided by 923  
the school is being conducted in the school building at the time 924  
a criminal offense is committed. 925

(T) "Disciplinary counsel" means the disciplinary counsel 926  
appointed by the board of commissioners on grievances and 927  
discipline of the supreme court under the Rules for the 928  
Government of the Bar of Ohio. 929

(U) "Certified grievance committee" means a duly 930  
constituted and organized committee of the Ohio state bar 931  
association or of one or more local bar associations of the 932  
state of Ohio that complies with the criteria set forth in Rule 933  
V, section 6 of the Rules for the Government of the Bar of Ohio. 934

(V) "Professional license" means any license, permit, 935  
certificate, registration, qualification, admission, temporary 936  
license, temporary permit, temporary certificate, or temporary 937  
registration that is described in divisions (W) (1) to ~~(36)~~ (37) 938  
of this section and that qualifies a person as a professionally 939  
licensed person. 940

(W) "Professionally licensed person" means any of the 941  
following: 942



(1) A person who has obtained a license as a manufacturer 943  
of controlled substances or a wholesaler of controlled 944  
substances under Chapter 3719. of the Revised Code; 945

(2) A person who has received a certificate or temporary 946  
certificate as a certified public accountant or who has 947  
registered as a public accountant under Chapter 4701. of the 948  
Revised Code and who holds an Ohio permit issued under that 949  
chapter; 950

(3) A person who holds a certificate of qualification to 951  
practice architecture issued or renewed and registered under 952  
Chapter 4703. of the Revised Code; 953

(4) A person who is registered as a landscape architect 954  
under Chapter 4703. of the Revised Code or who holds a permit as 955  
a landscape architect issued under that chapter; 956

(5) A person licensed under Chapter 4707. of the Revised 957  
Code; 958

(6) A person who has been issued a certificate of 959  
registration as a registered barber under Chapter 4709. of the 960  
Revised Code; 961

(7) A person licensed and regulated to engage in the 962  
business of a debt pooling company by a legislative authority, 963  
under authority of Chapter 4710. of the Revised Code; 964

(8) A person who has been issued a cosmetologist's 965  
license, hair designer's license, manicurist's license, 966  
esthetician's license, natural hair stylist's license, advanced 967  
cosmetologist's license, advanced hair designer's license, 968  
advanced manicurist's license, advanced esthetician's license, 969  
advanced natural hair stylist's license, cosmetology 970  
instructor's license, hair design instructor's license, 971

manicurist instructor's license, esthetics instructor's license,	972
natural hair style instructor's license, independent	973
contractor's license, or tanning facility permit under Chapter	974
4713. of the Revised Code;	975
(9) A person who has been issued a license to practice	976
dentistry, a general anesthesia permit, a conscious intravenous	977
sedation permit, a limited resident's license, a limited	978
teaching license, a dental hygienist's license, or a dental	979
hygienist's teacher's certificate under Chapter 4715. of the	980
Revised Code;	981
(10) A person who has been issued an embalmer's license, a	982
funeral director's license, a funeral home license, or a	983
crematory license, or who has been registered for an embalmer's	984
or funeral director's apprenticeship under Chapter 4717. of the	985
Revised Code;	986
(11) A person who has been licensed as a registered nurse	987
or practical nurse, or who has been issued a certificate for the	988
practice of nurse-midwifery under Chapter 4723. of the Revised	989
Code;	990
(12) A person who has been licensed to practice optometry	991
or to engage in optical dispensing under Chapter 4725. of the	992
Revised Code;	993
(13) A person licensed to act as a pawnbroker under	994
Chapter 4727. of the Revised Code;	995
(14) A person licensed to act as a precious metals dealer	996
under Chapter 4728. of the Revised Code;	997
(15) A person licensed as a pharmacist, a pharmacy intern,	998
a wholesale distributor of dangerous drugs, or a terminal	999
distributor of dangerous drugs under Chapter 4729. of the	1000

Revised Code;	1001
(16) A person who is authorized to practice as a physician	1002
assistant under Chapter 4730. of the Revised Code;	1003
(17) A person who has been issued a certificate to	1004
practice medicine and surgery, osteopathic medicine and surgery,	1005
a limited branch of medicine, or podiatry under Chapter 4731. of	1006
the Revised Code;	1007
(18) A person licensed as a psychologist or school	1008
psychologist under Chapter 4732. of the Revised Code;	1009
(19) A person registered to practice the profession of	1010
engineering or surveying under Chapter 4733. of the Revised	1011
Code;	1012
(20) A person who has been issued a license to practice	1013
chiropractic under Chapter 4734. of the Revised Code;	1014
(21) A person licensed to act as a real estate broker or	1015
real estate salesperson under Chapter 4735. of the Revised Code;	1016
(22) A person registered as a registered sanitarian under	1017
Chapter 4736. of the Revised Code;	1018
(23) A person licensed to operate or maintain a junkyard	1019
under Chapter 4737. of the Revised Code;	1020
(24) A person who has been issued a motor vehicle salvage	1021
dealer's license under Chapter 4738. of the Revised Code;	1022
(25) A person who has been licensed to act as a steam	1023
engineer under Chapter 4739. of the Revised Code;	1024
(26) A person who has been issued a license or temporary	1025
permit to practice veterinary medicine or any of its branches,	1026
or who is registered as a graduate animal technician under	1027

Chapter 4741. of the Revised Code;	1028
(27) A person who has been issued a hearing aid dealer's	1029
or fitter's license or trainee permit under Chapter 4747. of the	1030
Revised Code;	1031
(28) A person who has been issued a class A, class B, or	1032
class C license or who has been registered as an investigator or	1033
security guard employee under Chapter 4749. of the Revised Code;	1034
(29) A person licensed and registered to practice as a	1035
nursing home administrator under Chapter 4751. of the Revised	1036
Code;	1037
(30) A person licensed to practice as a speech-language	1038
pathologist or audiologist under Chapter 4753. of the Revised	1039
Code;	1040
(31) A person issued a license as an occupational	1041
therapist or physical therapist under Chapter 4755. of the	1042
Revised Code;	1043
(32) A person who is licensed as a licensed professional	1044
clinical counselor, licensed professional counselor, social	1045
worker, independent social worker, independent marriage and	1046
family therapist, or marriage and family therapist, or	1047
registered as a social work assistant under Chapter 4757. of the	1048
Revised Code;	1049
(33) A person issued a license to practice dietetics under	1050
Chapter 4759. of the Revised Code;	1051
(34) A person who has been issued a license or limited	1052
permit to practice respiratory therapy under Chapter 4761. of	1053
the Revised Code;	1054
(35) A person who has been issued a real estate appraiser	1055

certificate under Chapter 4763. of the Revised Code; 1056

(36) A person who has been issued a home inspector license 1057  
under Chapter 4764. of the Revised Code; 1058

(37) A person who has been admitted to the bar by order of 1059  
the supreme court in compliance with its prescribed and 1060  
published rules. 1061

(X) "Cocaine" means any of the following: 1062

(1) A cocaine salt, isomer, or derivative, a salt of a 1063  
cocaine isomer or derivative, or the base form of cocaine; 1064

(2) Coca leaves or a salt, compound, derivative, or 1065  
preparation of coca leaves, including ecgonine, a salt, isomer, 1066  
or derivative of ecgonine, or a salt of an isomer or derivative 1067  
of ecgonine; 1068

(3) A salt, compound, derivative, or preparation of a 1069  
substance identified in division (X)(1) or (2) of this section 1070  
that is chemically equivalent to or identical with any of those 1071  
substances, except that the substances shall not include 1072  
decocainized coca leaves or extraction of coca leaves if the 1073  
extractions do not contain cocaine or ecgonine. 1074

(Y) "L.S.D." means lysergic acid diethylamide. 1075

(Z) "Hashish" means the resin or a preparation of the 1076  
resin contained in marihuana, whether in solid form or in a 1077  
liquid concentrate, liquid extract, or liquid distillate form. 1078

(AA) "Marihuana" has the same meaning as in section 1079  
3719.01 of the Revised Code, except that it does not include 1080  
hashish. 1081

(BB) An offense is "committed in the vicinity of a 1082

juvenile" if the offender commits the offense within one hundred 1083  
feet of a juvenile or within the view of a juvenile, regardless 1084  
of whether the offender knows the age of the juvenile, whether 1085  
the offender knows the offense is being committed within one 1086  
hundred feet of or within view of the juvenile, or whether the 1087  
juvenile actually views the commission of the offense. 1088

(CC) "Presumption for a prison term" or "presumption that 1089  
a prison term shall be imposed" means a presumption, as 1090  
described in division (D) of section 2929.13 of the Revised 1091  
Code, that a prison term is a necessary sanction for a felony in 1092  
order to comply with the purposes and principles of sentencing 1093  
under section 2929.11 of the Revised Code. 1094

(DD) "Major drug offender" has the same meaning as in 1095  
section 2929.01 of the Revised Code. 1096

(EE) "Minor drug possession offense" means either of the 1097  
following: 1098

(1) A violation of section 2925.11 of the Revised Code as 1099  
it existed prior to July 1, 1996; 1100

(2) A violation of section 2925.11 of the Revised Code as 1101  
it exists on and after July 1, 1996, that is a misdemeanor or a 1102  
felony of the fifth degree. 1103

(FF) "Mandatory prison term" has the same meaning as in 1104  
section 2929.01 of the Revised Code. 1105

(GG) "Adulterate" means to cause a drug to be adulterated 1106  
as described in section 3715.63 of the Revised Code. 1107

(HH) "Public premises" means any hotel, restaurant, 1108  
tavern, store, arena, hall, or other place of public 1109  
accommodation, business, amusement, or resort. 1110

(II) "Methamphetamine" means methamphetamine, any salt, 1111  
isomer, or salt of an isomer of methamphetamine, or any 1112  
compound, mixture, preparation, or substance containing 1113  
methamphetamine or any salt, isomer, or salt of an isomer of 1114  
methamphetamine. 1115

(JJ) "Lawful prescription" means a prescription that is 1116  
issued for a legitimate medical purpose by a licensed health 1117  
professional authorized to prescribe drugs, that is not altered 1118  
or forged, and that was not obtained by means of deception or by 1119  
the commission of any theft offense. 1120

(KK) "Deception" and "theft offense" have the same 1121  
meanings as in section 2913.01 of the Revised Code. 1122

**Sec. 4745.01.** (A) "Standard renewal procedure," as used in 1123  
Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 1124  
927., 942., 943., 953., 1321., 3710., 3713., 3719., 3742., 1125  
3748., 3769., 3783., 3921., 3951., 4104., 4105., ~~4143.~~4169., 1126  
4561., 4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 1127  
4727., 4728., 4729., 4731., 4733., 4734., 4735., 4739., 4741., 1128  
4747., 4749., 4752., 4753., 4755., 4757., 4758., 4759., 4761., 1129  
4764., 4766., 4773., and 4775. of the Revised Code, means the 1130  
license renewal procedures specified in this chapter. 1131

(B) "Licensing agency," as used in this chapter, means any 1132  
department, division, board, section of a board, or other state 1133  
governmental unit subject to the standard renewal procedure, as 1134  
defined in this section, and authorized by the Revised Code to 1135  
issue a license to engage in a specific profession, occupation, 1136  
or occupational activity, or to have charge of and operate 1137  
certain specified equipment, machinery, or premises. 1138

(C) "License," as used in this chapter, means a license, 1139

certificate, permit, card, or other authority issued or 1140  
conferred by a licensing agency by authority of which the 1141  
licensee has or claims the privilege to engage in the 1142  
profession, occupation, or occupational activity, or to have 1143  
control of and operate certain specific equipment, machinery, or 1144  
premises, over which the licensing agency has jurisdiction. 1145

(D) "Licensee," as used in this chapter, means either the 1146  
person to whom the license is issued or renewed by a licensing 1147  
agency, or the person, partnership, or corporation at whose 1148  
request the license is issued or renewed. 1149

(E) "Renewal" and "renewed," as used in this chapter and 1150  
in the chapters of the Revised Code specified in division (A) of 1151  
this section, includes the continuing licensing procedure 1152  
provided in Chapter 3748. of the Revised Code and rules adopted 1153  
under it and in sections 1321.05 and 3921.33 of the Revised 1154  
Code, and as applied to those continuing licenses any reference 1155  
in this chapter to the date of expiration of any license shall 1156  
be construed to mean the due date of the annual or other fee for 1157  
the continuing license. 1158

**Sec. 4764.01. As used in this chapter:** 1159

(A) "Client" means a person who enters into a written 1160  
contract with a home inspector to retain for compensation or 1161  
other valuable consideration the services of that home inspector 1162  
to conduct a home inspection and to provide a written report on 1163  
the condition of a residential building. 1164

(B) "Crime of moral turpitude" has the same meaning as in 1165  
section 4776.10 of the Revised Code. 1166

(C) "Home inspection" means the process by which a home 1167  
inspector conducts a visual examination of the readily 1168



accessible components of a residential building for a client. 1169  
"Home inspection" does not include pest inspections; 1170  
environmental testing; inspection of any property or structure 1171  
conducted by an employee or representative of an insurer 1172  
licensed to transact business in this state under Title XXXIX of 1173  
the Revised Code for purposes related to the business of 1174  
insurance; or determination of compliance with applicable 1175  
statutes, rules, resolutions, or ordinances, including, without 1176  
limitation, building, zoning, or historic codes. 1177

(D) "Home inspection report" means a written report 1178  
prepared by a licensed home inspector for compensation and 1179  
issued after an on-site inspection of a residential property. A 1180  
report shall include all of the following: 1181

(1) Information on any system or component inspected that, 1182  
in the professional opinion of the inspector, is deficient to 1183  
the degree that it is deficient; 1184

(2) The inspector's recommendation to repair or monitor 1185  
deficiencies reported under division (D)(1) of this section; 1186

(3) A list of any systems or components that were 1187  
designated for inspection in the standards of practice adopted 1188  
by the board under division (A)(10) of section 4764.05 of the 1189  
Revised Code but that were not inspected; 1190

(4) The reason a system or component listed under division 1191  
(D)(3) of this section was not inspected. 1192

(E) "Licensed home inspector" means a person who holds a 1193  
valid license issued pursuant to section 4764.07 or 4764.10 of 1194  
the Revised Code to conduct a home inspection for compensation 1195  
or other valuable consideration. 1196

(F) "Parallel inspection" means a home inspection 1197

performed by an applicant for a home inspector license at which 1198  
both of the following take place concurrently: 1199

(1) A licensed home inspector observes and evaluates the 1200  
applicant during the inspection to verify the applicant's 1201  
compliance with the standards of practice specified in rules 1202  
adopted by the Ohio home inspector board pursuant to division 1203  
(A) (10) of section 4764.05 of the Revised Code. 1204

(2) The inspection is an on-site inspection of a 1205  
residential building for the licensed home inspector's client. 1206

(G) "Readily accessible" means available for visual 1207  
inspection without requiring a person to move or dismantle 1208  
personal property, take destructive measures, or take any other 1209  
action that will involve risk to a person or to the property. 1210

(H) "Residential building" has the same meaning as in 1211  
section 3781.06 of the Revised Code but also includes the 1212  
individual dwelling units within an apartment or condominium 1213  
complex containing four or more dwelling units. 1214

**Sec. 4764.02.** (A) No person shall knowingly conduct a home 1215  
inspection or represent a qualification to conduct a home 1216  
inspection for compensation or other valuable consideration 1217  
unless that person is licensed pursuant to this chapter as a 1218  
home inspector or performing a parallel inspection pursuant to 1219  
division (A) (5) of section 4764.05 of the Revised Code. 1220

(B) No person shall perform a home inspection unless it is 1221  
performed pursuant to a written contract entered into between a 1222  
licensed home inspector and a client. 1223

(C) No person shall perform a home inspection unless the 1224  
home inspection conforms to requirements specified in rules 1225  
adopted by the Ohio home inspector board pursuant to division 1226

(A) (10) of section 4764.05 of the Revised Code. 1227

(D) No person shall knowingly make or cause to be made any 1228  
false representation concerning a material and relevant fact 1229  
relating to the person's licensure as a home inspector. 1230

**Sec. 4764.03.** Section 4764.02 of the Revised Code does not 1231  
apply to any person described as follows if the person is acting 1232  
within the scope of practice of the person's respective 1233  
profession: 1234

(A) A person who is employed by or whose services 1235  
otherwise are retained by this state or a political subdivision 1236  
of this state for the purpose of enforcing building codes; 1237

(B) A person holding a valid certificate to practice 1238  
architecture issued under Chapter 4703. of the Revised Code; 1239

(C) A person registered as a professional engineer under 1240  
Chapter 4733. of the Revised Code; 1241

(D) A heating, ventilating, and air conditioning 1242  
contractor, refrigeration contractor, electrical contractor, 1243  
plumbing contractor, or hydronics contractor who is licensed 1244  
under Chapter 4740. or section 3781.102 of the Revised Code or 1245  
who is licensed or registered under section 715.27 of the 1246  
Revised Code; 1247

(E) A real estate broker, real estate salesperson, foreign 1248  
real estate dealer, or foreign real estate salesperson who is 1249  
licensed under Chapter 4735. of the Revised Code; 1250

(F) A real estate appraiser who is licensed under Chapter 1251  
4763. of the Revised Code; 1252

(G) A public insurance adjuster who holds a valid 1253  
certificate of authority issued under Chapter 3951. of the 1254

Revised Code or an employee or representative of an insurer 1255  
licensed to transact business in this state under Title XXXIX of 1256  
the Revised Code who conducts an inspection of any property or 1257  
structure for purposes related to the business of insurance; 1258

(H) A commercial applicator of pesticide who is licensed 1259  
under Chapter 921. of the Revised Code. 1260

**Sec. 4764.04.** There is hereby created the Ohio home 1261  
inspector board consisting of five members. The governor shall 1262  
appoint three members who are licensed home inspectors and who 1263  
each represent different national organizations that consist of 1264  
and represent home inspectors. Of the members appointed by the 1265  
governor, one shall be an independent licensed home inspector 1266  
and one shall be a member or representative of a home inspection 1267  
franchise business. The president of the senate and the speaker 1268  
of the house of representatives each shall appoint one member 1269  
who represents the public and has no financial interest in the 1270  
home inspection industry. Not more than three members of the 1271  
board shall be members of the same political party. 1272

The governor, president of the senate, and speaker of the 1273  
house of representatives shall make the initial appointments to 1274  
the board not later than ninety days after the effective date of 1275  
this section. Of the initial appointments to the board, the 1276  
governor shall appoint one member to a term ending one year 1277  
after the effective date of this section, one member to a term 1278  
ending three years after that date, and one member to a term 1279  
ending five years after that date. The president of the senate 1280  
shall appoint one member to a term ending two years after that 1281  
date, and the speaker of the house of representatives shall 1282  
appoint one member to a term ending four years after that date. 1283  
Thereafter, each term shall be for five years, ending on the 1284

same day of the same month as the term that it succeeds. Each 1285  
member shall hold office from the date of appointment until the 1286  
end of the term for which the member was appointed. Vacancies 1287  
shall be filled in the manner provided for original 1288  
appointments. A member appointed to fill a vacancy prior to the 1289  
expiration of a term shall hold office for the remainder of that 1290  
term. A member shall continue in office subsequent to the 1291  
expiration of the term until the member's successor takes 1292  
office. 1293

The members of the board shall not be compensated but 1294  
shall be reimbursed for actual expenses reasonably incurred in 1295  
the performance of their duties as members. 1296

The person who, or office that, appointed a member may 1297  
remove that member for misconduct, neglect of duty, incapacity, 1298  
or malfeasance. 1299

The Ohio home inspector board is a part of the department 1300  
of commerce for administrative purposes. The director of 1301  
commerce is ex officio the executive officer of the commission, 1302  
or the director may designate the superintendent of real estate 1303  
and professional licensing to act as executive officer of the 1304  
commission. 1305

**Sec. 4764.05.** (A) The Ohio home inspector board shall 1306  
adopt rules in accordance with Chapter 119. of the Revised Code 1307  
to do all of the following: 1308

(1) Establish standards to govern disciplinary proceedings 1309  
conducted pursuant to section 4764.13 of the Revised Code and 1310  
the reinstatement of home inspector licenses the board suspends 1311  
or revokes pursuant to those proceedings; 1312

(2) Establish the amount of the following fees: 1313

(a) Establish the following fees in an amount that is 1314  
sufficient to defray necessary expenses incurred in the 1315  
administration of this chapter: 1316

(i) The fee, which shall not exceed two hundred fifty 1317  
dollars, for applying for and receiving a license issued under 1318  
section 4764.07 of the Revised Code; 1319

(ii) The fee, which shall not exceed two hundred fifty 1320  
dollars, for renewal of a license under section 4764.09 of the 1321  
Revised Code. 1322

(b) The renewal late fee described in division (B) (2) of 1323  
section 4764.09 of the Revised Code; 1324

(c) The fee an entity described in division (A) (7) of this 1325  
section shall pay to receive approval to offer continuing 1326  
education courses and programs; 1327

(d) The fee an entity that is approved to offer continuing 1328  
education courses and programs shall pay for each course or 1329  
program that the entity wishes to have the superintendent 1330  
approve pursuant to the rules adopted by the board under 1331  
division (A) (8) of this section; 1332

(e) Any other fees as required by this chapter. 1333

(3) In accordance with division (B) of this section, 1334  
specify methods and procedures the board shall use to approve a 1335  
curriculum of education a person must successfully complete to 1336  
obtain a license under this chapter; 1337

(4) In accordance with division (C) of this section, 1338  
specify methods and procedures the board shall use to approve a 1339  
curriculum of experience that a person may elect to complete the 1340  
proof of experience requirement specified in division (D) (6) of 1341

section 4764.07 of the Revised Code; 1342

(5) Establish the administrative reporting and review 1343  
requirements for parallel inspections or equivalency for field 1344  
experience to assure that an applicant for a license satisfies 1345  
the requirements of division (D) (6) of section 4764.07 of the 1346  
Revised Code, as applicable; 1347

(6) Establish a curriculum for continuing education that a 1348  
licensed home inspector shall complete to satisfy the 1349  
requirements for continuing education specified in section 1350  
4764.08 of the Revised Code and procedures to assure continuing 1351  
education requirements are updated periodically to make those 1352  
requirements consistent with home inspection industry practices; 1353

(7) Establish requirements an institution, organization, 1354  
company, or person shall satisfy to obtain approval to provide 1355  
courses or programs that enable a licensed home inspector to 1356  
satisfy the requirements for continuing education specified in 1357  
section 4764.08 of the Revised Code and establish procedures 1358  
that the superintendent of real estate and professional 1359  
licensing shall use to approve an institution, organization, 1360  
company, or person that satisfies the requirements the board 1361  
establishes; 1362

(8) Establish procedures and standards that the 1363  
superintendent shall use to approve courses and programs, 1364  
including online courses and programs, offered by an entity that 1365  
is approved by the superintendent to offer continuing education 1366  
courses or programs pursuant to the rules adopted by the board 1367  
under division (A) (7) of this section; 1368

(9) Establish reporting requirements for a licensed home 1369  
inspector to follow to demonstrate that the licensed home 1370

inspector successfully completed the continuing education 1371  
requirements specified in section 4764.08 of the Revised Code; 1372

(10) Establish requirements for conducting home 1373  
inspections, standards of practice for home inspectors, and 1374  
conflict of interest prohibitions to the extent that those 1375  
provisions do not conflict with divisions (B) to (E) of section 1376  
4764.14 of the Revised Code; 1377

(11) Specify requirements for settlement agreements 1378  
entered into between the superintendent and a licensed home 1379  
inspector under division (C) of section 4764.13 of the Revised 1380  
Code. 1381

(B) The board shall approve a curriculum of education a 1382  
person must successfully complete to obtain a license issued 1383  
under this chapter. The board shall approve only a curriculum of 1384  
education that satisfies all of the following requirements: 1385

(1) The curriculum is offered by an accredited public or 1386  
private college, university, or other institution of higher 1387  
education or a professional organization that has been approved 1388  
by the board to offer a curriculum. 1389

(2) The curriculum includes a requirement that a person, 1390  
in order to successfully complete the curriculum, complete at 1391  
least forty hours of classroom instruction, including 1392  
instruction about compliance with the requirements specified in 1393  
this chapter, inspection safety, report writing, and any other 1394  
administrative matters required by the board. 1395

(3) The curriculum includes a requirement that a person, 1396  
in order to successfully complete the curriculum, complete at 1397  
least eighty hours of prelicensing education. 1398

(4) The curriculum satisfies any other requirements the 1399



board established in rules it adopts. 1400

(C) The board shall determine the equivalency of field 1401  
experience that a person may elect to complete to satisfy the 1402  
proof of experience requirement specified in division (D)(6) of 1403  
section 4764.07 of the Revised Code. The board shall approve 1404  
only a curriculum of experience that includes a requirement that 1405  
a person, in order to successfully complete the curriculum, must 1406  
perform at least forty hours of work in the home inspection 1407  
field that allows the person to obtain practical experience or 1408  
training regarding home inspections. The board shall approve 1409  
only a curriculum of experience that includes a requirement that 1410  
a person, in order to successfully complete the curriculum, must 1411  
complete a ride-along session with a licensed home inspector 1412  
prior to getting approval for a license. The ride-along session 1413  
may be used as part of the required eighty hours of prelicensing 1414  
education. 1415

(D) The board shall adopt the American society of home 1416  
inspectors' standards and code of ethics as minimum requirements 1417  
for this chapter. 1418

**Sec. 4764.06.** (A) The superintendent of real estate and 1419  
professional licensing shall do all of the following: 1420

(1) Administer this chapter; 1421

(2) Provide the Ohio home inspector board with meeting 1422  
space, staff services, and other technical assistance required 1423  
by the board to carry out the duties of the board under this 1424  
chapter; 1425

(3) Provide each applicant for a home inspector license 1426  
with a copy of the requirements for home inspections specified 1427  
in rules adopted by the board pursuant to division (A)(10) of 1428

section 4764.05 of the Revised Code, and make those requirements 1429  
available to the public by posting them on the web site 1430  
maintained by the department of commerce; 1431

(4) In accordance with division (B) of this section, issue 1432  
a home inspector license to, or renew a home inspector license 1433  
for, any person who satisfies the requirements specified in this 1434  
chapter for such licensure or renewal, and make a list of those 1435  
licensed home inspectors available to the public by posting the 1436  
list on the web site maintained by the department of commerce; 1437

(5) Have criminal records checks conducted for each 1438  
applicant in accordance with section 121.08 of the Revised Code 1439  
and the procedures specified in rules adopted by the board 1440  
pursuant to division (A) (6) of this section; 1441

(6) Establish procedures, in accordance with division (K) 1442  
of section 121.08 of the Revised Code, to have criminal records 1443  
checks conducted by the bureau of criminal identification and 1444  
investigation for all applicants for licensure; 1445

(7) In accordance with the procedures specified in rules 1446  
adopted by the board in accordance with division (A) (7) of 1447  
section 4764.05 of the Revised Code, approve an institution, 1448  
organization, company, or person wishing to provide continuing 1449  
education courses or programs if that institution, organization, 1450  
company, or person satisfies the requirements specified in rules 1451  
adopted by the board in accordance with that division and pays 1452  
the fee established in rules adopted by the board pursuant to 1453  
division (A) (2) (c) of that section; 1454

(8) In accordance with the procedures specified in rules 1455  
adopted by the board in accordance with division (A) (8) of 1456  
section 4764.05 of the Revised Code, approve a course or program 1457

that a licensed home inspector may complete to satisfy the 1458  
continuing education requirements specified in section 4764.08 1459  
of the Revised Code if all of the following are satisfied: 1460

(a) The course or program is offered by an entity approved 1461  
by the superintendent pursuant to division (A)(7) of this 1462  
section. 1463

(b) The course or program satisfies the standards 1464  
established in rules adopted by the board pursuant to division 1465  
(A)(8) of section 4764.05 of the Revised Code. 1466

(c) The entity pays the fee established in rules adopted 1467  
by the board pursuant to division (A)(2)(d) of section 4764.05 1468  
of the Revised Code. 1469

(9) Issue all orders necessary to implement this chapter; 1470

(10) In accordance with section 4764.12 of the Revised 1471  
Code, investigate complaints concerning an alleged violation of 1472  
this chapter or the conduct of any licensee and subpoena 1473  
witnesses in connection with those investigations, as provided 1474  
in that section. The subpoena may contain a direction that the 1475  
witness produce and bring any documents, work files, inspection 1476  
reports, records, or papers mentioned in the subpoena. 1477

(11) Establish and maintain an investigation and audit 1478  
section to investigate complaints and conduct inspections, 1479  
audits, and other inquiries as in the judgment of the 1480  
superintendent are appropriate to enforce this chapter. The 1481  
superintendent shall utilize the investigators and auditors 1482  
employed pursuant to division (B)(4) of section 4735.05 of the 1483  
Revised Code to assist in performing the duties specified in 1484  
division (A)(10) of this section. 1485

(12) Specify the information that must be provided on an 1486

application for licensure under this chapter; 1487

(13) Establish procedures for processing, approving, and 1488  
denying applications for licensure under this chapter; 1489

(14) Specify the format and content of all affidavits and 1490  
other documents required for the administration of this chapter. 1491

(B) The superintendent shall not issue a license to a 1492  
corporation, limited liability company, partnership, or 1493  
association, although a licensed home inspector may sign a home 1494  
inspection report in a representative capacity on behalf of any 1495  
of those types of entities. 1496

**Sec. 4764.07.** (A) To obtain a license to perform home 1497  
inspections, a person shall submit both of the following to the 1498  
superintendent of real estate and professional licensing: 1499

(1) An application meeting the requirements of division 1500  
(D) of this section on a form the superintendent provides; 1501

(2) The fee established in rules adopted by the Ohio home 1502  
inspector board pursuant to division (A)(2)(a) of section 1503  
4764.05 of the Revised Code. 1504

(B) Each person applying for a license shall submit one 1505  
complete set of fingerprints directly to the superintendent of 1506  
the bureau of criminal identification and investigation for the 1507  
purpose of conducting a criminal records check. The person shall 1508  
provide the fingerprints using a method the superintendent 1509  
prescribes pursuant to division (C)(2) of section 109.572 of the 1510  
Revised Code and fill out the form the superintendent of the 1511  
bureau of criminal identification and investigation prescribes 1512  
pursuant to division (C)(1) of section 109.572 of the Revised 1513  
Code. Upon receiving an application under this section, the 1514  
superintendent of real estate and professional licensing shall 1515

request the superintendent of the bureau of criminal 1516  
identification and investigation, or a vendor approved by the 1517  
bureau, to conduct a criminal records check based on the 1518  
applicant's fingerprint impressions in accordance with division 1519  
(A) (15) of section 109.572 of the Revised Code. Notwithstanding 1520  
division (K) of section 121.08 of the Revised Code, the 1521  
superintendent of real estate and professional licensing shall 1522  
request that criminal record information from the federal bureau 1523  
of investigation be obtained as part of the criminal records 1524  
check. Any fee required under division (C) (3) of section 109.572 1525  
of the Revised Code shall be paid by the applicant. 1526

(C) The superintendent shall issue a license to perform 1527  
home inspections to applicants who satisfy the requirements set 1528  
forth in this section, subject to section 4768.14 of the Revised 1529  
Code. 1530

(D) Except as otherwise specified in division (E) of this 1531  
section, the application shall include all of the following: 1532

(1) A pledge the applicant signs, agreeing to comply with 1533  
the rules adopted by the board pursuant to division (A) (10) of 1534  
section 4764.05 of the Revised Code; 1535

(2) A statement that the applicant understands the grounds 1536  
for any disciplinary action that may be initiated under this 1537  
chapter; 1538

(3) Proof of holding a comprehensive general liability 1539  
insurance policy or a commercial general liability insurance 1540  
policy and an error and omissions insurance policy in accordance 1541  
with division (A) of section 4764.11 of the Revised Code; 1542

(4) Proof of successfully passing, within two years before 1543  
the date of the application, the national home inspector 1544

examination; 1545

(5) Proof of successfully completing a curriculum of 1546  
education approved by the board in accordance with rules the 1547  
board adopts pursuant to division (A)(3) of section 4764.05 of 1548  
the Revised Code; 1549

(6) Proof that the applicant has experience in the field 1550  
of home inspections by successful completion of a curriculum of 1551  
experience approved by the board in accordance with rules the 1552  
board adopts pursuant to division (A)(4) of section 4764.05 of 1553  
the Revised Code, by equivalency of experience as determined by 1554  
the board pursuant to division (C) of section 4764.05 of the 1555  
Revised Code, or by successful completion of ten parallel 1556  
inspections; 1557

(7) Proof that the applicant is at least eighteen years of 1558  
age; 1559

(8) Proof that the applicant has graduated from the 1560  
twelfth grade, received a general educational development 1561  
diploma, or satisfactorily completed a program that is the 1562  
equivalent to graduating from the twelfth grade or receiving a 1563  
general educational development diploma; 1564

(9) Any other information the board requires that the 1565  
board determines is relevant to receiving a license to practice 1566  
as a licensed home inspector. 1567

(E) The superintendent shall not require a person 1568  
described in division (B) or (C) of section 4764.03 of the 1569  
Revised Code who wishes to obtain a license to perform home 1570  
inspections under this chapter to submit proof of education and 1571  
experience as required under divisions (D)(5) and (6) of this 1572  
section in the person's application in order for that person to 1573

receive a license. Such a person, however, shall satisfy all 1574  
other requirements specified in divisions (A) and (D) of this 1575  
section and provide proof of licensure in good standing 1576  
described in division (B) or (C) of section 4764.03 of the 1577  
Revised Code in order to receive a license. 1578

(F) The act of submitting an application to the 1579  
superintendent does not create, shall not be construed as 1580  
creating, and is not intended to indicate licensure as a home 1581  
inspector. 1582

**Sec. 4764.08.** During each three-year period that a license 1583  
is valid, a licensed home inspector shall successfully complete 1584  
not less than fourteen hours of continuing education instruction 1585  
annually in courses or programs directly applicable to the 1586  
standards of practice and requirements specified in rules 1587  
adopted by the Ohio home inspector board pursuant to division 1588  
(A) (10) of section 4764.05 of the Revised Code. 1589

The superintendent of real estate and professional 1590  
licensing shall accept only those courses and programs the 1591  
superintendent approves in accordance with division (A) (8) of 1592  
section 4764.06 of the Revised Code prior to the date the 1593  
licensed home inspector completes the course or program. The 1594  
superintendent shall not include parallel inspections completed 1595  
by a person for credit toward satisfying the continuing 1596  
education requirements specified in this section. 1597

**Sec. 4764.09.** (A) A home inspector license issued or 1598  
renewed pursuant to this chapter expires three years after the 1599  
date of issuance or renewal. 1600

(B) (1) To renew a home inspector license, a licensed home 1601  
inspector shall file all of the following with the 1602

superintendent of real estate and professional licensing within 1603  
the ninety-day period immediately preceding the date the license 1604  
expires: 1605

(a) A renewal application pursuant to the procedures set 1606  
forth in Chapter 4745. of the Revised Code; 1607

(b) Proof of holding or being covered by a comprehensive 1608  
general liability insurance policy or a commercial general 1609  
liability insurance policy in accordance with division (A) of 1610  
section 4764.11 of the Revised Code; 1611

(c) Proof of satisfying the continuing education 1612  
requirements specified in section 4764.08 of the Revised Code. 1613

(2) A licensed home inspector who fails to renew a license 1614  
before its expiration may, during the three months following the 1615  
expiration, renew the license by following the procedures in 1616  
division (B) (1) of this section and paying a late renewal fee in 1617  
an amount the Ohio home inspector board establishes. A licensed 1618  
home inspector who applies for a late renewal pursuant to this 1619  
division shall not engage in any activities permitted under the 1620  
license being renewed until the superintendent notifies the 1621  
licensed home inspector that the licensed home inspector's 1622  
license has been renewed. 1623

(C) The superintendent shall not renew a license if any of 1624  
the following conditions apply: 1625

(1) The licensed home inspector violates any rule adopted 1626  
by the Ohio home inspector board in accordance with section 1627  
4764.05 of the Revised Code. 1628

(2) The licensed home inspector fails to submit proof of 1629  
holding a comprehensive general liability insurance policy or a 1630  
commercial general liability insurance policy and an errors and 1631



omissions insurance policy in accordance with division (A) of 1632  
section 4764.11 of the Revised Code. 1633

(3) The licensed home inspector fails to submit proof of 1634  
satisfying the continuing education requirements specified in 1635  
section 4764.08 of the Revised Code. 1636

(D) A licensed home inspector who fails to renew a license 1637  
prior to its expiration or during the three months following its 1638  
expiration, or who fails to submit the proof required under 1639  
division (C) (2) or (3) of this section, may subsequently obtain 1640  
a license by applying for a license pursuant to section 4764.07 1641  
of the Revised Code. 1642

**Sec. 4764.10. The superintendent of real estate and** 1643  
**professional licensing may issue a home inspector license to an** 1644  
**applicant who holds a license, registration, or certification as** 1645  
**a home inspector in another jurisdiction if that applicant** 1646  
**submits an application on a form the superintendent provides,** 1647  
**pays the fee the Ohio home inspector board prescribes, and** 1648  
**satisfies all of the following requirements:** 1649

(A) The applicant is licensed, registered, or certified as 1650  
a home inspector in a jurisdiction that the board determines 1651  
grants the same privileges to persons licensed under this 1652  
chapter as this state grants to persons in that jurisdiction. 1653

(B) That other jurisdiction has licensing, registration, 1654  
or certification requirements that are substantially similar to, 1655  
or exceed, those of this state. 1656

(C) The applicant attests that the applicant is familiar 1657  
with and will abide by this chapter. 1658

(D) The applicant attests to all of the following in a 1659  
written statement that the applicant submits to the 1660

superintendent:

(1) To provide the superintendent the name and address of  
an agent to receive service of process in this state or that the  
applicant authorizes the superintendent to act as agent for that  
applicant;

(2) That service of process in accordance with the Revised  
Code is proper and the applicant is subject to the jurisdiction  
of the courts of this state;

(3) That any cause of action arising out of the conduct of  
the applicant's business in this state shall be filed in the  
county in which the events that gave rise to that cause of  
action occurred.

**Sec. 4764.11.** (A) Every licensed home inspector shall  
maintain, or be covered by, a comprehensive general liability  
insurance policy or a commercial general liability insurance  
policy with coverage limits of not less than one hundred  
thousand dollars per occurrence and not less than a three-  
hundred-thousand-dollar aggregate limit. Additionally, every  
licensed home inspector shall maintain, or be covered by, an  
errors and omissions insurance policy with coverage limits of  
not less than one million dollars. These insurance policies  
shall provide coverage against liability of the licensed home  
inspector for loss, damage, or expense as a result of an act  
that occurred while the licensed home inspector was on the  
premises performing a home inspection. If the employer of a  
licensed home inspector is not a licensed home inspector and  
maintains such insurance policies covering the licensed home  
inspector, the licensed home inspector is not required to  
maintain the licensed home inspector's own insurance policies.

(B) Every licensed home inspector shall retain for a 1690  
period of five years the original or a true copy of each written 1691  
contract for the person's services relating to home inspection 1692  
work, all home inspection reports, and all work file 1693  
documentation and data assembled in preparing those reports. The 1694  
retention period begins on the date the report is submitted to 1695  
the client unless, prior to expiration of the retention period, 1696  
the licensee is notified that the services or report is the 1697  
subject of or is otherwise involved in pending investigation or 1698  
litigation, in which case the retention period begins on the 1699  
date of final disposition of the litigation. The licensee shall 1700  
also retain for a period of five years a hard copy or an 1701  
electronic copy of all license application materials that were 1702  
submitted to the superintendent. 1703

A licensee shall make available all records required to be 1704  
maintained under this section for inspection and copying by the 1705  
superintendent of real estate and professional licensing upon 1706  
reasonable notice to the licensee. 1707

**Sec. 4764.12.** (A) The superintendent of real estate and 1708  
professional licensing shall investigate complaints against 1709  
licensed home inspectors on receipt of a complaint concerning 1710  
any alleged violation of this chapter. Investigators and 1711  
auditors employed by the superintendent may review and audit, 1712  
during normal business hours, the licensed home inspector's 1713  
business records that are directly related to complaints. The 1714  
licensed home inspector shall permit such a review and audit. 1715

(B) Within five business days after a person files a 1716  
complaint against a licensed home inspector with the 1717  
superintendent, the superintendent shall provide to that person 1718  
an acknowledgment of the receipt of the complaint and send a 1719

notice regarding that complaint to the licensee who is the 1720  
subject of the complaint. The superintendent shall include in 1721  
that notice a description of the activities in which the 1722  
licensed home inspector allegedly engaged that violate this 1723  
chapter. Within twenty days after the superintendent sends the 1724  
notice to the complainant and the licensed home inspector who is 1725  
the subject of the complainant's complaint, the complainant and 1726  
the licensed home inspector may file with the superintendent a 1727  
request to have an informal mediation hearing. If both the 1728  
complainant and the licensed home inspector file such a request, 1729  
the superintendent shall notify the complainant and the licensed 1730  
home inspector of the date and time of the informal mediation 1731  
hearing. A mediator employed by the superintendent shall conduct 1732  
the informal mediation hearing. If the complainant and the 1733  
licensed home inspector reach an accommodation during that 1734  
informal mediation hearing, the mediator shall send a written 1735  
report describing the accommodation to the superintendent, 1736  
complainant, and licensee. Notwithstanding division (C) of this 1737  
section, the written report describing the accommodation is 1738  
confidential and is not a public record for purposes of section 1739  
149.43 of the Revised Code. The superintendent shall close the 1740  
complaint upon satisfactory completion of the accommodation. If 1741  
the licensee or the complainant fails to file a request for an 1742  
informal mediation hearing, or if the parties fail to agree on 1743  
an accommodation during that informal mediation hearing, the 1744  
superintendent shall proceed with an investigation of the 1745  
complaint. 1746

(C) This section does not prohibit the superintendent of 1747  
real estate and professional licensing from releasing 1748  
information relating to licensees to the superintendent of 1749  
financial institutions for purposes relating to the 1750

administration of sections 1322.01 to 1322.12 of the Revised 1751  
Code, to the superintendent of insurance for purposes relating 1752  
to the administration of Chapter 3953. of the Revised Code, to 1753  
the commissioner of the division of securities for purposes 1754  
relating to the administration of Chapter 1707. of the Revised 1755  
Code, to the attorney general, or to local law enforcement and 1756  
appropriate prosecutorial authorities. Information released by 1757  
the superintendent pursuant to this section remains 1758  
confidential. 1759

(D) The Ohio home inspector board or the superintendent 1760  
may compel, by order or subpoena, the attendance of witnesses to 1761  
testify in relation to any matter over which the board or 1762  
superintendent has jurisdiction and that is the subject of 1763  
inquiry and investigation by the board or superintendent, and 1764  
may require the production of any book, paper, or document 1765  
pertaining to such a matter. For that purpose, the board or 1766  
superintendent shall have the same power as judges of county 1767  
courts to administer oaths, compel the attendance of witnesses, 1768  
and punish them for refusal to testify. Service of the subpoena 1769  
may be made by sheriffs or constables, or by certified mail, 1770  
return receipt requested, and the subpoena shall be considered 1771  
served on the date delivery is made or the date the person 1772  
refused to accept delivery. A witness shall receive, after the 1773  
witness's appearance before the board or superintendent, the 1774  
fees and mileage allowed in civil actions in courts of common 1775  
pleas. If two or more witnesses travel together in the same 1776  
vehicle, the mileage fee shall be paid to only one of those 1777  
witnesses, but the witnesses may agree to divide the fee among 1778  
themselves in any manner. 1779

(E) If any person fails to file any statement or report, 1780  
obey any subpoena, give testimony, answer questions, or produce 1781

any books, records, or papers as required by the board or 1782  
superintendent under this chapter, the board or superintendent 1783  
may apply to the court of common pleas of any county in the 1784  
state setting forth the failure. The court may make an order 1785  
awarding process of subpoena or subpoena duces tecum for the 1786  
person to appear and testify before the board or superintendent. 1787  
The court also may order any person to give testimony and answer 1788  
questions, and to produce books, records, or papers, as required 1789  
by the board or superintendent. Upon the filing of such order in 1790  
the office of the clerk of the court of common pleas, the clerk, 1791  
under the seal of the court, shall issue process of subpoena for 1792  
the person to appear before the board or superintendent at a 1793  
time and place named in the subpoena, and each day thereafter 1794  
until the examination of such person is completed. The subpoena 1795  
may contain a direction that the witness bring with the witness 1796  
to the examination any books, records, or papers mentioned in 1797  
the subpoena. The clerk shall also issue, under the seal of the 1798  
court, such other orders, in reference to the examination, 1799  
appearance, and production of books, records, or papers, as the 1800  
court directs. If any person so summoned by subpoena fails to 1801  
obey the subpoena, to give testimony, to answer questions as 1802  
required, or to obey an order of the court, the court, on motion 1803  
supported by proof, may order an attachment for contempt to be 1804  
issued against the person charged with disobedience of any order 1805  
or injunction issued by the court under this chapter. If the 1806  
person is brought before the court by virtue of the attachment, 1807  
and if upon a hearing the disobedience appears, the court may 1808  
order the offender to be committed and kept in close custody. 1809

**Sec. 4764.13. (A) If, upon examining the results of an** 1810  
**investigation, the superintendent of real estate and** 1811  
**professional licensing determines that reasonable evidence** 1812

exists that a licensed home inspector has violated this chapter 1813  
or engaged in an activity described in divisions (A) to (G) of 1814  
section 4764.14 of the Revised Code, the superintendent shall 1815  
proceed in accordance with the notice and hearing requirements 1816  
prescribed in Chapter 119. of the Revised Code. After a hearing 1817  
officer conducts a hearing and issues a report pursuant to 1818  
division (D) of this section, the Ohio home inspector board 1819  
shall review the report and shall order the disciplinary action 1820  
the board considers appropriate, which may include any one or 1821  
more of the following: 1822

(1) A reprimand; 1823

(2) A fine not exceeding one thousand dollars per 1824  
violation; 1825

(3) Completion of hours of education in subjects related 1826  
to the underlying cause of the violation in an amount determined 1827  
by the board; 1828

(4) Suspension of the license until the licensed home 1829  
inspector complies with conditions the board establishes; 1830

(5) Suspension of the license for a specific period of 1831  
time; 1832

(6) Revocation of the license; 1833

(7) Surrender of the license in lieu of discipline. 1834

(B) The superintendent shall not credit any hours of 1835  
education a licensed home inspector completes in accordance with 1836  
division (A) (3) of this section toward satisfying the 1837  
requirements for continuing education specified in section 1838  
4764.08 of the Revised Code. 1839

(C) At any time after the superintendent notifies a 1840

licensee in accordance with division (A) of this section that a 1841  
hearing will be held, the licensee may apply to the 1842  
superintendent to enter into a settlement agreement regarding 1843  
the alleged violation. The superintendent and the licensed home 1844  
inspector shall comply with the requirements for settlement 1845  
agreements established in rules adopted by the board pursuant to 1846  
division (A) (11) of section 4764.05 of the Revised Code. If the 1847  
parties enter into the settlement agreement and comply with all 1848  
of the requirements set forth in that agreement, the 1849  
investigation regarding that alleged violation is considered 1850  
closed. Notwithstanding division (C) of section 4764.12 of the 1851  
Revised Code, the settlement agreement is a public record for 1852  
purposes of section 149.43 of the Revised Code. 1853

(D) The superintendent shall appoint a hearing officer to 1854  
conduct adjudication hearings in accordance with Chapter 119. of 1855  
the Revised Code. 1856

In accordance with section 119.09 of the Revised Code, 1857  
after conducting a hearing, a hearing officer shall submit to 1858  
the board a report of the hearing and a recommendation for the 1859  
action to be taken against the licensed home inspector. All 1860  
parties may file objections to the report and recommendations as 1861  
permitted under that section, and the board shall issue an order 1862  
in accordance with the procedures prescribed in that section. 1863

(E) If the board assesses a licensee a fine for a 1864  
violation of section 4764.02 of the Revised Code and the person 1865  
fails to pay that fine within the time period prescribed by the 1866  
board, the superintendent shall forward to the attorney general 1867  
the name of the person and the amount of the fine for the 1868  
purpose of collecting that fine. In addition to the fine 1869  
assessed pursuant to this section, the person also shall pay any 1870



fee assessed by the attorney general for collection of the fine. 1871

(F) The decision and order of the board is final, subject 1872  
to review in the manner provided in Chapter 119. of the Revised 1873  
Code and appeal to the court of common pleas of Franklin county. 1874

**Sec. 4764.14.** The superintendent of real estate and 1875  
professional licensing may refuse to issue or renew a license if 1876  
the applicant for the license or renewal has done any of the 1877  
following: 1878

(A) Failed to establish to the satisfaction of the 1879  
superintendent that the applicant is honest, truthful, and of 1880  
good reputation; 1881

(B) Accepted compensation or other valuable consideration 1882  
from more than one interested party for the same service without 1883  
the written consent of all interested parties; 1884

(C) Accepted commissions, allowances, or other valuable 1885  
consideration, directly or indirectly, from other parties who 1886  
deal with a client in connection with the home inspection for 1887  
which the home inspector is responsible, or from other parties 1888  
who are involved in any part of the real estate transaction 1889  
involving a residential building for which that home inspector 1890  
conducted a home inspection; 1891

(D) Repaired, replaced, or upgraded, or solicited to 1892  
repair, replace, or upgrade, for compensation or other valuable 1893  
consideration, systems or components in a residential building 1894  
after completing a home inspection of that residential building, 1895  
but prior to the close of the real estate transaction associated 1896  
with that home inspection and the resolution of all contingent 1897  
issues involving that building and transaction; 1898

(E) Failed to disclose within ten business days to a 1899

client written information about any business interest of the 1900  
home inspector that may affect the client in connection with the 1901  
home inspection; 1902

(F) Pled guilty to or been convicted of any crime of 1903  
moral turpitude, a felony, or an equivalent offense under the 1904  
laws of any other state or the United States, or was required to 1905  
register under Chapter 2950. of the Revised Code; 1906

(G) Failed to provide copies of records to the 1907  
superintendent or failed to maintain records as required by 1908  
section 4764.11 of the Revised Code. Failure of a licensee to 1909  
comply with a subpoena issued under division (D) of section 1910  
4764.12 of the Revised Code is prima facie evidence of a 1911  
violation of division (H) of section 4763.14 of the Revised 1912  
Code. 1913

(H) Failed to maintain or be covered by a comprehensive 1914  
general liability insurance policy or a commercial general 1915  
liability insurance policy as required under division (A) of 1916  
section 4764.11 of the Revised Code at any point during the term 1917  
of a prior license; 1918

(I) Violated a provision of this chapter. 1919

**Sec. 4764.15.** The superintendent of real estate and 1920  
professional licensing may apply to any court of common pleas to 1921  
enjoin a violation of this chapter. Upon a showing by the 1922  
superintendent that a person has violated or is violating this 1923  
chapter, the court shall grant an injunction, restraining order, 1924  
or other appropriate relief. 1925

**Sec. 4764.16.** (A) Upon receipt of a written complaint or 1926  
upon the motion of the superintendent of real estate and 1927  
professional licensing, the superintendent may investigate any 1928

person who is not a licensed home inspector who has allegedly 1929  
violated section 4764.02 of the Revised Code. 1930

(B) The superintendent has the same powers to investigate 1931  
an alleged violation of section 4764.02 of the Revised Code by a 1932  
person who is not licensed as a home inspector as those powers 1933  
are specified in section 4764.12 of the Revised Code. If, after 1934  
an investigation pursuant to section 4764.12 of the Revised 1935  
Code, the superintendent determines that reasonable evidence 1936  
exists that an unlicensed person has violated section 4764.02 of 1937  
the Revised Code, within seven days after that determination, 1938  
the superintendent shall send a written notice to that person by 1939  
regular mail and shall include in the notice the information 1940  
specified in section 119.07 of the Revised Code for notices 1941  
given to licensees, except that the notice shall specify that a 1942  
hearing will be held and specify the date, time, and place of 1943  
the hearing. 1944

(C) The Ohio home inspector board shall hold a hearing 1945  
regarding the alleged violation in the same manner prescribed 1946  
for an adjudication hearing under section 119.09 of the Revised 1947  
Code. If the board, after the hearing, determines a violation 1948  
has occurred, the board may impose a civil penalty on the 1949  
person, not exceeding five hundred dollars per violation which 1950  
is distinct from any criminal fine imposed pursuant to section 1951  
4764.99 of the Revised Code. Each day a violation occurs or 1952  
continues is a separate violation. The superintendent may 1953  
approve a payment plan if the unlicensed person requests such. 1954  
The board shall maintain a transcript of the proceedings of the 1955  
hearing and issue a written order to all parties, citing its 1956  
findings and grounds for any action taken. The board's 1957  
determination regarding a violation of section 4764.02 of the 1958  
Revised Code is an order that the person may appeal in 1959

accordance with section 119.12 of the Revised Code. 1960

(D) If the unlicensed person who allegedly committed a 1961  
violation of section 4764.02 of the Revised Code fails to appear 1962  
for a hearing, the board may request the court of common pleas 1963  
of the county where the alleged violation occurred to compel the 1964  
person to appear before the board for a hearing. 1965

(E) If the board assesses an unlicensed person a civil 1966  
penalty for a violation of section 4764.02 of the Revised Code 1967  
and the person fails to pay that civil penalty within the time 1968  
period prescribed by the board, the superintendent shall forward 1969  
to the attorney general the name of the person and the amount of 1970  
the civil penalty for the purpose of collecting that civil 1971  
penalty. In addition to the civil penalty assessed pursuant to 1972  
this section, the person also shall pay any fee assessed by the 1973  
attorney general for collection of the civil penalty. 1974

If the board finds, or an unlicensed person admits to the 1975  
board, a violation of section 4764.02 of the Revised Code, the 1976  
superintendent of real estate and professional licensing shall 1977  
not issue to the person a home inspector license without prior 1978  
board approval. 1979

**Sec. 4764.17.** (A) Except as provided in divisions (B) and 1980  
(C) of this section, nothing in this chapter shall be construed 1981  
to create or imply a private cause of action against a licensed 1982  
home inspector for a violation of this chapter if that action is 1983  
not otherwise maintainable under common law. 1984

(B) An action for damages that is based on professional 1985  
services that were rendered or that should have been rendered by 1986  
a licensed home inspector shall not be brought, commenced, or 1987  
maintained unless the action is filed within one year after the 1988

date that the home inspection is performed. 1989

(C) Before bringing, commencing, or maintaining an action 1990  
under division (B) of this section, a client shall notify the 1991  
licensed home inspector of the alleged deficiencies and shall 1992  
allow the licensed home inspector the opportunity to review and 1993  
remedy the alleged deficiencies. The statute of limitations 1994  
specified in division (B) of this section shall be tolled for 1995  
the period that begins on the date the client notifies the 1996  
licensed home inspector of the alleged deficiencies and that 1997  
ends on the date that the licensed home inspector reviews, 1998  
declines to review, remedies, or declines to remedy the alleged 1999  
deficiencies, whichever comes later. 2000

(D) The remedies provided under sections 4764.12 to 2001  
4764.15 of the Revised Code are the exclusive remedies for 2002  
alleged violations of any conflict of interest prohibitions 2003  
specified in the rules adopted by the Ohio home inspector board 2004  
pursuant to division (A)(10) of section 4764.05 of the Revised 2005  
Code. 2006

(E) Nothing in this section shall be construed to prohibit 2007  
the superintendent of real estate and professional licensing 2008  
from investigating, or to prohibit the board from taking action 2009  
against a licensed home inspector for violations of this chapter 2010  
if the investigation commences more than one year after the date 2011  
that the licensed home inspector conducts the home inspection 2012  
that is the subject of the investigation and action. 2013

**Sec. 4764.18.** The superintendent of real estate and 2014  
professional licensing shall deposit all money collected under 2015  
this chapter in the state treasury to the credit of the home 2016  
inspectors fund, which is hereby created. Money credited to the 2017  
fund shall be used solely by the superintendent to pay costs 2018

associated with the administration and enforcement of this 2019  
chapter. 2020

**Sec. 4764.19.** On receipt of a notice pursuant to section 2021  
3123.43 of the Revised Code, the superintendent of real estate 2022  
and professional licensing shall comply with sections 3123.41 to 2023  
3123.50 of the Revised Code and any applicable rules adopted 2024  
under section 3123.63 of the Revised Code with respect to a 2025  
license issued pursuant to this chapter. 2026

**Sec. 4764.20.** The superintendent of real estate and 2027  
professional licensing shall comply with section 4776.20 of the 2028  
Revised Code. 2029

**Sec. 4764.99.** (A) Whoever violates division (A) of section 2030  
4764.02 of the Revised Code is guilty of a misdemeanor of the 2031  
first degree. 2032

(B) Whoever violates division (D) of section 4764.02 of 2033  
the Revised Code is guilty of a felony of the fifth degree. 2034

**Sec. 4776.10.** As used in Chapters 4713., 4738., 4740., 2035  
4747., ~~and 4749., and 4764.,~~ and sections 4725.40 to 4725.59 of 2036  
the Revised Code: 2037

(A) "Crime of moral turpitude" or "moral turpitude" means 2038  
all of the following: 2039

(1) A violation of section 2903.01 or 2903.02 of the 2040  
Revised Code; 2041

(2) A sexually oriented offense as defined in section 2042  
2950.01 of the Revised Code; 2043

(3) An offense that is an offense of violence as defined 2044  
in section 2901.01 of the Revised Code, if the offense is a 2045  
felony of the first or second degree; 2046

(4) Complicity in committing an offense described in 2047  
division (A)(1) of this section; 2048

(5) An attempt or conspiracy to commit or complicity in 2049  
committing any offense described in division (A)(1), (2), (3), 2050  
or (4) of this section if the attempt, conspiracy, or complicity 2051  
is a felony of the first or second degree; 2052

(6) A violation of any former law of this state, any 2053  
existing or former law applicable in a military court or in an 2054  
Indian tribal court, or any existing or former law of any nation 2055  
other than the United States that is or was substantially 2056  
equivalent to any offense listed in division (A)(1), (2), (3), 2057  
(4), or (5) of this section. 2058

(B) "Direct nexus" means that the nature of the offense 2059  
for which the individual was convicted or to which the 2060  
individual pleaded guilty has a direct bearing on the fitness or 2061  
ability of the individual to perform one or more of the duties 2062  
or responsibilities necessarily related to a particular 2063  
occupation, profession, or trade. 2064

(C) "Disqualifying offense" means an offense that is a 2065  
felony and that has a direct nexus to an individual's proposed 2066  
or current field of licensure, certification, or employment. 2067

**Sec. 4776.20.** (A) As used in this section: 2068

(1) "Licensing agency" means, in addition to each board 2069  
identified in division (C) of section 4776.01 of the Revised 2070  
Code, the board or other government entity authorized to issue a 2071  
license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 2072  
4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 2073  
4742., 4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 2074  
4764., 4765., 4766., 4771., 4773., 4774., 4778., and 4781. of 2075

the Revised Code. "Licensing agency" includes an administrative 2076  
officer that has authority to issue a license. 2077

(2) "Licensee" means, in addition to a licensee as 2078  
described in division (B) of section 4776.01 of the Revised 2079  
Code, the person to whom a license is issued by the board or 2080  
other government entity authorized to issue a license under 2081  
Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 2082  
4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 2083  
4749., 4751., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 2084  
4766., 4771., 4773., 4774., 4778., and 4781. of the Revised 2085  
Code. 2086

(3) "Prosecutor" has the same meaning as in section 2087  
2935.01 of the Revised Code. 2088

(B) On a licensee's conviction of, plea of guilty to, 2089  
judicial finding of guilt of, or judicial finding of guilt 2090  
resulting from a plea of no contest to the offense of 2091  
trafficking in persons in violation of section 2905.32 of the 2092  
Revised Code, the prosecutor in the case shall promptly notify 2093  
the licensing agency of the conviction, plea, or finding and 2094  
provide the licensee's name and residential address. On receipt 2095  
of this notification, the licensing agency shall immediately 2096  
suspend the licensee's license. 2097

(C) If there is a conviction of, plea of guilty to, 2098  
judicial finding of guilt of, or judicial finding of guilt 2099  
resulting from a plea of no contest to the offense of 2100  
trafficking in persons in violation of section 2905.32 of the 2101  
Revised Code and all or part of the violation occurred on the 2102  
premises of a facility that is licensed by a licensing agency, 2103  
the prosecutor in the case shall promptly notify the licensing 2104  
agency of the conviction, plea, or finding and provide the 2105



facility's name and address and the offender's name and 2106  
residential address. On receipt of this notification, the 2107  
licensing agency shall immediately suspend the facility's 2108  
license. 2109

(D) Notwithstanding any provision of the Revised Code to 2110  
the contrary, the suspension of a license under division (B) or 2111  
(C) of this section shall be implemented by a licensing agency 2112  
without a prior hearing. After the suspension, the licensing 2113  
agency shall give written notice to the subject of the 2114  
suspension of the right to request a hearing under Chapter 119. 2115  
of the Revised Code. After a hearing is held, the licensing 2116  
agency shall either revoke or permanently revoke the 2117  
~~license~~license of the subject of the suspension, unless it 2118  
determines that the license holder has not been convicted of, 2119  
pleaded guilty to, been found guilty of, or been found guilty 2120  
based on a plea of no contest to the offense of trafficking in 2121  
persons in violation of section 2905.32 of the Revised Code. 2122

**Section 2.** That existing sections 109.572, 121.08, 2123  
2925.01, 4745.01, 4776.10, and 4776.20 of the Revised Code are 2124  
hereby repealed. 2125

**Section 3.** Section 4764.02 of the Revised Code, as enacted 2126  
by this act, takes effect two hundred ten days after the 2127  
effective date of this act. 2128

**Section 4.** Notwithstanding section 4764.04 of the Revised 2129  
Code, as enacted by this act, persons appointed to the Ohio Home 2130  
Inspector Board during the first year after the effective date 2131  
of this act need not be licensed as required under that section. 2132

**Section 5.** Not later than one hundred eighty days after 2133  
the effective date of this act, the Ohio Home Inspector Board 2134

shall adopt the rules the Board is required to adopt under this 2135  
act. 2136

**Section 6.** (A) Notwithstanding section 4764.07 of the 2137  
Revised Code, as enacted by this act, and except as provided 2138  
under section 4764.14 of the Revised Code, as enacted by this 2139  
act, during the period of time beginning on the date the last 2140  
initial member of the Ohio Home Inspector Board is appointed 2141  
pursuant to section 4764.04 of the Revised Code, as enacted by 2142  
this act, and ending one hundred twenty days after that date, 2143  
the Superintendent of Real Estate and Professional Licensing 2144  
shall issue a home inspector license if a person applies for a 2145  
license on a form the Superintendent provides and pays the fee 2146  
specified in section 4764.05 of the Revised Code, as enacted by 2147  
this act, and if the applicant demonstrates all of the 2148  
following: 2149

(1) Proof of maintaining or being covered by a 2150  
comprehensive general liability insurance policy or a commercial 2151  
general liability insurance policy and an error and omissions 2152  
insurance policy in accordance with division (A) of section 2153  
4764.11 of the Revised Code, as enacted by this act; 2154

(2) Proof by direct documentation or signed affidavit 2155  
attesting to having met any one of the following requirements to 2156  
demonstrate participation in the home inspection field prior to 2157  
the effective date of this act: 2158

(a) Having performed at least two hundred home inspections 2159  
for clients for compensation or other valuable consideration; 2160

(b) Having successfully passed a home inspector 2161  
examination specified in division (A)(4) of section 4764.06 of 2162  
the Revised Code, as enacted by this act; 2163

(c) Having actively operated a home inspection business in 2164  
this state for three years before the effective date of this act 2165  
under a business name officially registered with the Secretary 2166  
of State; 2167

(d) Having been employed as a home inspector for the 2168  
consecutive thirty-six months before the effective date of this 2169  
act by an inspection company or person whose owner or manager 2170  
meets the license requirement specified in this section; 2171

(e) Having successfully completed eighty hours of 2172  
instruction of the type that would qualify for continuing 2173  
education credit under section 4764.05 of the Revised Code. 2174

(3) Proof of signing a pledge agreeing to comply with the 2175  
requirements specified in rules adopted by the Board pursuant to 2176  
division (A)(10) of section 4764.05 of the Revised Code, as 2177  
enacted by this act; 2178

(4) In a written statement, acknowledgment that the person 2179  
understands the grounds for any disciplinary action that may be 2180  
initiated under Chapter 4764. of the Revised Code, as enacted by 2181  
this act. 2182

If the Board determines necessary, the Board may request 2183  
the Superintendent to have a criminal records check conducted 2184  
pursuant to section 121.08 of the Revised Code and the rules 2185  
adopted by the Board pursuant to division (A)(6) of section 2186  
4764.06 of the Revised Code, as enacted by this act, on any 2187  
applicant who applies for a license under this section. 2188

(B) Any license issued under this section shall expire 2189  
three years after the date the license was issued. A licensed 2190  
home inspector may renew the licensed home inspector's license 2191  
in accordance with section 4764.09 of the Revised Code, as 2192

enacted by this act. 2193

(C) As used in this section, "home inspection" and 2194  
"residential building" have the same meanings as in section 2195  
4764.01 of the Revised Code, as enacted by this act. "Home 2196  
inspector" means a person who conducts home inspections for 2197  
compensation or other valuable consideration. 2198