

I_131_2358-1

**131st General Assembly
Regular Session
2015-2016**

. B. No.

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.

1
2
3
4
5
6
7

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:

8
9
10
11
12
13

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

14
15
16
17
18



ibdysuj2x32j6hvbney8ub

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

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

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

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

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

3721.121 of the Revised Code, a completed form prescribed	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, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	110 111 112 113 114
(b) Felonious sexual penetration in violation of former section 2907.12 of the Revised Code;	115 116
(c) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996;	117 118
(d) A violation of section 2923.01, 2923.02, or 2923.03 of the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses listed in divisions (A) (3) (a) to (c) of this section;	119 120 121 122
(e) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in divisions (A) (3) (a) to (d) of this section.	123 124 125 126
(4) On receipt of a request pursuant to section 2151.86 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:	127 128 129 130 131 132 133 134 135 136 137
(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
state, any other state, or the United States that is
substantially equivalent to any of the offenses listed in
division (A) (6) (a) of this section. 231
232
233
234

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

(8) On receipt of a request pursuant to section 1321.37,
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised
Code, a completed form prescribed pursuant to division (C) (1) of
this section, and a set of fingerprint impressions obtained in
the manner described in division (C) (2) of this section, the
superintendent of the bureau of criminal identification and
investigation shall conduct a criminal records check with
respect to any person who has applied for a license, permit, or
254
255
256
257
258
259
260
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 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in a manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to the following:	355 356 357 358 359 360 361 362 363 364 365
(a) A disqualifying offense as specified in rules adopted under division (B) (2) (b) of section 3796.03 of the Revised Code if the person who is the subject of the request is an administrator or other person responsible for the daily operation of, or an owner or prospective owner, officer or prospective officer, or board member or prospective board member of, an entity seeking a license from the department of commerce under Chapter 3796. of the Revised Code;	366 367 368 369 370 371 372 373
(b) A disqualifying offense as specified in rules adopted under division (B) (2) (b) of section 3796.04 of the Revised Code if the person who is the subject of the request is an administrator or other person responsible for the daily operation of, or an owner or prospective owner, officer or prospective officer, or board member or prospective board member of, an entity seeking a license from the state board of pharmacy under Chapter 3796. of the Revised Code.	374 375 376 377 378 379 380 381
(14) On receipt of a request required by section 3796.13 of the Revised Code, a completed form prescribed pursuant to	382 383

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

<u>United States.</u>	414
(B) Subject to division (F) of this section, the superintendent shall conduct any criminal records check to be conducted under this section as follows:	415 416 417
(1) The superintendent shall review or cause to be reviewed any relevant information gathered and compiled by the bureau under division (A) of section 109.57 of the Revised Code that relates to the person who is the subject of the criminal records check, including, if the criminal records check was requested under section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 4749.03, 4749.06, 4763.05, <u>4764.07</u> , 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant information contained in records that have been sealed under section 2953.32 of the Revised Code;	418 419 420 421 422 423 424 425 426 427 428 429 430
(2) If the request received by the superintendent asks for information from the federal bureau of investigation, the superintendent shall request from the federal bureau of investigation any information it has with respect to the person who is the subject of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 if the request is made pursuant to section 2151.86 or 5104.013 of the Revised Code or if any other Revised Code section requires fingerprint-based checks of that nature, and shall review or cause to be reviewed any information the superintendent receives from that bureau. If a request under section 3319.39 of the Revised Code asks only for information from the federal bureau of investigation, the superintendent	431 432 433 434 435 436 437 438 439 440 441 442 443

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

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

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

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

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

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., <u>4764.</u> 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 identification and investigation under division (C) (3) of section 109.572 of the Revised Code, including, when applicable, any fee for a criminal records check conducted by the federal bureau of investigation. 714
715
716
717
718

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

Sec. 2925.01. As used in this chapter: 725

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

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

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

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

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

exception of controlled substance analogs, marihuana, cocaine, L.S.D., heroin, and hashish and except as provided in division (D) (2) or (5) of this section, whichever of the following is applicable:	743 744 745 746
(a) An amount equal to or exceeding ten grams or twenty- five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;	747 748 749 750
(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;	751 752 753
(c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant;	754 755 756 757 758
(d) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II opiate or opium derivative;	759 760 761 762 763
(e) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine;	764 765 766
(f) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant that is in a	767 768 769 770 771

final dosage form manufactured by a person authorized by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the federal drug abuse control laws, as defined in section 3719.01 of the Revised Code, that is or contains any amount of a schedule II depressant substance or a schedule II hallucinogenic substance;	772 773 774 775 776 777
(g) An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the federal drug abuse control laws.	778 779 780 781 782 783
(2) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III or IV substance other than an anabolic steroid or a schedule III opiate or opium derivative;	784 785 786 787 788 789 790
(3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III opiate or opium derivative;	791 792 793 794 795
(4) An amount equal to or exceeding two hundred fifty milliliters or two hundred fifty grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule V substance;	796 797 798 799
(5) An amount equal to or exceeding two hundred solid	800

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

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

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

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

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

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

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

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

under division (G) (1), (2), or (3) of this section.	830
(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States.	831 832 833
(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following:	834 835
(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following:	836 837 838 839 840 841
(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;	842 843 844 845
(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, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.	851 852 853 854 855 856

(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.	857 858 859 860
(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.	861 862 863 864 865 866
(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.	867 868 869
(N) "Juvenile" means a person under eighteen years of age.	870
(O) "Counterfeit controlled substance" means any of the following:	871 872
(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;	873 874 875 876
(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;	877 878 879 880
(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;	881 882 883
(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
some of the instruction, extracurricular activities, or training
of the school is conducted, whether or not any instruction,
extracurricular activities, or training provided by the school
is being conducted on the parcel of real property at the time a
criminal offense is committed.

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

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

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

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

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

(1) A person who has obtained a license as a manufacturer of controlled substances or a wholesaler of controlled substances under Chapter 3719. of the Revised Code;	943 944 945
(2) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Chapter 4701. of the Revised Code and who holds an Ohio permit issued under that chapter;	946 947 948 949 950
(3) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;	951 952 953
(4) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;	954 955 956
(5) A person licensed under Chapter 4707. of the Revised Code;	957 958
(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	959 960 961
(7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	962 963 964
(8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license,	965 966 967 968 969 970 971

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

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

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

certificate under Chapter 4763. of the Revised Code;	1056
(36) <u>A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;</u>	1057
(37) <u>A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.</u>	1059
(X) "Cocaine" means any of the following:	1062
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	1063
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	1065
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	1069
(Y) "L.S.D." means lysergic acid diethylamide.	1075
(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	1076
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	1079
(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

<u>accessible components of a residential building for a client.</u>	1169
<u>"Home inspection" does not include pest inspections;</u>	1170
<u>environmental testing; inspection of any property or structure</u>	1171
<u>conducted by an employee or representative of an insurer</u>	1172
<u>licensed to transact business in this state under Title XXXIX of</u>	1173
<u>the Revised Code for purposes related to the business of</u>	1174
<u>insurance; or determination of compliance with applicable</u>	1175
<u>statutes, rules, resolutions, or ordinances, including, without</u>	1176
<u>limitation, building, zoning, or historic codes.</u>	1177
<u>(D) "Home inspection report" means a written report</u>	1178
<u>prepared by a licensed home inspector for compensation and</u>	1179
<u>issued after an on-site inspection of a residential property. A</u>	1180
<u>report shall include all of the following:</u>	1181
<u>(1) Information on any system or component inspected that,</u>	1182
<u>in the professional opinion of the inspector, is deficient to</u>	1183
<u>the degree that it is deficient;</u>	1184
<u>(2) The inspector's recommendation to repair or monitor</u>	1185
<u>deficiencies reported under division (D) (1) of this section;</u>	1186
<u>(3) A list of any systems or components that were</u>	1187
<u>designated for inspection in the standards of practice adopted</u>	1188
<u>by the board under division (A) (10) of section 4764.05 of the</u>	1189
<u>Revised Code but that were not inspected;</u>	1190
<u>(4) The reason a system or component listed under division</u>	1191
<u>(D) (3) of this section was not inspected.</u>	1192
<u>(E) "Licensed home inspector" means a person who holds a</u>	1193
<u>valid license issued pursuant to section 4764.07 or 4764.10 of</u>	1194
<u>the Revised Code to conduct a home inspection for compensation</u>	1195
<u>or other valuable consideration.</u>	1196
<u>(F) "Parallel inspection" means a home inspection</u>	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

<u>(A) (10) of section 4764.05 of the Revised Code.</u>	1227
<u>(D) No person shall knowingly make or cause to be made any false representation concerning a material and relevant fact relating to the person's licensure as a home inspector.</u>	1228
<u>Sec. 4764.03. Section 4764.02 of the Revised Code does not apply to any person described as follows if the person is acting within the scope of practice of the person's respective profession:</u>	1231
<u>(A) A person who is employed by or whose services otherwise are retained by this state or a political subdivision of this state for the purpose of enforcing building codes;</u>	1235
<u>(B) A person holding a valid certificate to practice architecture issued under Chapter 4703. of the Revised Code;</u>	1238
<u>(C) A person registered as a professional engineer under Chapter 4733. of the Revised Code;</u>	1240
<u>(D) A heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor who is licensed under Chapter 4740. or section 3781.102 of the Revised Code or who is licensed or registered under section 715.27 of the Revised Code;</u>	1242
<u>(E) A real estate broker, real estate salesperson, foreign real estate dealer, or foreign real estate salesperson who is licensed under Chapter 4735. of the Revised Code;</u>	1248
<u>(F) A real estate appraiser who is licensed under Chapter 4763. of the Revised Code;</u>	1251
<u>(G) A public insurance adjuster who holds a valid certificate of authority issued under Chapter 3951. of the</u>	1253
	1254

<u>Revised Code or an employee or representative of an insurer</u>	1255
<u>licensed to transact business in this state under Title XXXIX of</u>	1256
<u>the Revised Code who conducts an inspection of any property or</u>	1257
<u>structure for purposes related to the business of insurance;</u>	1258
<u>(H) A commercial applicator of pesticide who is licensed</u>	1259
<u>under Chapter 921. of the Revised Code.</u>	1260
<u>Sec. 4764.04. There is hereby created the Ohio home</u>	1261
<u>inspector board consisting of five members. The governor shall</u>	1262
<u>appoint three members who are licensed home inspectors and who</u>	1263
<u>each represent different national organizations that consist of</u>	1264
<u>and represent home inspectors. Of the members appointed by the</u>	1265
<u>governor, one shall be an independent licensed home inspector</u>	1266
<u>and one shall be a member or representative of a home inspection</u>	1267
<u>franchise business. The president of the senate and the speaker</u>	1268
<u>of the house of representatives each shall appoint one member</u>	1269
<u>who represents the public and has no financial interest in the</u>	1270
<u>home inspection industry. Not more than three members of the</u>	1271
<u>board shall be members of the same political party.</u>	1272
<u>The governor, president of the senate, and speaker of the</u>	1273
<u>house of representatives shall make the initial appointments to</u>	1274
<u>the board not later than ninety days after the effective date of</u>	1275
<u>this section. Of the initial appointments to the board, the</u>	1276
<u>governor shall appoint one member to a term ending one year</u>	1277
<u>after the effective date of this section, one member to a term</u>	1278
<u>ending three years after that date, and one member to a term</u>	1279
<u>ending five years after that date. The president of the senate</u>	1280
<u>shall appoint one member to a term ending two years after that</u>	1281
<u>date, and the speaker of the house of representatives shall</u>	1282
<u>appoint one member to a term ending four years after that date.</u>	1283
<u>Thereafter, each term shall be for five years, ending on the</u>	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

<u>(a) Establish the following fees in an amount that is sufficient to defray necessary expenses incurred in the administration of this chapter:</u>	1314
	1315
	1316
<u>(i) The fee, which shall not exceed two hundred fifty dollars, for applying for and receiving a license issued under section 4764.07 of the Revised Code;</u>	1317
	1318
	1319
<u>(ii) The fee, which shall not exceed two hundred fifty dollars, for renewal of a license under section 4764.09 of the Revised Code.</u>	1320
	1321
	1322
<u>(b) The renewal late fee described in division (B) (2) of section 4764.09 of the Revised Code;</u>	1323
	1324
<u>(c) The fee an entity described in division (A) (7) of this section shall pay to receive approval to offer continuing education courses and programs;</u>	1325
	1326
	1327
<u>(d) The fee an entity that is approved to offer continuing education courses and programs shall pay for each course or program that the entity wishes to have the superintendent approve pursuant to the rules adopted by the board under division (A) (8) of this section;</u>	1328
	1329
	1330
	1331
	1332
<u>(e) Any other fees as required by this chapter.</u>	1333
<u>(3) In accordance with division (B) of this section, specify methods and procedures the board shall use to approve a curriculum of education a person must successfully complete to obtain a license under this chapter;</u>	1334
	1335
	1336
	1337
<u>(4) In accordance with division (C) of this section, specify methods and procedures the board shall use to approve a curriculum of experience that a person may elect to complete the proof of experience requirement specified in division (D) (6) of</u>	1338
	1339
	1340
	1341

<u>section 4764.07 of the Revised Code;</u>	1342
<u>(5) Establish the administrative reporting and review requirements for parallel inspections or equivalency for field experience to assure that an applicant for a license satisfies the requirements of division (D) (6) of section 4764.07 of the Revised Code, as applicable;</u>	1343
<u>(6) Establish a curriculum for continuing education that a licensed home inspector shall complete to satisfy the requirements for continuing education specified in section 4764.08 of the Revised Code and procedures to assure continuing education requirements are updated periodically to make those requirements consistent with home inspection industry practices;</u>	1348
<u>(7) Establish requirements an institution, organization, company, or person shall satisfy to obtain approval to provide courses or programs that enable a licensed home inspector to satisfy the requirements for continuing education specified in section 4764.08 of the Revised Code and establish procedures that the superintendent of real estate and professional licensing shall use to approve an institution, organization, company, or person that satisfies the requirements the board establishes;</u>	1354
<u>(8) Establish procedures and standards that the superintendent shall use to approve courses and programs, including online courses and programs, offered by an entity that is approved by the superintendent to offer continuing education courses or programs pursuant to the rules adopted by the board under division (A) (7) of this section;</u>	1363
<u>(9) Establish reporting requirements for a licensed home inspector to follow to demonstrate that the licensed home</u>	1369
	1370

<u>inspector successfully completed the continuing education requirements specified in section 4764.08 of the Revised Code;</u>	1371
	1372
<u>(10) Establish requirements for conducting home inspections, standards of practice for home inspectors, and conflict of interest prohibitions to the extent that those provisions do not conflict with divisions (B) to (E) of section 4764.14 of the Revised Code;</u>	1373
	1374
	1375
	1376
	1377
<u>(11) Specify requirements for settlement agreements entered into between the superintendent and a licensed home inspector under division (C) of section 4764.13 of the Revised Code.</u>	1378
	1379
	1380
	1381
<u>(B) The board shall approve a curriculum of education a person must successfully complete to obtain a license issued under this chapter. The board shall approve only a curriculum of education that satisfies all of the following requirements:</u>	1382
	1383
	1384
	1385
<u>(1) The curriculum is offered by an accredited public or private college, university, or other institution of higher education or a professional organization that has been approved by the board to offer a curriculum.</u>	1386
	1387
	1388
	1389
<u>(2) The curriculum includes a requirement that a person, in order to successfully complete the curriculum, complete at least forty hours of classroom instruction, including instruction about compliance with the requirements specified in this chapter, inspection safety, report writing, and any other administrative matters required by the board.</u>	1390
	1391
	1392
	1393
	1394
	1395
<u>(3) The curriculum includes a requirement that a person, in order to successfully complete the curriculum, complete at least eighty hours of prelicensing education.</u>	1396
	1397
	1398
<u>(4) The curriculum satisfies any other requirements the</u>	1399

<u>board established in rules it adopts.</u>	1400
<u>(C) The board shall determine the equivalency of field</u>	1401
<u>experience that a person may elect to complete to satisfy the</u>	1402
<u>proof of experience requirement specified in division (D) (6) of</u>	1403
<u>section 4764.07 of the Revised Code. The board shall approve</u>	1404
<u>only a curriculum of experience that includes a requirement that</u>	1405
<u>a person, in order to successfully complete the curriculum, must</u>	1406
<u>perform at least forty hours of work in the home inspection</u>	1407
<u>field that allows the person to obtain practical experience or</u>	1408
<u>training regarding home inspections. The board shall approve</u>	1409
<u>only a curriculum of experience that includes a requirement that</u>	1410
<u>a person, in order to successfully complete the curriculum, must</u>	1411
<u>complete a ride-along session with a licensed home inspector</u>	1412
<u>prior to getting approval for a license. The ride-along session</u>	1413
<u>may be used as part of the required eighty hours of prelicensing</u>	1414
<u>education.</u>	1415
<u>(D) The board shall adopt the American society of home</u>	1416
<u>inspectors' standards and code of ethics as minimum requirements</u>	1417
<u>for this chapter.</u>	1418
<u>Sec. 4764.06. (A) The superintendent of real estate and</u>	1419
<u>professional licensing shall do all of the following:</u>	1420
<u>(1) Administer this chapter;</u>	1421
<u>(2) Provide the Ohio home inspector board with meeting</u>	1422
<u>space, staff services, and other technical assistance required</u>	1423
<u>by the board to carry out the duties of the board under this</u>	1424
<u>chapter;</u>	1425
<u>(3) Provide each applicant for a home inspector license</u>	1426
<u>with a copy of the requirements for home inspections specified</u>	1427
<u>in rules adopted by the board pursuant to division (A) (10) of</u>	1428

<u>section 4764.05 of the Revised Code, and make those requirements available to the public by posting them on the web site maintained by the department of commerce;</u>	1429
<u>(4) In accordance with division (B) of this section, issue a home inspector license to, or renew a home inspector license for, any person who satisfies the requirements specified in this chapter for such licensure or renewal, and make a list of those licensed home inspectors available to the public by posting the list on the web site maintained by the department of commerce;</u>	1432
<u>(5) Have criminal records checks conducted for each applicant in accordance with section 121.08 of the Revised Code and the procedures specified in rules adopted by the board pursuant to division (A) (6) of this section;</u>	1438
<u>(6) Establish procedures, in accordance with division (K) of section 121.08 of the Revised Code, to have criminal records checks conducted by the bureau of criminal identification and investigation for all applicants for licensure;</u>	1442
<u>(7) In accordance with the procedures specified in rules adopted by the board in accordance with division (A) (7) of section 4764.05 of the Revised Code, approve an institution, organization, company, or person wishing to provide continuing education courses or programs if that institution, organization, company, or person satisfies the requirements specified in rules adopted by the board in accordance with that division and pays the fee established in rules adopted by the board pursuant to division (A) (2) (c) of that section;</u>	1446
<u>(8) In accordance with the procedures specified in rules adopted by the board in accordance with division (A) (8) of section 4764.05 of the Revised Code, approve a course or program</u>	1455
	1456
	1457

<u>that a licensed home inspector may complete to satisfy the continuing education requirements specified in section 4764.08 of the Revised Code if all of the following are satisfied:</u>	1458
<u>(a) The course or program is offered by an entity approved by the superintendent pursuant to division (A) (7) of this section.</u>	1461
<u>(b) The course or program satisfies the standards established in rules adopted by the board pursuant to division (A) (8) of section 4764.05 of the Revised Code.</u>	1464
<u>(c) The entity pays the fee established in rules adopted by the board pursuant to division (A) (2) (d) of section 4764.05 of the Revised Code.</u>	1467
<u>(9) Issue all orders necessary to implement this chapter;</u>	1470
<u>(10) In accordance with section 4764.12 of the Revised Code, investigate complaints concerning an alleged violation of this chapter or the conduct of any licensee and subpoena witnesses in connection with those investigations, as provided in that section. The subpoena may contain a direction that the witness produce and bring any documents, work files, inspection reports, records, or papers mentioned in the subpoena.</u>	1471
<u>(11) Establish and maintain an investigation and audit section to investigate complaints and conduct inspections, audits, and other inquiries as in the judgment of the superintendent are appropriate to enforce this chapter. The superintendent shall utilize the investigators and auditors employed pursuant to division (B) (4) of section 4735.05 of the Revised Code to assist in performing the duties specified in division (A) (10) of this section.</u>	1478
<u>(12) Specify the information that must be provided on an</u>	1486
	1459
	1460
	1462
	1463
	1465
	1466
	1468
	1469
	1472
	1473
	1474
	1475
	1476
	1477
	1479
	1480
	1481
	1482
	1483
	1484
	1485

<u>application for licensure under this chapter;</u>	1487
<u>(13) Establish procedures for processing, approving, and</u>	1488
<u>denying applications for licensure under this chapter;</u>	1489
<u>(14) Specify the format and content of all affidavits and</u>	1490
<u>other documents required for the administration of this chapter.</u>	1491
<u>(B) The superintendent shall not issue a license to a</u>	1492
<u>corporation, limited liability company, partnership, or</u>	1493
<u>association, although a licensed home inspector may sign a home</u>	1494
<u>inspection report in a representative capacity on behalf of any</u>	1495
<u>of those types of entities.</u>	1496
<u>Sec. 4764.07. (A) To obtain a license to perform home</u>	1497
<u>inspections, a person shall submit both of the following to the</u>	1498
<u>superintendent of real estate and professional licensing:</u>	1499
<u>(1) An application meeting the requirements of division</u>	1500
<u>(D) of this section on a form the superintendent provides;</u>	1501
<u>(2) The fee established in rules adopted by the Ohio home</u>	1502
<u>inspector board pursuant to division (A) (2) (a) of section</u>	1503
<u>4764.05 of the Revised Code.</u>	1504
<u>(B) Each person applying for a license shall submit one</u>	1505
<u>complete set of fingerprints directly to the superintendent of</u>	1506
<u>the bureau of criminal identification and investigation for the</u>	1507
<u>purpose of conducting a criminal records check. The person shall</u>	1508
<u>provide the fingerprints using a method the superintendent</u>	1509
<u>prescribes pursuant to division (C) (2) of section 109.572 of the</u>	1510
<u>Revised Code and fill out the form the superintendent of the</u>	1511
<u>bureau of criminal identification and investigation prescribes</u>	1512
<u>pursuant to division (C) (1) of section 109.572 of the Revised</u>	1513
<u>Code. Upon receiving an application under this section, the</u>	1514
<u>superintendent of real estate and professional licensing shall</u>	1515

<u>request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprint impressions in accordance with division (A) (15) of section 109.572 of the Revised Code. Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent of real estate and professional licensing shall request that criminal record information from the federal bureau of investigation be obtained as part of the criminal records check. Any fee required under division (C) (3) of section 109.572 of the Revised Code shall be paid by the applicant.</u>	1516 1517 1518 1519 1520 1521 1522 1523 1524 1525 1526
<u>(C) The superintendent shall issue a license to perform home inspections to applicants who satisfy the requirements set forth in this section, subject to section 4768.14 of the Revised Code.</u>	1527 1528 1529 1530
<u>(D) Except as otherwise specified in division (E) of this section, the application shall include all of the following:</u>	1531 1532
<u>(1) A pledge the applicant signs, agreeing to comply with the rules adopted by the board pursuant to division (A)(10) of section 4764.05 of the Revised Code;</u>	1533 1534 1535
<u>(2) A statement that the applicant understands the grounds for any disciplinary action that may be initiated under this chapter;</u>	1536 1537 1538
<u>(3) Proof of holding a comprehensive general liability insurance policy or a commercial general liability insurance policy and an error and omissions insurance policy in accordance with division (A) of section 4764.11 of the Revised Code;</u>	1539 1540 1541 1542
<u>(4) Proof of successfully passing, within two years before the date of the application, the national home inspector</u>	1543 1544

<u>examination;</u>	1545
<u>(5) Proof of successfully completing a curriculum of</u>	1546
<u>education approved by the board in accordance with rules the</u>	1547
<u>board adopts pursuant to division (A) (3) of section 4764.05 of</u>	1548
<u>the Revised Code;</u>	1549
<u>(6) Proof that the applicant has experience in the field</u>	1550
<u>of home inspections by successful completion of a curriculum of</u>	1551
<u>experience approved by the board in accordance with rules the</u>	1552
<u>board adopts pursuant to division (A) (4) of section 4764.05 of</u>	1553
<u>the Revised Code, by equivalency of experience as determined by</u>	1554
<u>the board pursuant to division (C) of section 4764.05 of the</u>	1555
<u>Revised Code, or by successful completion of ten parallel</u>	1556
<u>inspections;</u>	1557
<u>(7) Proof that the applicant is at least eighteen years of</u>	1558
<u>age;</u>	1559
<u>(8) Proof that the applicant has graduated from the</u>	1560
<u>twelfth grade, received a general educational development</u>	1561
<u>diploma, or satisfactorily completed a program that is the</u>	1562
<u>equivalent to graduating from the twelfth grade or receiving a</u>	1563
<u>general educational development diploma;</u>	1564
<u>(9) Any other information the board requires that the</u>	1565
<u>board determines is relevant to receiving a license to practice</u>	1566
<u>as a licensed home inspector.</u>	1567
<u>(E) The superintendent shall not require a person</u>	1568
<u>described in division (B) or (C) of section 4764.03 of the</u>	1569
<u>Revised Code who wishes to obtain a license to perform home</u>	1570
<u>inspections under this chapter to submit proof of education and</u>	1571
<u>experience as required under divisions (D) (5) and (6) of this</u>	1572
<u>section in the person's application in order for that person to</u>	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

<u>superintendent of real estate and professional licensing within</u>	1603
<u>the ninety-day period immediately preceding the date the license</u>	1604
<u>expires:</u>	1605
<u>(a) A renewal application pursuant to the procedures set</u>	1606
<u>forth in Chapter 4745. of the Revised Code;</u>	1607
<u>(b) Proof of holding or being covered by a comprehensive</u>	1608
<u>general liability insurance policy or a commercial general</u>	1609
<u>liability insurance policy in accordance with division (A) of</u>	1610
<u>section 4764.11 of the Revised Code;</u>	1611
<u>(c) Proof of satisfying the continuing education</u>	1612
<u>requirements specified in section 4764.08 of the Revised Code.</u>	1613
<u>(2) A licensed home inspector who fails to renew a license</u>	1614
<u>before its expiration may, during the three months following the</u>	1615
<u>expiration, renew the license by following the procedures in</u>	1616
<u>division (B) (1) of this section and paying a late renewal fee in</u>	1617
<u>an amount the Ohio home inspector board establishes. A licensed</u>	1618
<u>home inspector who applies for a late renewal pursuant to this</u>	1619
<u>division shall not engage in any activities permitted under the</u>	1620
<u>license being renewed until the superintendent notifies the</u>	1621
<u>licensed home inspector that the licensed home inspector's</u>	1622
<u>license has been renewed.</u>	1623
<u>(C) The superintendent shall not renew a license if any of</u>	1624
<u>the following conditions apply:</u>	1625
<u>(1) The licensed home inspector violates any rule adopted</u>	1626
<u>by the Ohio home inspector board in accordance with section</u>	1627
<u>4764.05 of the Revised Code.</u>	1628
<u>(2) The licensed home inspector fails to submit proof of</u>	1629
<u>holding a comprehensive general liability insurance policy or a</u>	1630
<u>commercial general liability insurance policy and an errors and</u>	1631

<u>omissions insurance policy in accordance with division (A) of section 4764.11 of the Revised Code.</u>	1632 1633
<u>(3) The licensed home inspector fails to submit proof of satisfying the continuing education requirements specified in section 4764.08 of the Revised Code.</u>	1634 1635 1636
<u>(D) A licensed home inspector who fails to renew a license prior to its expiration or during the three months following its expiration, or who fails to submit the proof required under division (C)(2) or (3) of this section, may subsequently obtain a license by applying for a license pursuant to section 4764.07 of the Revised Code.</u>	1637 1638 1639 1640 1641 1642
<u>Sec. 4764.10. The superintendent of real estate and professional licensing may issue a home inspector license to an applicant who holds a license, registration, or certification as a home inspector in another jurisdiction if that applicant submits an application on a form the superintendent provides, pays the fee the Ohio home inspector board prescribes, and satisfies all of the following requirements:</u>	1643 1644 1645 1646 1647 1648 1649
<u>(A) The applicant is licensed, registered, or certified as a home inspector in a jurisdiction that the board determines grants the same privileges to persons licensed under this chapter as this state grants to persons in that jurisdiction.</u>	1650 1651 1652 1653
<u>(B) That other jurisdiction has licensing, registration, or certification requirements that are substantially similar to, or exceed, those of this state.</u>	1654 1655 1656
<u>(C) The applicant attests that the applicant is familiar with and will abide by this chapter.</u>	1657 1658
<u>(D) The applicant attests to all of the following in a written statement that the applicant submits to the</u>	1659 1660

<u>superintendent:</u>	1661
(1) <u>To provide the superintendent the name and address of</u>	1662
<u>an agent to receive service of process in this state or that the</u>	1663
<u>applicant authorizes the superintendent to act as agent for that</u>	1664
<u>applicant;</u>	1665
(2) <u>That service of process in accordance with the Revised</u>	1666
<u>Code is proper and the applicant is subject to the jurisdiction</u>	1667
<u>of the courts of this state;</u>	1668
(3) <u>That any cause of action arising out of the conduct of</u>	1669
<u>the applicant's business in this state shall be filed in the</u>	1670
<u>county in which the events that gave rise to that cause of</u>	1671
<u>action occurred.</u>	1672
<u>Sec. 4764.11. (A) Every licensed home inspector shall</u>	1673
<u>maintain, or be covered by, a comprehensive general liability</u>	1674
<u>insurance policy or a commercial general liability insurance</u>	1675
<u>policy with coverage limits of not less than one hundred</u>	1676
<u>thousand dollars per occurrence and not less than a three-</u>	1677
<u>hundred-thousand-dollar aggregate limit. Additionally, every</u>	1678
<u>licensed home inspector shall maintain, or be covered by, an</u>	1679
<u>errors and omissions insurance policy with coverage limits of</u>	1680
<u>not less than one million dollars. These insurance policies</u>	1681
<u>shall provide coverage against liability of the licensed home</u>	1682
<u>inspector for loss, damage, or expense as a result of an act</u>	1683
<u>that occurred while the licensed home inspector was on the</u>	1684
<u>premises performing a home inspection. If the employer of a</u>	1685
<u>licensed home inspector is not a licensed home inspector and</u>	1686
<u>maintains such insurance policies covering the licensed home</u>	1687
<u>inspector, the licensed home inspector is not required to</u>	1688
<u>maintain the licensed home inspector's own insurance policies.</u>	1689

(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

<u>any books, records, or papers as required by the board or</u>	1782
<u>superintendent under this chapter, the board or superintendent</u>	1783
<u>may apply to the court of common pleas of any county in the</u>	1784
<u>state setting forth the failure. The court may make an order</u>	1785
<u>awarding process of subpoena or subpoena duces tecum for the</u>	1786
<u>person to appear and testify before the board or superintendent.</u>	1787
<u>The court also may order any person to give testimony and answer</u>	1788
<u>questions, and to produce books, records, or papers, as required</u>	1789
<u>by the board or superintendent. Upon the filing of such order in</u>	1790
<u>the office of the clerk of the court of common pleas, the clerk,</u>	1791
<u>under the seal of the court, shall issue process of subpoena for</u>	1792
<u>the person to appear before the board or superintendent at a</u>	1793
<u>time and place named in the subpoena, and each day thereafter</u>	1794
<u>until the examination of such person is completed. The subpoena</u>	1795
<u>may contain a direction that the witness bring with the witness</u>	1796
<u>to the examination any books, records, or papers mentioned in</u>	1797
<u>the subpoena. The clerk shall also issue, under the seal of the</u>	1798
<u>court, such other orders, in reference to the examination,</u>	1799
<u>appearance, and production of books, records, or papers, as the</u>	1800
<u>court directs. If any person so summoned by subpoena fails to</u>	1801
<u>obey the subpoena, to give testimony, to answer questions as</u>	1802
<u>required, or to obey an order of the court, the court, on motion</u>	1803
<u>supported by proof, may order an attachment for contempt to be</u>	1804
<u>issued against the person charged with disobedience of any order</u>	1805
<u>or injunction issued by the court under this chapter. If the</u>	1806
<u>person is brought before the court by virtue of the attachment,</u>	1807
<u>and if upon a hearing the disobedience appears, the court may</u>	1808
<u>order the offender to be committed and kept in close custody.</u>	1809
 <u>Sec. 4764.13. (A) If, upon examining the results of an</u>	1810
<u>investigation, the superintendent of real estate and</u>	1811
<u>professional licensing determines that reasonable evidence</u>	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

<u>fee assessed by the attorney general for collection of the fine.</u>	1871
<u>(F) The decision and order of the board is final, subject</u>	1872
<u>to review in the manner provided in Chapter 119. of the Revised</u>	1873
<u>Code and appeal to the court of common pleas of Franklin county.</u>	1874
<u>Sec. 4764.14. The superintendent of real estate and</u>	1875
<u>professional licensing may refuse to issue or renew a license if</u>	1876
<u>the applicant for the license or renewal has done any of the</u>	1877
<u>following:</u>	1878
<u>(A) Failed to establish to the satisfaction of the</u>	1879
<u>superintendent that the applicant is honest, truthful, and of</u>	1880
<u>good reputation;</u>	1881
<u>(B) Accepted compensation or other valuable consideration</u>	1882
<u>from more than one interested party for the same service without</u>	1883
<u>the written consent of all interested parties;</u>	1884
<u>(C) Accepted commissions, allowances, or other valuable</u>	1885
<u>consideration, directly or indirectly, from other parties who</u>	1886
<u>deal with a client in connection with the home inspection for</u>	1887
<u>which the home inspector is responsible, or from other parties</u>	1888
<u>who are involved in any part of the real estate transaction</u>	1889
<u>involving a residential building for which that home inspector</u>	1890
<u>conducted a home inspection;</u>	1891
<u>(D) Repaired, replaced, or upgraded, or solicited to</u>	1892
<u>repair, replace, or upgrade, for compensation or other valuable</u>	1893
<u>consideration, systems or components in a residential building</u>	1894
<u>after completing a home inspection of that residential building,</u>	1895
<u>but prior to the close of the real estate transaction associated</u>	1896
<u>with that home inspection and the resolution of all contingent</u>	1897
<u>issues involving that building and transaction;</u>	1898
<u>(E) Failed to disclose within ten business days to a</u>	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) Pleaded 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 violation of section 4764.02 of the Revised Code fails to appear for a hearing, the board may request the court of common pleas of the county where the alleged violation occurred to compel the person to appear before the board for a hearing.

1961

1962

1963

1964

1965

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

1966

1967

1968

1969

1970

1971

1972

1973

1974

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

1975

1976

1977

1978

1979

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

1980

1981

1982

1983

1984

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

1985

1986

1987

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

<u>associated with the administration and enforcement of this chapter.</u>	2019
	2020
<u>Sec. 4764.19. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the superintendent of real estate and professional licensing shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter.</u>	2021
	2022
	2023
	2024
	2025
	2026
<u>Sec. 4764.20. The superintendent of real estate and professional licensing shall comply with section 4776.20 of the Revised Code.</u>	2027
	2028
	2029
<u>Sec. 4764.99. (A) Whoever violates division (A) of section 4764.02 of the Revised Code is guilty of a misdemeanor of the first degree.</u>	2030
	2031
	2032
<u>(B) Whoever violates division (D) of section 4764.02 of the Revised Code is guilty of a felony of the fifth degree.</u>	2033
	2034
<u>Sec. 4776.10. As used in Chapters 4713., 4738., 4740., 4747., and 4749., and 4764., and sections 4725.40 to 4725.59 of the Revised Code:</u>	2035
	2036
	2037
<u>(A) "Crime of moral turpitude" or "moral turpitude" means all of the following:</u>	2038
	2039
<u>(1) A violation of section 2903.01 or 2903.02 of the Revised Code;</u>	2040
	2041
<u>(2) A sexually oriented offense as defined in section 2950.01 of the Revised Code;</u>	2042
	2043
<u>(3) An offense that is an offense of violence as defined in section 2901.01 of the Revised Code, if the offense is a felony of the first or second degree;</u>	2044
	2045
	2046

(4) Complicity in committing an offense described in division (A) (1) of this section;	2047 2048
(5) An attempt or conspiracy to commit or complicity in committing any offense described in division (A) (1), (2), (3), or (4) of this section if the attempt, conspiracy, or complicity is a felony of the first or second degree;	2049 2050 2051 2052
(6) A violation of any former law of this state, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States that is or was substantially equivalent to any offense listed in division (A) (1), (2), (3), (4), or (5) of this section.	2053 2054 2055 2056 2057 2058
(B) "Direct nexus" means that the nature of the offense for which the individual was convicted or to which the individual pleaded guilty has a direct bearing on the fitness or ability of the individual to perform one or more of the duties or responsibilities necessarily related to a particular occupation, profession, or trade.	2059 2060 2061 2062 2063 2064
(C) "Disqualifying offense" means an offense that is a felony and that has a direct nexus to an individual's proposed or current field of licensure, certification, or employment.	2065 2066 2067
Sec. 4776.20. (A) As used in this section:	2068
(1) "Licensing agency" means, in addition to each board identified in division (C) of section 4776.01 of the Revised Code, the board or other government entity authorized to issue a license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., <u>4764.</u> , 4765., 4766., 4771., 4773., 4774., 4778., and 4781. of	2069 2070 2071 2072 2073 2074 2075

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

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

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

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

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

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

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

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

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

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

Section 5. Not later than one hundred eighty days after
the effective date of this act, the Ohio Home Inspector Board
2133
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
this state for three years before the effective date of this act
under a business name officially registered with the Secretary
of State; 2164
2165
2166
2167

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

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

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

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

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

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