

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 211

Representative Hughes

**Cosponsors: Representatives Antani, Edwards, Leland, Cera, Bocchieri, Clyde,
Smith, K.**

A BILL

To amend sections 109.572, 121.08, 2925.01, 1
4745.01, 4776.10, and 4776.20 and to enact 2
sections 4764.01 to 4764.20 and 4764.99 of the 3
Revised Code to require the licensure of home 4
inspectors and to create the Ohio Home Inspector 5
Board to regulate the licensure and performance 6
of home inspectors. 7

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

Section 1. That sections 109.572, 121.08, 2925.01, 8
4745.01, 4776.10, and 4776.20 be amended and sections 4764.01, 9
4764.02, 4764.03, 4764.04, 4764.05, 4764.06, 4764.07, 4764.08, 10
4764.09, 4764.10, 4764.11, 4764.12, 4764.13, 4764.14, 4764.15, 11
4764.16, 4764.17, 4764.18, 4764.19, 4764.20, and 4764.99 of the 12
Revised Code be enacted to read as follows: 13

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 14
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 15
Code, a completed form prescribed pursuant to division (C) (1) of 16
this section, and a set of fingerprint impressions obtained in 17
the manner described in division (C) (2) of this section, the 18

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

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

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

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

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

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

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

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

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

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

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

2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123,	110
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02,	111
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11,	112
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36,	113
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	114
(b) Felonious sexual penetration in violation of former	115
section 2907.12 of the Revised Code;	116
(c) A violation of section 2905.04 of the Revised Code as	117
it existed prior to July 1, 1996;	118
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	119
the Revised Code when the underlying offense that is the object	120
of the conspiracy, attempt, or complicity is one of the offenses	121
listed in divisions (A) (3) (a) to (c) of this section;	122
(e) A violation of an existing or former municipal	123
ordinance or law of this state, any other state, or the United	124
States that is substantially equivalent to any of the offenses	125
listed in divisions (A) (3) (a) to (d) of this section.	126
(4) On receipt of a request pursuant to section 2151.86 of	127
the Revised Code, a completed form prescribed pursuant to	128
division (C) (1) of this section, and a set of fingerprint	129
impressions obtained in the manner described in division (C) (2)	130
of this section, the superintendent of the bureau of criminal	131
identification and investigation shall conduct a criminal	132
records check in the manner described in division (B) of this	133
section to determine whether any information exists that	134
indicates that the person who is the subject of the request	135
previously has been convicted of or pleaded guilty to any of the	136
following:	137
(a) A violation of section 959.13, 2903.01, 2903.02,	138

2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16,	139
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05,	140
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	141
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32,	142
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22,	143
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49,	144
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12,	145
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06,	146
2927.12, or 3716.11 of the Revised Code, a violation of section	147
2905.04 of the Revised Code as it existed prior to July 1, 1996,	148
a violation of section 2919.23 of the Revised Code that would	149
have been a violation of section 2905.04 of the Revised Code as	150
it existed prior to July 1, 1996, had the violation been	151
committed prior to that date, a violation of section 2925.11 of	152
the Revised Code that is not a minor drug possession offense,	153
two or more OVI or OVUAC violations committed within the three	154
years immediately preceding the submission of the application or	155
petition that is the basis of the request, or felonious sexual	156
penetration in violation of former section 2907.12 of the	157
Revised Code;	158
(b) A violation of an existing or former law of this	159
state, any other state, or the United States that is	160
substantially equivalent to any of the offenses listed in	161
division (A) (4) (a) of this section.	162
(5) Upon receipt of a request pursuant to section 5104.013	163
of the Revised Code, a completed form prescribed pursuant to	164
division (C) (1) of this section, and a set of fingerprint	165
impressions obtained in the manner described in division (C) (2)	166
of this section, the superintendent of the bureau of criminal	167
identification and investigation shall conduct a criminal	168
records check in the manner described in division (B) of this	169

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

section. 354

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

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

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

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

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

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

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

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

United States. 414

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

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

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

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

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

(4) The superintendent shall include in the results of the 451
criminal records check a list or description of the offenses 452
listed or described in division (A) (1), (2), (3), (4), (5), (6), 453
(7), (8), (9), (10), (11), (12), (13), ~~or (14)~~, or (15) of this 454
section, whichever division requires the superintendent to 455
conduct the criminal records check. The superintendent shall 456
exclude from the results any information the dissemination of 457
which is 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) Subject to division (F)(2) of this section, all 522
information regarding the results of a criminal records check 523
conducted under this section that the superintendent reports or 524
sends under division (A)(7) or (9) of this section to the 525
director of public safety, the treasurer of state, or the 526
person, board, or entity that made the request for the criminal 527
records check shall relate to the conviction of the subject 528
person, or the subject person's plea of guilty to, a criminal 529
offense. 530

(2) Division (F)(1) of this section does not limit, 531
restrict, or preclude the superintendent's release of 532

information that relates to the arrest of a person who is 533
eighteen years of age or older, to an adjudication of a child as 534
a delinquent child, or to a criminal conviction of a person 535
under eighteen years of age in circumstances in which a release 536
of that nature is authorized under division (E) (2), (3), or (4) 537
of section 109.57 of the Revised Code pursuant to a rule adopted 538
under division (E) (1) of that section. 539

(G) As used in this section: 540

(1) "Criminal records check" means any criminal records 541
check conducted by the superintendent of the bureau of criminal 542
identification and investigation in accordance with division (B) 543
of this section. 544

(2) "Minor drug possession offense" has the same meaning 545
as in section 2925.01 of the Revised Code. 546

(3) "OVI or OVUAC violation" means a violation of section 547
4511.19 of the Revised Code or a violation of an existing or 548
former law of this state, any other state, or the United States 549
that is substantially equivalent to section 4511.19 of the 550
Revised Code. 551

(4) "Registered private provider" means a nonpublic school 552
or entity registered with the superintendent of public 553
instruction under section 3310.41 of the Revised Code to 554
participate in the autism scholarship program or section 3310.58 555
of the Revised Code to participate in the Jon Peterson special 556
needs scholarship program. 557

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

perform the duties the director prescribes, and hold office 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 592
financial institutions shall apply to and govern the 593
superintendent of financial institutions provided for in this 594
section; all authority vested by law in the superintendent of 595
financial institutions with respect to the management of the 596
division of financial institutions shall be construed as vested 597
in the superintendent of financial institutions created by this 598
section with respect to the division of financial institutions 599
provided for in this section; and all rights, privileges, and 600
emoluments conferred by law upon the superintendent of financial 601
institutions shall be construed as conferred upon the 602
superintendent of financial institutions as head of the division 603
of financial institutions. The director of commerce shall not 604
transfer from the division of financial institutions any of the 605
functions specified in division (C) (2) of this section. 606

(D) There is hereby created in the department of commerce 607
a division of liquor control, which shall have all powers and 608
perform all duties vested by law in the superintendent of liquor 609
control. Wherever powers are conferred or duties are imposed 610
upon the superintendent of liquor control, those powers and 611
duties shall be construed as vested in the division of liquor 612
control. The division of liquor control shall be administered by 613
the superintendent of liquor control. 614

(E) The director of commerce shall not be interested, 615
directly or indirectly, in any firm or corporation which is a 616
dealer in securities as defined in sections 1707.01 and 1707.14 617
of the Revised Code, or in any firm or corporation licensed 618
under sections 1321.01 to 1321.19 of the Revised Code. 619

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

a bank, a bank holding company, a savings and loan association 622
holding company, a consumer finance company, or a credit union 623
that is under the supervision of the division of financial 624
institutions, or a subsidiary of any of the preceding entities, 625
or be interested in the business thereof. 626

(G) There is hereby created in the state treasury the 627
division of administration fund. The fund shall receive 628
assessments on the operating funds of the department of commerce 629
in accordance with procedures prescribed by the director of 630
commerce and approved by the director of budget and management. 631
All operating expenses of the division of administration shall 632
be paid from the division of administration fund. 633

(H) There is hereby created in the department of commerce 634
a division of real estate and professional licensing, which 635
shall be under the control and supervision of the director of 636
commerce. The division of real estate and professional licensing 637
shall be administered by the superintendent of real estate and 638
professional licensing. The superintendent of real estate and 639
professional licensing shall exercise the powers and perform the 640
functions and duties delegated to the superintendent under 641
Chapters 4735., 4763., 4764., and 4767. of the Revised Code. 642

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

compliance. 652

(J) There is hereby created in the department of commerce 653
a division of unclaimed funds, which shall have all powers and 654
perform all duties delegated to or vested by law in the 655
superintendent of unclaimed funds. Wherever powers are conferred 656
or duties imposed upon the superintendent of unclaimed funds, 657
those powers and duties shall be construed as vested in the 658
division of unclaimed funds. The division of unclaimed funds 659
shall be under the control and supervision of the director of 660
commerce and shall be administered by the superintendent of 661
unclaimed funds. The superintendent of unclaimed funds shall 662
exercise the powers and perform the functions and duties 663
delegated to the superintendent by the director of commerce 664
under section 121.07 and Chapter 169. of the Revised Code, and 665
as may otherwise be provided by law. 666

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

impressions in a format and by any media or means acceptable to 683
the bureau of criminal identification and investigation and, 684
when applicable, the federal bureau of investigation. The 685
department or division may cause the bureau of criminal 686
identification and investigation to conduct a criminal records 687
check through the federal bureau of investigation only if the 688
person for whom the criminal records check would be conducted 689
resides or works outside of this state or has resided or worked 690
outside of this state during the preceding five years, or if a 691
criminal records check conducted by the bureau of criminal 692
identification and investigation within this state indicates 693
that the person may have a criminal record outside of this 694
state. 695

In the case of a criminal records check under section 696
109.572 of the Revised Code, the department or division shall 697
forward to the bureau of criminal identification and 698
investigation the requisite form, fingerprint impressions, and 699
fee described in division (C) of that section. When requested by 700
the department or division in accordance with this section, the 701
bureau of criminal identification and investigation shall 702
request from the federal bureau of investigation any information 703
it has with respect to the person who is the subject of the 704
requested criminal records check and shall forward the requisite 705
fingerprint impressions and information to the federal bureau of 706
investigation for that criminal records check. After conducting 707
a criminal records check or receiving the results of a criminal 708
records check from the federal bureau of investigation, the 709
bureau of criminal identification and investigation shall 710
provide the results to the department or division. 711

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

department or division the amount necessary to cover the fee 714
charged to the department or division by the bureau of criminal 715
identification and investigation under division (C) (3) of 716
section 109.572 of the Revised Code, including, when applicable, 717
any fee for a criminal records check conducted by the federal 718
bureau of investigation. 719

(L) The director of commerce, or the director's designee, 720
may adopt rules to enhance compliance with statutes pertaining 721
to, and rules adopted by, divisions under the direction, 722
supervision, and control of the department or director by 723
offering incentive-based programs that ensure safety and 724
soundness while promoting growth and prosperity in the state. 725

Sec. 2925.01. As used in this chapter: 726

(A) "Administer," "controlled substance," "controlled 727
substance analog," "dispense," "distribute," "hypodermic," 728
"manufacturer," "official written order," "person," 729
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 730
"schedule III," "schedule IV," "schedule V," and "wholesaler" 731
have the same meanings as in section 3719.01 of the Revised 732
Code. 733

(B) "Drug dependent person" and "drug of abuse" have the 734
same meanings as in section 3719.011 of the Revised Code. 735

(C) "Drug," "dangerous drug," "licensed health 736
professional authorized to prescribe drugs," and "prescription" 737
have the same meanings as in section 4729.01 of the Revised 738
Code. 739

(D) "Bulk amount" of a controlled substance means any of 740
the following: 741

(1) For any compound, mixture, preparation, or substance 742

included in schedule I, schedule II, or schedule III, with the 743
exception of controlled substance analogs, marihuana, cocaine, 744
L.S.D., heroin, and hashish and except as provided in division 745
(D) (2) or (5) of this section, whichever of the following is 746
applicable: 747

(a) An amount equal to or exceeding ten grams or twenty- 748
five unit doses of a compound, mixture, preparation, or 749
substance that is or contains any amount of a schedule I opiate 750
or opium derivative; 751

(b) An amount equal to or exceeding ten grams of a 752
compound, mixture, preparation, or substance that is or contains 753
any amount of raw or gum opium; 754

(c) An amount equal to or exceeding thirty grams or ten 755
unit doses of a compound, mixture, preparation, or substance 756
that is or contains any amount of a schedule I hallucinogen 757
other than tetrahydrocannabinol or lysergic acid amide, or a 758
schedule I stimulant or depressant; 759

(d) An amount equal to or exceeding twenty grams or five 760
times the maximum daily dose in the usual dose range specified 761
in a standard pharmaceutical reference manual of a compound, 762
mixture, preparation, or substance that is or contains any 763
amount of a schedule II opiate or opium derivative; 764

(e) An amount equal to or exceeding five grams or ten unit 765
doses of a compound, mixture, preparation, or substance that is 766
or contains any amount of phencyclidine; 767

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

contains any amount of a schedule II stimulant that is in a 772
final dosage form manufactured by a person authorized by the 773
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 774
U.S.C.A. 301, as amended, and the federal drug abuse control 775
laws, as defined in section 3719.01 of the Revised Code, that is 776
or contains any amount of a schedule II depressant substance or 777
a schedule II hallucinogenic substance; 778

(g) An amount equal to or exceeding three grams of a 779
compound, mixture, preparation, or substance that is or contains 780
any amount of a schedule II stimulant, or any of its salts or 781
isomers, that is not in a final dosage form manufactured by a 782
person authorized by the Federal Food, Drug, and Cosmetic Act 783
and the federal drug abuse control laws. 784

(2) An amount equal to or exceeding one hundred twenty 785
grams or thirty times the maximum daily dose in the usual dose 786
range specified in a standard pharmaceutical reference manual of 787
a compound, mixture, preparation, or substance that is or 788
contains any amount of a schedule III or IV substance other than 789
an anabolic steroid or a schedule III opiate or opium 790
derivative; 791

(3) An amount equal to or exceeding twenty grams or five 792
times the maximum daily dose in the usual dose range specified 793
in a standard pharmaceutical reference manual of a compound, 794
mixture, preparation, or substance that is or contains any 795
amount of a schedule III opiate or opium derivative; 796

(4) An amount equal to or exceeding two hundred fifty 797
milliliters or two hundred fifty grams of a compound, mixture, 798
preparation, or substance that is or contains any amount of a 799
schedule V substance; 800

(5) An amount equal to or exceeding two hundred solid 801
dosage units, sixteen grams, or sixteen milliliters of a 802
compound, mixture, preparation, or substance that is or contains 803
any amount of a schedule III anabolic steroid. 804

(E) "Unit dose" means an amount or unit of a compound, 805
mixture, or preparation containing a controlled substance that 806
is separately identifiable and in a form that indicates that it 807
is the amount or unit by which the controlled substance is 808
separately administered to or taken by an individual. 809

(F) "Cultivate" includes planting, watering, fertilizing, 810
or tilling. 811

(G) "Drug abuse offense" means any of the following: 812

(1) A violation of division (A) of section 2913.02 that 813
constitutes theft of drugs, or a violation of section 2925.02, 814
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 815
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 816
or 2925.37 of the Revised Code; 817

(2) A violation of an existing or former law of this or 818
any other state or of the United States that is substantially 819
equivalent to any section listed in division (G) (1) of this 820
section; 821

(3) An offense under an existing or former law of this or 822
any other state, or of the United States, of which planting, 823
cultivating, harvesting, processing, making, manufacturing, 824
producing, shipping, transporting, delivering, acquiring, 825
possessing, storing, distributing, dispensing, selling, inducing 826
another to use, administering to another, using, or otherwise 827
dealing with a controlled substance is an element; 828

(4) A conspiracy to commit, attempt to commit, or 829

complicity in committing or attempting to commit any offense 830
under division (G) (1), (2), or (3) of this section. 831

(H) "Felony drug abuse offense" means any drug abuse 832
offense that would constitute a felony under the laws of this 833
state, any other state, or the United States. 834

(I) "Harmful intoxicant" does not include beer or 835
intoxicating liquor but means any of the following: 836

(1) Any compound, mixture, preparation, or substance the 837
gas, fumes, or vapor of which when inhaled can induce 838
intoxication, excitement, giddiness, irrational behavior, 839
depression, stupefaction, paralysis, unconsciousness, 840
asphyxiation, or other harmful physiological effects, and 841
includes, but is not limited to, any of the following: 842

(a) Any volatile organic solvent, plastic cement, model 843
cement, fingernail polish remover, lacquer thinner, cleaning 844
fluid, gasoline, or other preparation containing a volatile 845
organic solvent; 846

(b) Any aerosol propellant; 847

(c) Any fluorocarbon refrigerant; 848

(d) Any anesthetic gas. 849

(2) Gamma Butyrolactone; 850

(3) 1,4 Butanediol. 851

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

incident to production. 857

(K) "Possess" or "possession" means having control over a 858
thing or substance, but may not be inferred solely from mere 859
access to the thing or substance through ownership or occupation 860
of the premises upon which the thing or substance is found. 861

(L) "Sample drug" means a drug or pharmaceutical 862
preparation that would be hazardous to health or safety if used 863
without the supervision of a licensed health professional 864
authorized to prescribe drugs, or a drug of abuse, and that, at 865
one time, had been placed in a container plainly marked as a 866
sample by a manufacturer. 867

(M) "Standard pharmaceutical reference manual" means the 868
current edition, with cumulative changes if any, of references 869
that are approved by the state board of pharmacy. 870

(N) "Juvenile" means a person under eighteen years of age. 871

(O) "Counterfeit controlled substance" means any of the 872
following: 873

(1) Any drug that bears, or whose container or label 874
bears, a trademark, trade name, or other identifying mark used 875
without authorization of the owner of rights to that trademark, 876
trade name, or identifying mark; 877

(2) Any unmarked or unlabeled substance that is 878
represented to be a controlled substance manufactured, 879
processed, packed, or distributed by a person other than the 880
person that manufactured, processed, packed, or distributed it; 881

(3) Any substance that is represented to be a controlled 882
substance but is not a controlled substance or is a different 883
controlled substance; 884

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.

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

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

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

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

(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a nonpublic school

for which the state board of education prescribes minimum 914
standards under section 3301.07 of the Revised Code and on which 915
some of the instruction, extracurricular activities, or training 916
of the school is conducted, whether or not any instruction, 917
extracurricular activities, or training provided by the school 918
is being conducted on the parcel of real property at the time a 919
criminal offense is committed. 920

(S) "School building" means any building in which any of 921
the instruction, extracurricular activities, or training 922
provided by a school is conducted, whether or not any 923
instruction, extracurricular activities, or training provided by 924
the school is being conducted in the school building at the time 925
a criminal offense is committed. 926

(T) "Disciplinary counsel" means the disciplinary counsel 927
appointed by the board of commissioners on grievances and 928
discipline of the supreme court under the Rules for the 929
Government of the Bar of Ohio. 930

(U) "Certified grievance committee" means a duly 931
constituted and organized committee of the Ohio state bar 932
association or of one or more local bar associations of the 933
state of Ohio that complies with the criteria set forth in Rule 934
V, section 6 of the Rules for the Government of the Bar of Ohio. 935

(V) "Professional license" means any license, permit, 936
certificate, registration, qualification, admission, temporary 937
license, temporary permit, temporary certificate, or temporary 938
registration that is described in divisions (W) (1) to ~~(36)~~ (37) 939
of this section and that qualifies a person as a professionally 940
licensed person. 941

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

following:	943
(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;	944 945 946
(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;	947 948 949 950 951
(3) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;	952 953 954
(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;	955 956 957
(5) A person licensed under Chapter 4707. of the Revised Code;	958 959
(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	960 961 962
(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;	963 964 965
(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,	966 967 968 969 970

advanced natural hair stylist's license, cosmetology	971
instructor's license, hair design instructor's license,	972
manicurist instructor's license, esthetics instructor's license,	973
natural hair style instructor's license, independent	974
contractor's license, or tanning facility permit under Chapter	975
4713. of the Revised Code;	976
(9) A person who has been issued a license to practice	977
dentistry, a general anesthesia permit, a conscious intravenous	978
sedation permit, a limited resident's license, a limited	979
teaching license, a dental hygienist's license, or a dental	980
hygienist's teacher's certificate under Chapter 4715. of the	981
Revised Code;	982
(10) A person who has been issued an embalmer's license, a	983
funeral director's license, a funeral home license, or a	984
crematory license, or who has been registered for an embalmer's	985
or funeral director's apprenticeship under Chapter 4717. of the	986
Revised Code;	987
(11) A person who has been licensed as a registered nurse	988
or practical nurse, or who has been issued a certificate for the	989
practice of nurse-midwifery under Chapter 4723. of the Revised	990
Code;	991
(12) A person who has been licensed to practice optometry	992
or to engage in optical dispensing under Chapter 4725. of the	993
Revised Code;	994
(13) A person licensed to act as a pawnbroker under	995
Chapter 4727. of the Revised Code;	996
(14) A person licensed to act as a precious metals dealer	997
under Chapter 4728. of the Revised Code;	998
(15) A person licensed as a pharmacist, a pharmacy intern,	999

a wholesale distributor of dangerous drugs, or a terminal	1000
distributor of dangerous drugs under Chapter 4729. of the	1001
Revised Code;	1002
(16) A person who is authorized to practice as a physician	1003
assistant under Chapter 4730. of the Revised Code;	1004
(17) A person who has been issued a certificate to	1005
practice medicine and surgery, osteopathic medicine and surgery,	1006
a limited branch of medicine, or podiatry under Chapter 4731. of	1007
the Revised Code;	1008
(18) A person licensed as a psychologist or school	1009
psychologist under Chapter 4732. of the Revised Code;	1010
(19) A person registered to practice the profession of	1011
engineering or surveying under Chapter 4733. of the Revised	1012
Code;	1013
(20) A person who has been issued a license to practice	1014
chiropractic under Chapter 4734. of the Revised Code;	1015
(21) A person licensed to act as a real estate broker or	1016
real estate salesperson under Chapter 4735. of the Revised Code;	1017
(22) A person registered as a registered sanitarian under	1018
Chapter 4736. of the Revised Code;	1019
(23) A person licensed to operate or maintain a junkyard	1020
under Chapter 4737. of the Revised Code;	1021
(24) A person who has been issued a motor vehicle salvage	1022
dealer's license under Chapter 4738. of the Revised Code;	1023
(25) A person who has been licensed to act as a steam	1024
engineer under Chapter 4739. of the Revised Code;	1025
(26) A person who has been issued a license or temporary	1026

permit to practice veterinary medicine or any of its branches, 1027
or who is registered as a graduate animal technician under 1028
Chapter 4741. of the Revised Code; 1029

(27) A person who has been issued a hearing aid dealer's 1030
or fitter's license or trainee permit under Chapter 4747. of the 1031
Revised Code; 1032

(28) A person who has been issued a class A, class B, or 1033
class C license or who has been registered as an investigator or 1034
security guard employee under Chapter 4749. of the Revised Code; 1035

(29) A person licensed and registered to practice as a 1036
nursing home administrator under Chapter 4751. of the Revised 1037
Code; 1038

(30) A person licensed to practice as a speech-language 1039
pathologist or audiologist under Chapter 4753. of the Revised 1040
Code; 1041

(31) A person issued a license as an occupational 1042
therapist or physical therapist under Chapter 4755. of the 1043
Revised Code; 1044

(32) A person who is licensed as a licensed professional 1045
clinical counselor, licensed professional counselor, social 1046
worker, independent social worker, independent marriage and 1047
family therapist, or marriage and family therapist, or 1048
registered as a social work assistant under Chapter 4757. of the 1049
Revised Code; 1050

(33) A person issued a license to practice dietetics under 1051
Chapter 4759. of the Revised Code; 1052

(34) A person who has been issued a license or limited 1053
permit to practice respiratory therapy under Chapter 4761. of 1054

the Revised Code; 1055

(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code; 1056
1057

(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code; 1058
1059

(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules. 1060
1061
1062

(X) "Cocaine" means any of the following: 1063

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine; 1064
1065

(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; 1066
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(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. 1070
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(Y) "L.S.D." means lysergic acid diethylamide. 1076

(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. 1077
1078
1079

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

hashish. 1082

(BB) An offense is "committed in the vicinity of a 1083
juvenile" if the offender commits the offense within one hundred 1084
feet of a juvenile or within the view of a juvenile, regardless 1085
of whether the offender knows the age of the juvenile, whether 1086
the offender knows the offense is being committed within one 1087
hundred feet of or within view of the juvenile, or whether the 1088
juvenile actually views the commission of the offense. 1089

(CC) "Presumption for a prison term" or "presumption that 1090
a prison term shall be imposed" means a presumption, as 1091
described in division (D) of section 2929.13 of the Revised 1092
Code, that a prison term is a necessary sanction for a felony in 1093
order to comply with the purposes and principles of sentencing 1094
under section 2929.11 of the Revised Code. 1095

(DD) "Major drug offender" has the same meaning as in 1096
section 2929.01 of the Revised Code. 1097

(EE) "Minor drug possession offense" means either of the 1098
following: 1099

(1) A violation of section 2925.11 of the Revised Code as 1100
it existed prior to July 1, 1996; 1101

(2) A violation of section 2925.11 of the Revised Code as 1102
it exists on and after July 1, 1996, that is a misdemeanor or a 1103
felony of the fifth degree. 1104

(FF) "Mandatory prison term" has the same meaning as in 1105
section 2929.01 of the Revised Code. 1106

(GG) "Adulterate" means to cause a drug to be adulterated 1107
as described in section 3715.63 of the Revised Code. 1108

(HH) "Public premises" means any hotel, restaurant, 1109

tavern, store, arena, hall, or other place of public 1110
accommodation, business, amusement, or resort. 1111

(II) "Methamphetamine" means methamphetamine, any salt, 1112
isomer, or salt of an isomer of methamphetamine, or any 1113
compound, mixture, preparation, or substance containing 1114
methamphetamine or any salt, isomer, or salt of an isomer of 1115
methamphetamine. 1116

(JJ) "Lawful prescription" means a prescription that is 1117
issued for a legitimate medical purpose by a licensed health 1118
professional authorized to prescribe drugs, that is not altered 1119
or forged, and that was not obtained by means of deception or by 1120
the commission of any theft offense. 1121

(KK) "Deception" and "theft offense" have the same 1122
meanings as in section 2913.01 of the Revised Code. 1123

Sec. 4745.01. (A) "Standard renewal procedure," as used in 1124
Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 1125
927., 942., 943., 953., 1321., 3710., 3713., 3719., 3742., 1126
3748., 3769., 3783., 3921., 3951., 4104., 4105., ~~4143.~~ 4169., 1127
4561., 4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 1128
4727., 4728., 4729., 4731., 4733., 4734., 4735., 4739., 4741., 1129
4747., 4749., 4752., 4753., 4755., 4757., 4758., 4759., 4761., 1130
4764., 4766., 4773., and 4775. of the Revised Code, means the 1131
license renewal procedures specified in this chapter. 1132

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

certain specified equipment, machinery, or premises. 1139

(C) "License," as used in this chapter, means a license, 1140
certificate, permit, card, or other authority issued or 1141
conferred by a licensing agency by authority of which the 1142
licensee has or claims the privilege to engage in the 1143
profession, occupation, or occupational activity, or to have 1144
control of and operate certain specific equipment, machinery, or 1145
premises, over which the licensing agency has jurisdiction. 1146

(D) "Licensee," as used in this chapter, means either the 1147
person to whom the license is issued or renewed by a licensing 1148
agency, or the person, partnership, or corporation at whose 1149
request the license is issued or renewed. 1150

(E) "Renewal" and "renewed," as used in this chapter and 1151
in the chapters of the Revised Code specified in division (A) of 1152
this section, includes the continuing licensing procedure 1153
provided in Chapter 3748. of the Revised Code and rules adopted 1154
under it and in sections 1321.05 and 3921.33 of the Revised 1155
Code, and as applied to those continuing licenses any reference 1156
in this chapter to the date of expiration of any license shall 1157
be construed to mean the due date of the annual or other fee for 1158
the continuing license. 1159

Sec. 4764.01. As used in this chapter: 1160

(A) "Client" means a person who enters into a written 1161
contract with a home inspector to retain for compensation or 1162
other valuable consideration the services of that home inspector 1163
to conduct a home inspection and to provide a written report on 1164
the condition of a residential building. 1165

(B) "Crime of moral turpitude" has the same meaning as in 1166
section 4776.10 of the Revised Code. 1167

(C) "Home inspection" means the process by which a home 1168
inspector conducts a visual examination of the readily 1169
accessible components of a residential building for a client. 1170
"Home inspection" does not include pest inspections; 1171
environmental testing; inspection of any property or structure 1172
conducted by an employee or representative of an insurer 1173
licensed to transact business in this state under Title XXXIX of 1174
the Revised Code for purposes related to the business of 1175
insurance; or determination of compliance with applicable 1176
statutes, rules, resolutions, or ordinances, including, without 1177
limitation, building, zoning, or historic codes. 1178

(D) "Home inspection report" means a written report 1179
prepared by a licensed home inspector for compensation and 1180
issued after an on-site inspection of a residential property. A 1181
report shall include all of the following: 1182

(1) Information on any system or component inspected that, 1183
in the professional opinion of the inspector, is deficient to 1184
the degree that it is deficient; 1185

(2) The inspector's recommendation to repair or monitor 1186
deficiencies reported under division (D)(1) of this section; 1187

(3) A list of any systems or components that were 1188
designated for inspection in the standards of practice adopted 1189
by the board under division (A)(10) of section 4764.05 of the 1190
Revised Code but that were not inspected; 1191

(4) The reason a system or component listed under division 1192
(D)(3) of this section was not inspected. 1193

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

or other valuable consideration. 1197

(F) "Parallel inspection" means a home inspection 1198
performed by an applicant for a home inspector license at which 1199
both of the following take place concurrently: 1200

(1) A licensed home inspector observes and evaluates the 1201
applicant during the inspection to verify the applicant's 1202
compliance with the standards of practice specified in rules 1203
adopted by the Ohio home inspector board pursuant to division 1204
(A) (10) of section 4764.05 of the Revised Code. 1205

(2) The inspection is an on-site inspection of a 1206
residential building for the licensed home inspector's client. 1207

(G) "Readily accessible" means available for visual 1208
inspection without requiring a person to move or dismantle 1209
personal property, take destructive measures, or take any other 1210
action that will involve risk to a person or to the property. 1211

(H) "Residential building" has the same meaning as in 1212
section 3781.06 of the Revised Code but also includes the 1213
individual dwelling units within an apartment or condominium 1214
complex containing four or more dwelling units. 1215

Sec. 4764.02. (A) No person shall knowingly conduct a home 1216
inspection or represent a qualification to conduct a home 1217
inspection for compensation or other valuable consideration 1218
unless that person is licensed pursuant to this chapter as a 1219
home inspector or performing a parallel inspection pursuant to 1220
division (A) (5) of section 4764.05 of the Revised Code. 1221

(B) No person shall perform a home inspection unless it is 1222
performed pursuant to a written contract entered into between a 1223
licensed home inspector and a client. 1224

(C) No person shall perform a home inspection unless the 1225
home inspection conforms to requirements specified in rules 1226
adopted by the Ohio home inspector board pursuant to division 1227
(A) (10) of section 4764.05 of the Revised Code. 1228

(D) No person shall knowingly make or cause to be made any 1229
false representation concerning a material and relevant fact 1230
relating to the person's licensure as a home inspector. 1231

Sec. 4764.03. Section 4764.02 of the Revised Code does not 1232
apply to any person described as follows if the person is acting 1233
within the scope of practice of the person's respective 1234
profession: 1235

(A) A person who is employed by or whose services 1236
otherwise are retained by this state or a political subdivision 1237
of this state for the purpose of enforcing building codes; 1238

(B) A person holding a valid certificate to practice 1239
architecture issued under Chapter 4703. of the Revised Code; 1240

(C) A person registered as a professional engineer under 1241
Chapter 4733. of the Revised Code; 1242

(D) A heating, ventilating, and air conditioning 1243
contractor, refrigeration contractor, electrical contractor, 1244
plumbing contractor, or hydronics contractor who is licensed 1245
under Chapter 4740. or section 3781.102 of the Revised Code or 1246
who is licensed or registered under section 715.27 of the 1247
Revised Code; 1248

(E) A real estate broker, real estate salesperson, foreign 1249
real estate dealer, or foreign real estate salesperson who is 1250
licensed under Chapter 4735. of the Revised Code; 1251

(F) A real estate appraiser who is licensed under Chapter 1252

4763. of the Revised Code; 1253

(G) A public insurance adjuster who holds a valid 1254
certificate of authority issued under Chapter 3951. of the 1255
Revised Code or an employee or representative of an insurer 1256
licensed to transact business in this state under Title XXXIX of 1257
the Revised Code who conducts an inspection of any property or 1258
structure for purposes related to the business of insurance; 1259

(H) A commercial applicator of pesticide who is licensed 1260
under Chapter 921. of the Revised Code. 1261

Sec. 4764.04. There is hereby created the Ohio home 1262
inspector board consisting of five members. The governor shall 1263
appoint three members who are licensed home inspectors and who 1264
each represent different national organizations that consist of 1265
and represent home inspectors. Of the members appointed by the 1266
governor, one shall be an independent licensed home inspector 1267
and one shall be a member or representative of a home inspection 1268
franchise business. The president of the senate and the speaker 1269
of the house of representatives each shall appoint one member 1270
who represents the public and has no financial interest in the 1271
home inspection industry. Not more than three members of the 1272
board shall be members of the same political party. 1273

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

date, and the speaker of the house of representatives shall 1283
appoint one member to a term ending four years after that date. 1284
Thereafter, each term shall be for five years, ending on the 1285
same day of the same month as the term that it succeeds. Each 1286
member shall hold office from the date of appointment until the 1287
end of the term for which the member was appointed. Vacancies 1288
shall be filled in the manner provided for original 1289
appointments. A member appointed to fill a vacancy prior to the 1290
expiration of a term shall hold office for the remainder of that 1291
term. A member shall continue in office subsequent to the 1292
expiration of the term until the member's successor takes 1293
office. 1294

The members of the board shall not be compensated but 1295
shall be reimbursed for actual expenses reasonably incurred in 1296
the performance of their duties as members. 1297

The person who, or office that, appointed a member may 1298
remove that member for misconduct, neglect of duty, incapacity, 1299
or malfeasance. 1300

The Ohio home inspector board is a part of the department 1301
of commerce for administrative purposes. The director of 1302
commerce is ex officio the executive officer of the commission, 1303
or the director may designate the superintendent of real estate 1304
and professional licensing to act as executive officer of the 1305
commission. 1306

Sec. 4764.05. (A) The Ohio home inspector board shall 1307
adopt rules in accordance with Chapter 119. of the Revised Code 1308
to do all of the following: 1309

(1) Establish standards to govern disciplinary proceedings 1310
conducted pursuant to section 4764.13 of the Revised Code and 1311

the reinstatement of home inspector licenses the board suspends 1312
or revokes pursuant to those proceedings; 1313

(2) Establish the amount of the following fees: 1314

(a) Establish the following fees in an amount that is 1315
sufficient to defray necessary expenses incurred in the 1316
administration of this chapter: 1317

(i) The fee, which shall not exceed two hundred fifty 1318
dollars, for applying for and receiving a license issued under 1319
section 4764.07 of the Revised Code; 1320

(ii) The fee, which shall not exceed two hundred fifty 1321
dollars, for renewal of a license under section 4764.09 of the 1322
Revised Code. 1323

(b) The renewal late fee described in division (B) (2) of 1324
section 4764.09 of the Revised Code; 1325

(c) The fee an entity described in division (A) (7) of this 1326
section shall pay to receive approval to offer continuing 1327
education courses and programs; 1328

(d) The fee an entity that is approved to offer continuing 1329
education courses and programs shall pay for each course or 1330
program that the entity wishes to have the superintendent 1331
approve pursuant to the rules adopted by the board under 1332
division (A) (8) of this section; 1333

(e) Any other fees as required by this chapter. 1334

(3) In accordance with division (B) of this section, 1335
specify methods and procedures the board shall use to approve a 1336
curriculum of education a person must successfully complete to 1337
obtain a license under this chapter; 1338

(4) In accordance with division (C) of this section, 1339
specify methods and procedures the board shall use to approve a 1340
curriculum of experience that a person may elect to complete the 1341
proof of experience requirement specified in division (D) (6) of 1342
section 4764.07 of the Revised Code; 1343

(5) Establish the administrative reporting and review 1344
requirements for parallel inspections or equivalency for field 1345
experience to assure that an applicant for a license satisfies 1346
the requirements of division (D) (6) of section 4764.07 of the 1347
Revised Code, as applicable; 1348

(6) Establish a curriculum for continuing education that a 1349
licensed home inspector shall complete to satisfy the 1350
requirements for continuing education specified in section 1351
4764.08 of the Revised Code and procedures to assure continuing 1352
education requirements are updated periodically to make those 1353
requirements consistent with home inspection industry practices; 1354

(7) Establish requirements an institution, organization, 1355
company, or person shall satisfy to obtain approval to provide 1356
courses or programs that enable a licensed home inspector to 1357
satisfy the requirements for continuing education specified in 1358
section 4764.08 of the Revised Code and establish procedures 1359
that the superintendent of real estate and professional 1360
licensing shall use to approve an institution, organization, 1361
company, or person that satisfies the requirements the board 1362
establishes; 1363

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

<u>under division (A) (7) of this section;</u>	1369
<u>(9) Establish reporting requirements for a licensed home</u>	1370
<u>inspector to follow to demonstrate that the licensed home</u>	1371
<u>inspector successfully completed the continuing education</u>	1372
<u>requirements specified in section 4764.08 of the Revised Code;</u>	1373
<u>(10) Establish requirements for conducting home</u>	1374
<u>inspections, standards of practice for home inspectors, and</u>	1375
<u>conflict of interest prohibitions to the extent that those</u>	1376
<u>provisions do not conflict with divisions (B) to (E) of section</u>	1377
<u>4764.14 of the Revised Code;</u>	1378
<u>(11) Specify requirements for settlement agreements</u>	1379
<u>entered into between the superintendent and a licensed home</u>	1380
<u>inspector under division (C) of section 4764.13 of the Revised</u>	1381
<u>Code.</u>	1382
<u>(B) The board shall approve a curriculum of education a</u>	1383
<u>person must successfully complete to obtain a license issued</u>	1384
<u>under this chapter. The board shall approve only a curriculum of</u>	1385
<u>education that satisfies all of the following requirements:</u>	1386
<u>(1) The curriculum is offered by an accredited public or</u>	1387
<u>private college, university, or other institution of higher</u>	1388
<u>education or a professional organization that has been approved</u>	1389
<u>by the board to offer a curriculum.</u>	1390
<u>(2) The curriculum includes a requirement that a person,</u>	1391
<u>in order to successfully complete the curriculum, complete at</u>	1392
<u>least forty hours of classroom instruction, including</u>	1393
<u>instruction about compliance with the requirements specified in</u>	1394
<u>this chapter, inspection safety, report writing, and any other</u>	1395
<u>administrative matters required by the board.</u>	1396
<u>(3) The curriculum includes a requirement that a person,</u>	1397

in order to successfully complete the curriculum, complete at 1398
least eighty hours of prelicensing education. 1399

(4) The curriculum satisfies any other requirements the 1400
board established in rules it adopts. 1401

(C) The board shall determine the equivalency of field 1402
experience that a person may elect to complete to satisfy the 1403
proof of experience requirement specified in division (D) (6) of 1404
section 4764.07 of the Revised Code. The board shall approve 1405
only a curriculum of experience that includes a requirement that 1406
a person, in order to successfully complete the curriculum, must 1407
perform at least forty hours of work in the home inspection 1408
field that allows the person to obtain practical experience or 1409
training regarding home inspections. The board shall approve 1410
only a curriculum of experience that includes a requirement that 1411
a person, in order to successfully complete the curriculum, must 1412
complete a ride-along session with a licensed home inspector 1413
prior to getting approval for a license. The ride-along session 1414
may be used as part of the required eighty hours of prelicensing 1415
education. 1416

(D) The board shall adopt the American society of home 1417
inspectors' standards of practice and code of ethics as minimum 1418
requirements for this chapter. 1419

Sec. 4764.06. (A) The superintendent of real estate and 1420
professional licensing shall do all of the following: 1421

(1) Administer this chapter; 1422

(2) Provide the Ohio home inspector board with meeting 1423
space, staff services, and other technical assistance required 1424
by the board to carry out the duties of the board under this 1425
chapter; 1426

(3) Provide each applicant for a home inspector license 1427
with a copy of the requirements for home inspections specified 1428
in rules adopted by the board pursuant to division (A)(10) of 1429
section 4764.05 of the Revised Code, and make those requirements 1430
available to the public by posting them on the web site 1431
maintained by the department of commerce; 1432

(4) In accordance with division (B) of this section, issue 1433
a home inspector license to, or renew a home inspector license 1434
for, any person who satisfies the requirements specified in this 1435
chapter for such licensure or renewal, and make a list of those 1436
licensed home inspectors available to the public by posting the 1437
list on the web site maintained by the department of commerce; 1438

(5) Have criminal records checks conducted for each 1439
applicant in accordance with section 121.08 of the Revised Code 1440
and the procedures specified in rules adopted by the board 1441
pursuant to division (A)(6) of this section; 1442

(6) Establish procedures, in accordance with division (K) 1443
of section 121.08 of the Revised Code, to have criminal records 1444
checks conducted by the bureau of criminal identification and 1445
investigation for all applicants for licensure; 1446

(7) In accordance with the procedures specified in rules 1447
adopted by the board in accordance with division (A)(7) of 1448
section 4764.05 of the Revised Code, approve an institution, 1449
organization, company, or person wishing to provide continuing 1450
education courses or programs if that institution, organization, 1451
company, or person satisfies the requirements specified in rules 1452
adopted by the board in accordance with that division and pays 1453
the fee established in rules adopted by the board pursuant to 1454
division (A)(2)(c) of that section; 1455

(8) In accordance with the procedures specified in rules 1456
adopted by the board in accordance with division (A) (8) of 1457
section 4764.05 of the Revised Code, approve a course or program 1458
that a licensed home inspector may complete to satisfy the 1459
continuing education requirements specified in section 4764.08 1460
of the Revised Code if all of the following are satisfied: 1461

(a) The course or program is offered by an entity approved 1462
by the superintendent pursuant to division (A) (7) of this 1463
section. 1464

(b) The course or program satisfies the standards 1465
established in rules adopted by the board pursuant to division 1466
(A) (8) of section 4764.05 of the Revised Code. 1467

(c) The entity pays the fee established in rules adopted 1468
by the board pursuant to division (A) (2) (d) of section 4764.05 1469
of the Revised Code. 1470

(9) Issue all orders necessary to implement this chapter; 1471

(10) In accordance with section 4764.12 of the Revised 1472
Code, investigate complaints concerning an alleged violation of 1473
this chapter or the conduct of any licensee and subpoena 1474
witnesses in connection with those investigations, as provided 1475
in that section. The subpoena may contain a direction that the 1476
witness produce and bring any documents, work files, inspection 1477
reports, records, or papers mentioned in the subpoena. 1478

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

Revised Code to assist in performing the duties specified in 1485
division (A) (10) of this section. 1486

(12) Specify the information that must be provided on an 1487
application for licensure under this chapter; 1488

(13) Establish procedures for processing, approving, and 1489
denying applications for licensure under this chapter; 1490

(14) Specify the format and content of all affidavits and 1491
other documents required for the administration of this chapter. 1492

(B) The superintendent shall not issue a license to a 1493
corporation, limited liability company, partnership, or 1494
association, although a licensed home inspector may sign a home 1495
inspection report in a representative capacity on behalf of any 1496
of those types of entities. 1497

Sec. 4764.07. (A) To obtain a license to perform home 1498
inspections, a person shall submit both of the following to the 1499
superintendent of real estate and professional licensing: 1500

(1) An application meeting the requirements of division 1501
(D) of this section on a form the superintendent provides; 1502

(2) The fee established in rules adopted by the Ohio home 1503
inspector board pursuant to division (A) (2) (a) of section 1504
4764.05 of the Revised Code. 1505

(B) Each person applying for a license shall submit one 1506
complete set of fingerprints directly to the superintendent of 1507
the bureau of criminal identification and investigation for the 1508
purpose of conducting a criminal records check. The person shall 1509
provide the fingerprints using a method the superintendent 1510
prescribes pursuant to division (C) (2) of section 109.572 of the 1511
Revised Code and fill out the form the superintendent of the 1512

bureau of criminal identification and investigation prescribes 1513
pursuant to division (C) (1) of section 109.572 of the Revised 1514
Code. Upon receiving an application under this section, the 1515
superintendent of real estate and professional licensing shall 1516
request the superintendent of the bureau of criminal 1517
identification and investigation, or a vendor approved by the 1518
bureau, to conduct a criminal records check based on the 1519
applicant's fingerprint impressions in accordance with division 1520
(A) (15) of section 109.572 of the Revised Code. Notwithstanding 1521
division (K) of section 121.08 of the Revised Code, the 1522
superintendent of real estate and professional licensing shall 1523
request that criminal record information from the federal bureau 1524
of investigation be obtained as part of the criminal records 1525
check. Any fee required under division (C) (3) of section 109.572 1526
of the Revised Code shall be paid by the applicant. 1527

(C) The superintendent shall issue a license to perform 1528
home inspections to applicants who satisfy the requirements set 1529
forth in this section, subject to section 4768.14 of the Revised 1530
Code. 1531

(D) Except as otherwise specified in division (E) of this 1532
section, the application shall include all of the following: 1533

(1) A pledge the applicant signs, agreeing to comply with 1534
the rules adopted by the board pursuant to division (A) (10) of 1535
section 4764.05 of the Revised Code; 1536

(2) A statement that the applicant understands the grounds 1537
for any disciplinary action that may be initiated under this 1538
chapter; 1539

(3) Proof of holding a comprehensive general liability 1540
insurance policy or a commercial general liability insurance 1541

policy and an error and omissions insurance policy in accordance 1542
with division (A) of section 4764.11 of the Revised Code; 1543

(4) Proof of successfully passing, within two years before 1544
the date of the application, the national home inspector 1545
examination; 1546

(5) Proof of successfully completing a curriculum of 1547
education approved by the board in accordance with rules the 1548
board adopts pursuant to division (A) (3) of section 4764.05 of 1549
the Revised Code; 1550

(6) Proof that the applicant has experience in the field 1551
of home inspections by successful completion of a curriculum of 1552
experience approved by the board in accordance with rules the 1553
board adopts pursuant to division (A) (4) of section 4764.05 of 1554
the Revised Code, by equivalency of experience as determined by 1555
the board pursuant to division (C) of section 4764.05 of the 1556
Revised Code, or by successful completion of ten parallel 1557
inspections; 1558

(7) Proof that the applicant is at least eighteen years of 1559
age; 1560

(8) Proof that the applicant has graduated from the 1561
twelfth grade, received a general educational development 1562
diploma, or satisfactorily completed a program that is the 1563
equivalent to graduating from the twelfth grade or receiving a 1564
general educational development diploma; 1565

(9) Any other information the board requires that the 1566
board determines is relevant to receiving a license to practice 1567
as a licensed home inspector. 1568

(E) The superintendent shall not require a person 1569
described in division (B) or (C) of section 4764.03 of the 1570

Revised Code who wishes to obtain a license to perform home inspections under this chapter to submit proof of education and experience as required under divisions (D) (5) and (6) of this section in the person's application in order for that person to receive a license. Such a person, however, shall satisfy all other requirements specified in divisions (A) and (D) of this section and provide proof of licensure in good standing described in division (B) or (C) of section 4764.03 of the Revised Code in order to receive a license.

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

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

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

Sec. 4764.09. (A) A home inspector license issued or renewed pursuant to this chapter expires three years after the

date of issuance or renewal. 1601

(B) (1) To renew a home inspector license, a licensed home 1602
inspector shall file all of the following with the 1603
superintendent of real estate and professional licensing within 1604
the ninety-day period immediately preceding the date the license 1605
expires: 1606

(a) A renewal application pursuant to the procedures set 1607
forth in Chapter 4745. of the Revised Code; 1608

(b) Proof of holding or being covered by a comprehensive 1609
general liability insurance policy or a commercial general 1610
liability insurance policy in accordance with division (A) of 1611
section 4764.11 of the Revised Code; 1612

(c) Proof of satisfying the continuing education 1613
requirements specified in section 4764.08 of the Revised Code. 1614

(2) A licensed home inspector who fails to renew a license 1615
before its expiration may, during the three months following the 1616
expiration, renew the license by following the procedures in 1617
division (B) (1) of this section and paying a late renewal fee in 1618
an amount the Ohio home inspector board establishes. A licensed 1619
home inspector who applies for a late renewal pursuant to this 1620
division shall not engage in any activities permitted under the 1621
license being renewed until the superintendent notifies the 1622
licensed home inspector that the licensed home inspector's 1623
license has been renewed. 1624

(C) The superintendent shall not renew a license if any of 1625
the following conditions apply: 1626

(1) The licensed home inspector violates any rule adopted 1627
by the Ohio home inspector board in accordance with section 1628
4764.05 of the Revised Code. 1629

(2) The licensed home inspector fails to submit proof of holding a comprehensive general liability insurance policy or a commercial general liability insurance policy and an errors and omissions insurance policy in accordance with division (A) of section 4764.11 of the Revised Code. 1630
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(3) The licensed home inspector fails to submit proof of satisfying the continuing education requirements specified in section 4764.08 of the Revised Code. 1635
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(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. 1638
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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: 1644
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(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. 1651
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(B) That other jurisdiction has licensing, registration, or certification requirements that are substantially similar to, or exceed, those of this state. 1655
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1657

(C) The applicant attests that the applicant is familiar 1658

with and will abide by this chapter. 1659

(D) The applicant attests to all of the following in a 1660
written statement that the applicant submits to the 1661
superintendent: 1662

(1) To provide the superintendent the name and address of 1663
an agent to receive service of process in this state or that the 1664
applicant authorizes the superintendent to act as agent for that 1665
applicant; 1666

(2) That service of process in accordance with the Revised 1667
Code is proper and the applicant is subject to the jurisdiction 1668
of the courts of this state; 1669

(3) That any cause of action arising out of the conduct of 1670
the applicant's business in this state shall be filed in the 1671
county in which the events that gave rise to that cause of 1672
action occurred. 1673

Sec. 4764.11. (A) Every licensed home inspector shall 1674
maintain, or be covered by, a comprehensive general liability 1675
insurance policy or a commercial general liability insurance 1676
policy with coverage limits of not less than one hundred 1677
thousand dollars per occurrence and not less than a three- 1678
hundred-thousand-dollar aggregate limit. Additionally, every 1679
licensed home inspector shall maintain, or be covered by, an 1680
errors and omissions insurance policy with coverage limits of 1681
not less than one million dollars. These insurance policies 1682
shall provide coverage against liability of the licensed home 1683
inspector for loss, damage, or expense as a result of an act 1684
that occurred while the licensed home inspector was on the 1685
premises performing a home inspection. If the employer of a 1686
licensed home inspector is not a licensed home inspector and 1687

maintains such insurance policies covering the licensed home 1688
inspector, the licensed home inspector is not required to 1689
maintain the licensed home inspector's own insurance policies. 1690

(B) Every licensed home inspector shall retain for a 1691
period of five years the original or a true copy of each written 1692
contract for the person's services relating to home inspection 1693
work, all home inspection reports, and all work file 1694
documentation and data assembled in preparing those reports. The 1695
retention period begins on the date the report is submitted to 1696
the client unless, prior to expiration of the retention period, 1697
the licensee is notified that the services or report is the 1698
subject of or is otherwise involved in pending investigation or 1699
litigation, in which case the retention period begins on the 1700
date of final disposition of the litigation. The licensee shall 1701
also retain for a period of five years a hard copy or an 1702
electronic copy of all license application materials that were 1703
submitted to the superintendent. 1704

A licensee shall make available all records required to be 1705
maintained under this section for inspection and copying by the 1706
superintendent of real estate and professional licensing upon 1707
reasonable notice to the licensee. 1708

Sec. 4764.12. (A) The superintendent of real estate and 1709
professional licensing shall investigate complaints against 1710
licensed home inspectors on receipt of a complaint concerning 1711
any alleged violation of this chapter. Investigators and 1712
auditors employed by the superintendent may review and audit, 1713
during normal business hours, the licensed home inspector's 1714
business records that are directly related to complaints. The 1715
licensed home inspector shall permit such a review and audit. 1716

(B) Within five business days after a person files a 1717

complaint against a licensed home inspector with the 1718
superintendent, the superintendent shall provide to that person 1719
an acknowledgment of the receipt of the complaint and send a 1720
notice regarding that complaint to the licensee who is the 1721
subject of the complaint. The superintendent shall include in 1722
that notice a description of the activities in which the 1723
licensed home inspector allegedly engaged that violate this 1724
chapter. Within twenty days after the superintendent sends the 1725
notice to the complainant and the licensed home inspector who is 1726
the subject of the complainant's complaint, the complainant and 1727
the licensed home inspector may file with the superintendent a 1728
request to have an informal mediation hearing. 1729

If both the complainant and the licensed home inspector 1730
file such a request, the superintendent shall notify the 1731
complainant and the licensed home inspector of the date and time 1732
of the informal mediation hearing. A mediator employed by the 1733
superintendent shall conduct the informal mediation hearing. If 1734
the complainant and the licensed home inspector reach an 1735
accommodation during that informal mediation hearing, the 1736
mediator shall send a written report describing the 1737
accommodation to the superintendent, complainant, and licensee. 1738
Notwithstanding division (C) of this section, the written report 1739
describing the accommodation is confidential and is not a public 1740
record for purposes of section 149.43 of the Revised Code. The 1741
superintendent shall close the complaint upon satisfactory 1742
completion of the accommodation. 1743

If the licensee or the complainant fails to file a request 1744
for an informal mediation hearing, or if the parties fail to 1745
agree on an accommodation during that informal mediation 1746
hearing, the superintendent shall proceed with an investigation 1747
of the complaint. 1748

(C) This section does not prohibit the superintendent of 1749
real estate and professional licensing from releasing 1750
information relating to licensees to the superintendent of 1751
financial institutions for purposes relating to the 1752
administration of sections 1322.01 to 1322.12 of the Revised 1753
Code, to the superintendent of insurance for purposes relating 1754
to the administration of Chapter 3953. of the Revised Code, to 1755
the commissioner of the division of securities for purposes 1756
relating to the administration of Chapter 1707. of the Revised 1757
Code, to the attorney general, or to local law enforcement and 1758
appropriate prosecutorial authorities. Information released by 1759
the superintendent pursuant to this section remains 1760
confidential. 1761

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

witnesses, but the witnesses may agree to divide the fee among 1780
themselves in any manner. 1781

(E) If any person fails to file any statement or report, 1782
obey any subpoena, give testimony, answer questions, or produce 1783
any books, records, or papers as required by the board or 1784
superintendent under this chapter, the board or superintendent 1785
may apply to the court of common pleas of any county in the 1786
state setting forth the failure. 1787

The court may make an order awarding process of subpoena 1788
or subpoena duces tecum for the person to appear and testify 1789
before the board or superintendent. The court also may order any 1790
person to give testimony and answer questions, and to produce 1791
books, records, or papers, as required by the board or 1792
superintendent. 1793

Upon the filing of such order in the office of the clerk 1794
of the court of common pleas, the clerk, under the seal of the 1795
court, shall issue process of subpoena for the person to appear 1796
before the board or superintendent at a time and place named in 1797
the subpoena, and each day thereafter until the examination of 1798
such person is completed. The subpoena may contain a direction 1799
that the witness bring with the witness to the examination any 1800
books, records, or papers mentioned in the subpoena. The clerk 1801
shall also issue, under the seal of the court, such other 1802
orders, in reference to the examination, appearance, and 1803
production of books, records, or papers, as the court directs. 1804

If any person so summoned by subpoena fails to obey the 1805
subpoena, to give testimony, to answer questions as required, or 1806
to obey an order of the court, the court, on motion supported by 1807
proof, may order an attachment for contempt to be issued against 1808
the person charged with disobedience of any order or injunction 1809

issued by the court under this chapter. If the person is brought 1810
before the court by virtue of the attachment, and if upon a 1811
hearing the disobedience appears, the court may order the 1812
offender to be committed and kept in close custody. 1813

Sec. 4764.13. (A) If, upon examining the results of an 1814
investigation, the superintendent of real estate and 1815
professional licensing determines that reasonable evidence 1816
exists that a licensed home inspector has violated this chapter 1817
or engaged in an activity described in divisions (A) to (G) of 1818
section 4764.14 of the Revised Code, the superintendent shall 1819
proceed in accordance with the notice and hearing requirements 1820
prescribed in Chapter 119. of the Revised Code. After a hearing 1821
officer conducts a hearing and issues a report pursuant to 1822
division (D) of this section, the Ohio home inspector board 1823
shall review the report and shall order the disciplinary action 1824
the board considers appropriate, which may include any one or 1825
more of the following: 1826

(1) A reprimand; 1827

(2) A fine not exceeding one thousand dollars per 1828
violation; 1829

(3) Completion of hours of education in subjects related 1830
to the underlying cause of the violation in an amount determined 1831
by the board; 1832

(4) Suspension of the license until the licensed home 1833
inspector complies with conditions the board establishes; 1834

(5) Suspension of the license for a specific period of 1835
time; 1836

(6) Revocation of the license; 1837

(7) Surrender of the license in lieu of discipline. 1838

(B) The superintendent shall not credit any hours of 1839
education a licensed home inspector completes in accordance with 1840
division (A) (3) of this section toward satisfying the 1841
requirements for continuing education specified in section 1842
4764.08 of the Revised Code. 1843

(C) At any time after the superintendent notifies a 1844
licensee in accordance with division (A) of this section that a 1845
hearing will be held, the licensee may apply to the 1846
superintendent to enter into a settlement agreement regarding 1847
the alleged violation. The superintendent and the licensed home 1848
inspector shall comply with the requirements for settlement 1849
agreements established in rules adopted by the board pursuant to 1850
division (A) (11) of section 4764.05 of the Revised Code. If the 1851
parties enter into the settlement agreement and comply with all 1852
of the requirements set forth in that agreement, the 1853
investigation regarding that alleged violation is considered 1854
closed. Notwithstanding division (C) of section 4764.12 of the 1855
Revised Code, the settlement agreement is a public record for 1856
purposes of section 149.43 of the Revised Code. 1857

(D) The superintendent shall appoint a hearing officer to 1858
conduct adjudication hearings in accordance with Chapter 119. of 1859
the Revised Code. 1860

In accordance with section 119.09 of the Revised Code, 1861
after conducting a hearing, a hearing officer shall submit to 1862
the board a report of the hearing and a recommendation for the 1863
action to be taken against the licensed home inspector. All 1864
parties may file objections to the report and recommendations as 1865
permitted under that section, and the board shall issue an order 1866
in accordance with the procedures prescribed in that section. 1867

(E) If the board assesses a licensee a fine for a 1868
violation of section 4764.02 of the Revised Code and the person 1869
fails to pay that fine within the time period prescribed by the 1870
board, the superintendent shall forward to the attorney general 1871
the name of the person and the amount of the fine for the 1872
purpose of collecting that fine. In addition to the fine 1873
assessed pursuant to this section, the person also shall pay any 1874
fee assessed by the attorney general for collection of the fine. 1875

(F) The decision and order of the board is final, subject 1876
to review in the manner provided in Chapter 119. of the Revised 1877
Code and appeal to the court of common pleas of Franklin county. 1878

Sec. 4764.14. The superintendent of real estate and 1879
professional licensing may refuse to issue or renew a license if 1880
the applicant for the license or renewal has done any of the 1881
following: 1882

(A) Failed to establish to the satisfaction of the 1883
superintendent that the applicant is honest, truthful, and of 1884
good reputation; 1885

(B) Accepted compensation or other valuable consideration 1886
from more than one interested party for the same service without 1887
the written consent of all interested parties; 1888

(C) Accepted commissions, allowances, or other valuable 1889
consideration, directly or indirectly, from other parties who 1890
deal with a client in connection with the home inspection for 1891
which the home inspector is responsible, or from other parties 1892
who are involved in any part of the real estate transaction 1893
involving a residential building for which that home inspector 1894
conducted a home inspection; 1895

(D) Repaired, replaced, or upgraded, or solicited to 1896

repair, replace, or upgrade, for compensation or other valuable 1897
consideration, systems or components in a residential building 1898
after completing a home inspection of that residential building, 1899
but prior to the close of the real estate transaction associated 1900
with that home inspection and the resolution of all contingent 1901
issues involving that building and transaction; 1902

(E) Failed to disclose within ten business days to a 1903
client written information about any business interest of the 1904
home inspector that may affect the client in connection with the 1905
home inspection; 1906

(F) Plead guilty to or been convicted of any crime of 1907
moral turpitude, a felony, or an equivalent offense under the 1908
laws of any other state or the United States, or was required to 1909
register under Chapter 2950. of the Revised Code; 1910

(G) Failed to provide copies of records to the 1911
superintendent or failed to maintain records as required by 1912
section 4764.11 of the Revised Code. Failure of a licensee to 1913
comply with a subpoena issued under division (D) of section 1914
4764.12 of the Revised Code is prima facie evidence of a 1915
violation of division (B) of section 4764.11 of the Revised 1916
Code. 1917

(H) Failed to maintain or be covered by a comprehensive 1918
general liability insurance policy or a commercial general 1919
liability insurance policy as required under division (A) of 1920
section 4764.11 of the Revised Code at any point during the term 1921
of a prior license; 1922

(I) Violated a provision of this chapter. 1923

Sec. 4764.15. The superintendent of real estate and 1924
professional licensing may apply to any court of common pleas to 1925

enjoin a violation of this chapter. Upon a showing by the 1926
superintendent that a person has violated or is violating this 1927
chapter, the court shall grant an injunction, restraining order, 1928
or other appropriate relief. 1929

Sec. 4764.16. (A) Upon receipt of a written complaint or 1930
upon the motion of the superintendent of real estate and 1931
professional licensing, the superintendent may investigate any 1932
person who is not a licensed home inspector who has allegedly 1933
violated section 4764.02 of the Revised Code. 1934

(B) The superintendent has the same powers to investigate 1935
an alleged violation of section 4764.02 of the Revised Code by a 1936
person who is not licensed as a home inspector as those powers 1937
are specified in section 4764.12 of the Revised Code. If, after 1938
an investigation pursuant to section 4764.12 of the Revised 1939
Code, the superintendent determines that reasonable evidence 1940
exists that an unlicensed person has violated section 4764.02 of 1941
the Revised Code, within seven days after that determination, 1942
the superintendent shall send a written notice to that person by 1943
regular mail and shall include in the notice the information 1944
specified in section 119.07 of the Revised Code for notices 1945
given to licensees, except that the notice shall specify that a 1946
hearing will be held and specify the date, time, and place of 1947
the hearing. 1948

(C) The Ohio home inspector board shall hold a hearing 1949
regarding the alleged violation in the same manner prescribed 1950
for an adjudication hearing under section 119.09 of the Revised 1951
Code. If the board, after the hearing, determines a violation 1952
has occurred, the board may impose a civil penalty on the 1953
person, not exceeding five hundred dollars per violation which 1954
is distinct from any criminal fine imposed pursuant to section 1955

4764.99 of the Revised Code. Each day a violation occurs or 1956
continues is a separate violation. The superintendent may 1957
approve a payment plan if the unlicensed person requests such. 1958
The board shall maintain a transcript of the proceedings of the 1959
hearing and issue a written order to all parties, citing its 1960
findings and grounds for any action taken. The board's 1961
determination regarding a violation of section 4764.02 of the 1962
Revised Code is an order that the person may appeal in 1963
accordance with section 119.12 of the Revised Code. 1964

(D) If the unlicensed person who allegedly committed a 1965
violation of section 4764.02 of the Revised Code fails to appear 1966
for a hearing, the board may request the court of common pleas 1967
of the county where the alleged violation occurred to compel the 1968
person to appear before the board for a hearing. 1969

(E) If the board assesses an unlicensed person a civil 1970
penalty for a violation of section 4764.02 of the Revised Code 1971
and the person fails to pay that civil penalty within the time 1972
period prescribed by the board, the superintendent shall forward 1973
to the attorney general the name of the person and the amount of 1974
the civil penalty for the purpose of collecting that civil 1975
penalty. In addition to the civil penalty assessed pursuant to 1976
this section, the person also shall pay any fee assessed by the 1977
attorney general for collection of the civil penalty. 1978

If the board finds, or an unlicensed person admits to the 1979
board, a violation of section 4764.02 of the Revised Code, the 1980
superintendent of real estate and professional licensing shall 1981
not issue to the person a home inspector license without prior 1982
board approval. 1983

Sec. 4764.17. (A) Except as provided in divisions (B) and 1984
(C) of this section, nothing in this chapter shall be construed 1985

to create or imply a private cause of action against a licensed 1986
home inspector for a violation of this chapter if that action is 1987
not otherwise maintainable under common law. 1988

(B) An action for damages that is based on professional 1989
services that were rendered or that should have been rendered by 1990
a licensed home inspector shall not be brought, commenced, or 1991
maintained unless the action is filed within one year after the 1992
date that the home inspection is performed. 1993

(C) Before bringing, commencing, or maintaining an action 1994
under division (B) of this section, a client shall notify the 1995
licensed home inspector of the alleged deficiencies and shall 1996
allow the licensed home inspector the opportunity to review and 1997
remedy the alleged deficiencies. The statute of limitations 1998
specified in division (B) of this section shall be tolled for 1999
the period that begins on the date the client notifies the 2000
licensed home inspector of the alleged deficiencies and that 2001
ends on the date that the licensed home inspector reviews, 2002
declines to review, remedies, or declines to remedy the alleged 2003
deficiencies, whichever comes later. 2004

(D) The remedies provided under sections 4764.12 to 2005
4764.15 of the Revised Code are the exclusive remedies for 2006
alleged violations of any conflict of interest prohibitions 2007
specified in the rules adopted by the Ohio home inspector board 2008
pursuant to division (A)(10) of section 4764.05 of the Revised 2009
Code. 2010

(E) Nothing in this section shall be construed to prohibit 2011
the superintendent of real estate and professional licensing 2012
from investigating, or to prohibit the board from taking action 2013
against a licensed home inspector for violations of this chapter 2014
if the investigation commences more than one year after the date 2015

that the licensed home inspector conducts the home inspection 2016
that is the subject of the investigation and action. 2017

Sec. 4764.18. The superintendent of real estate and 2018
professional licensing shall deposit all money collected under 2019
this chapter in the state treasury to the credit of the home 2020
inspectors fund, which is hereby created. Money credited to the 2021
fund shall be used solely by the superintendent to pay costs 2022
associated with the administration and enforcement of this 2023
chapter. 2024

Sec. 4764.19. On receipt of a notice pursuant to section 2025
3123.43 of the Revised Code, the superintendent of real estate 2026
and professional licensing shall comply with sections 3123.41 to 2027
3123.50 of the Revised Code and any applicable rules adopted 2028
under section 3123.63 of the Revised Code with respect to a 2029
license issued pursuant to this chapter. 2030

Sec. 4764.20. The superintendent of real estate and 2031
professional licensing shall comply with section 4776.20 of the 2032
Revised Code. 2033

Sec. 4764.99. (A) Whoever violates division (A) of section 2034
4764.02 of the Revised Code is guilty of a misdemeanor of the 2035
first degree. 2036

(B) Whoever violates division (D) of section 4764.02 of 2037
the Revised Code is guilty of a felony of the fifth degree. 2038

Sec. 4776.10. As used in Chapters 4713., 4738., 4740., 2039
4747., ~~and~~ 4749., and 4764., and sections 4725.40 to 4725.59 of 2040
the Revised Code: 2041

(A) "Crime of moral turpitude" or "moral turpitude" means 2042
all of the following: 2043

- (1) A violation of section 2903.01 or 2903.02 of the Revised Code; 2044
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- (2) A sexually oriented offense as defined in section 2950.01 of the Revised Code; 2046
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- (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; 2048
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- (4) Complicity in committing an offense described in division (A)(1) of this section; 2051
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- (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; 2053
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- (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. 2057
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- (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. 2063
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- (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. 2069
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Sec. 4776.20. (A) As used in this section: 2072

(1) "Licensing agency" means, in addition to each board 2073
identified in division (C) of section 4776.01 of the Revised 2074
Code, the board or other government entity authorized to issue a 2075
license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 2076
4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 2077
4742., 4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 2078
4764., 4765., 4766., 4771., 4773., 4774., 4778., and 4781. of 2079
the Revised Code. "Licensing agency" includes an administrative 2080
officer that has authority to issue a license. 2081

(2) "Licensee" means, in addition to a licensee as 2082
described in division (B) of section 4776.01 of the Revised 2083
Code, the person to whom a license is issued by the board or 2084
other government entity authorized to issue a license under 2085
Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 2086
4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 2087
4749., 4751., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 2088
4766., 4771., 4773., 4774., 4778., and 4781. of the Revised 2089
Code. 2090

(3) "Prosecutor" has the same meaning as in section 2091
2935.01 of the Revised Code. 2092

(B) On a licensee's conviction of, plea of guilty to, 2093
judicial finding of guilt of, or judicial finding of guilt 2094
resulting from a plea of no contest to the offense of 2095
trafficking in persons in violation of section 2905.32 of the 2096
Revised Code, the prosecutor in the case shall promptly notify 2097
the licensing agency of the conviction, plea, or finding and 2098
provide the licensee's name and residential address. On receipt 2099
of this notification, the licensing agency shall immediately 2100
suspend the licensee's license. 2101

(C) If there is a conviction of, plea of guilty to, 2102
judicial finding of guilt of, or judicial finding of guilt 2103
resulting from a plea of no contest to the offense of 2104
trafficking in persons in violation of section 2905.32 of the 2105
Revised Code and all or part of the violation occurred on the 2106
premises of a facility that is licensed by a licensing agency, 2107
the prosecutor in the case shall promptly notify the licensing 2108
agency of the conviction, plea, or finding and provide the 2109
facility's name and address and the offender's name and 2110
residential address. On receipt of this notification, the 2111
licensing agency shall immediately suspend the facility's 2112
license. 2113

(D) Notwithstanding any provision of the Revised Code to 2114
the contrary, the suspension of a license under division (B) or 2115
(C) of this section shall be implemented by a licensing agency 2116
without a prior hearing. After the suspension, the licensing 2117
agency shall give written notice to the subject of the 2118
suspension of the right to request a hearing under Chapter 119. 2119
of the Revised Code. After a hearing is held, the licensing 2120
agency shall either revoke or permanently revoke the 2121
~~license~~license of the subject of the suspension, unless it 2122
determines that the license holder has not been convicted of, 2123
pleaded guilty to, been found guilty of, or been found guilty 2124
based on a plea of no contest to the offense of trafficking in 2125
persons in violation of section 2905.32 of the Revised Code. 2126

Section 2. That existing sections 109.572, 121.08, 2127
2925.01, 4745.01, 4776.10, and 4776.20 of the Revised Code are 2128
hereby repealed. 2129

Section 3. Section 4764.02 of the Revised Code, as enacted 2130
by this act, takes effect two hundred ten days after the 2131

effective date of this act. 2132

Section 4. Notwithstanding section 4764.04 of the Revised 2133
Code, as enacted by this act, persons appointed to the Ohio Home 2134
Inspector Board during the first year after the effective date 2135
of this act need not be licensed as required under that section. 2136

Section 5. Not later than one hundred eighty days after 2137
the effective date of this act, the Ohio Home Inspector Board 2138
shall adopt the rules the Board is required to adopt under this 2139
act. 2140

Section 6. (A) Notwithstanding section 4764.07 of the 2141
Revised Code, as enacted by this act, and except as provided 2142
under section 4764.14 of the Revised Code, as enacted by this 2143
act, during the period of time beginning on the date the last 2144
initial member of the Ohio Home Inspector Board is appointed 2145
pursuant to section 4764.04 of the Revised Code, as enacted by 2146
this act, and ending one hundred twenty days after that date, 2147
the Superintendent of Real Estate and Professional Licensing 2148
shall issue a home inspector license if a person applies for a 2149
license on a form the Superintendent provides and pays the fee 2150
specified in section 4764.05 of the Revised Code, as enacted by 2151
this act, and if the applicant demonstrates all of the 2152
following: 2153

(1) Proof of maintaining or being covered by a 2154
comprehensive general liability insurance policy or a commercial 2155
general liability insurance policy and an error and omissions 2156
insurance policy in accordance with division (A) of section 2157
4764.11 of the Revised Code, as enacted by this act; 2158

(2) Proof by direct documentation or signed affidavit 2159
attesting to having met any one of the following requirements to 2160

demonstrate participation in the home inspection field prior to	2161
the effective date of this act:	2162
(a) Having performed at least two hundred home inspections	2163
for clients for compensation or other valuable consideration;	2164
(b) Having successfully passed a home inspector	2165
examination specified in division (A) (4) of section 4764.06 of	2166
the Revised Code, as enacted by this act;	2167
(c) Having actively operated a home inspection business in	2168
this state for three years before the effective date of this act	2169
under a business name officially registered with the Secretary	2170
of State;	2171
(d) Having been employed as a home inspector for the	2172
consecutive thirty-six months before the effective date of this	2173
act by an inspection company or person whose owner or manager	2174
meets the license requirement specified in this section;	2175
(e) Having successfully completed eighty hours of	2176
instruction of the type that would qualify for continuing	2177
education credit under section 4764.05 of the Revised Code.	2178
(3) Proof of signing a pledge agreeing to comply with the	2179
requirements specified in rules adopted by the Board pursuant to	2180
division (A) (10) of section 4764.05 of the Revised Code, as	2181
enacted by this act;	2182
(4) In a written statement, acknowledgment that the person	2183
understands the grounds for any disciplinary action that may be	2184
initiated under Chapter 4764. of the Revised Code, as enacted by	2185
this act.	2186
If the Board determines necessary, the Board may request	2187
the Superintendent to have a criminal records check conducted	2188

pursuant to section 121.08 of the Revised Code and the rules 2189
adopted by the Board pursuant to division (A) (6) of section 2190
4764.06 of the Revised Code, as enacted by this act, on any 2191
applicant who applies for a license under this section. 2192

(B) Any license issued under this section shall expire 2193
three years after the date the license was issued. A licensed 2194
home inspector may renew the licensed home inspector's license 2195
in accordance with section 4764.09 of the Revised Code, as 2196
enacted by this act. 2197

(C) As used in this section, "home inspection" and 2198
"residential building" have the same meanings as in section 2199
4764.01 of the Revised Code, as enacted by this act. "Home 2200
inspector" means a person who conducts home inspections for 2201
compensation or other valuable consideration. 2202

Section 7. Section 109.572 of the Revised Code is 2203
presented in this act as a composite of the section as amended 2204
by both Sub. H.B. 523 and Am. Sub. S.B. 227 of the 131st General 2205
Assembly. The General Assembly, applying the principle stated in 2206
division (B) of section 1.52 of the Revised Code that amendments 2207
are to be harmonized if reasonably capable of simultaneous 2208
operation, finds that the composite is the resulting version of 2209
the section in effect prior to the effective date of the section 2210
as presented in this act. 2211