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132nd General Assembly
Regular Session
2017-2018

Sub. H. B. No. 211

A BILL

To amend sections 109.572, 121.08, 2925.01, 1
4735.181, 4735.99, 4776.10, and 4776.20 and to 2
enact sections 4735.22, 4764.01 to 4764.21, and 3
4764.99 of the Revised Code to require the 4
licensure of home inspectors, to create the Ohio 5
Home Inspector Board to regulate the licensure 6
and performance of home inspectors, and to 7
require realtors who recommend home inspectors 8
to provide a list of home inspectors. 9

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

Section 1. That sections 109.572, 121.08, 2925.01, 10
4735.181, 4735.99, 4776.10, and 4776.20 be amended and sections 11
4735.22, 4764.01, 4764.02, 4764.03, 4764.04, 4764.05, 4764.06, 12
4764.07, 4764.08, 4764.09, 4764.10, 4764.11, 4764.12, 4764.13, 13
4764.14, 4764.15, 4764.16, 4764.17, 4764.18, 4764.19, 4764.20, 14
4764.21, and 4764.99 of the Revised Code be enacted to read as 15
follows: 16

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 17
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 18
Code, a completed form prescribed pursuant to division (C) (1) of 19



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this section, and a set of fingerprint impressions obtained in 20
the manner described in division (C) (2) of this section, the 21
superintendent of the bureau of criminal identification and 22
investigation shall conduct a criminal records check in the 23
manner described in division (B) of this section to determine 24
whether any information exists that indicates that the person 25
who is the subject of the request previously has been convicted 26
of or pleaded guilty to any of the following: 27

(a) A violation of section 2903.01, 2903.02, 2903.03, 28
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 29
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 30
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 31
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 32
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 33
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 34
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 35
sexual penetration in violation of former section 2907.12 of the 36
Revised Code, a violation of section 2905.04 of the Revised Code 37
as it existed prior to July 1, 1996, a violation of section 38
2919.23 of the Revised Code that would have been a violation of 39
section 2905.04 of the Revised Code as it existed prior to July 40
1, 1996, had the violation been committed prior to that date, or 41
a violation of section 2925.11 of the Revised Code that is not a 42
minor drug possession offense; 43

(b) A violation of an existing or former law of this 44
state, any other state, or the United States that is 45
substantially equivalent to any of the offenses listed in 46
division (A) (1) (a) of this section; 47

(c) If the request is made pursuant to section 3319.39 of 48
the Revised Code for an applicant who is a teacher, any offense 49

specified in section 3319.31 of the Revised Code. 50

(2) On receipt of a request pursuant to section 3712.09 or 51
3721.121 of the Revised Code, a completed form prescribed 52
pursuant to division (C)(1) of this section, and a set of 53
fingerprint impressions obtained in the manner described in 54
division (C)(2) of this section, the superintendent of the 55
bureau of criminal identification and investigation shall 56
conduct a criminal records check with respect to any person who 57
has applied for employment in a position for which a criminal 58
records check is required by those sections. The superintendent 59
shall conduct the criminal records check in the manner described 60
in division (B) of this section to determine whether any 61
information exists that indicates that the person who is the 62
subject of the request previously has been convicted of or 63
pleaded guilty to any of the following: 64

(a) A violation of section 2903.01, 2903.02, 2903.03, 65
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 66
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 67
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 68
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 69
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 70
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 71
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 72
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 73

(b) An existing or former law of this state, any other 74
state, or the United States that is substantially equivalent to 75
any of the offenses listed in division (A)(2)(a) of this 76
section. 77

(3) On receipt of a request pursuant to section 173.27, 78
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 79

5123.081, or 5123.169 of the Revised Code, a completed form 80
prescribed pursuant to division (C)(1) of this section, and a 81
set of fingerprint impressions obtained in the manner described 82
in division (C)(2) of this section, the superintendent of the 83
bureau of criminal identification and investigation shall 84
conduct a criminal records check of the person for whom the 85
request is made. The superintendent shall conduct the criminal 86
records check in the manner described in division (B) of this 87
section to determine whether any information exists that 88
indicates that the person who is the subject of the request 89
previously has been convicted of, has pleaded guilty to, or 90
(except in the case of a request pursuant to section 5164.34, 91
5164.341, or 5164.342 of the Revised Code) has been found 92
eligible for intervention in lieu of conviction for any of the 93
following, regardless of the date of the conviction, the date of 94
entry of the guilty plea, or (except in the case of a request 95
pursuant to section 5164.34, 5164.341, or 5164.342 of the 96
Revised Code) the date the person was found eligible for 97
intervention in lieu of conviction: 98

(a) A violation of section 959.13, 959.131, 2903.01, 99
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 100
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 101
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 102
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 103
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 104
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 105
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 106
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 107
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 108
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 109
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 110

2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 111
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 112
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 113
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 114
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 115
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 116
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 117

(b) Felonious sexual penetration in violation of former 118
section 2907.12 of the Revised Code; 119

(c) A violation of section 2905.04 of the Revised Code as 120
it existed prior to July 1, 1996; 121

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 122
the Revised Code when the underlying offense that is the object 123
of the conspiracy, attempt, or complicity is one of the offenses 124
listed in divisions (A) (3) (a) to (c) of this section; 125

(e) A violation of an existing or former municipal 126
ordinance or law of this state, any other state, or the United 127
States that is substantially equivalent to any of the offenses 128
listed in divisions (A) (3) (a) to (d) of this section. 129

(4) On receipt of a request pursuant to section 2151.86 of 130
the Revised Code, a completed form prescribed pursuant to 131
division (C) (1) of this section, and a set of fingerprint 132
impressions obtained in the manner described in division (C) (2) 133
of this section, the superintendent of the bureau of criminal 134
identification and investigation shall conduct a criminal 135
records check in the manner described in division (B) of this 136
section to determine whether any information exists that 137
indicates that the person who is the subject of the request 138
previously has been convicted of or pleaded guilty to any of the 139

following: 140

(a) A violation of section 959.13, 2903.01, 2903.02, 141
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 142
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 143
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 144
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 145
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 146
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 147
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 148
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 149
2927.12, or 3716.11 of the Revised Code, a violation of section 150
2905.04 of the Revised Code as it existed prior to July 1, 1996, 151
a violation of section 2919.23 of the Revised Code that would 152
have been a violation of section 2905.04 of the Revised Code as 153
it existed prior to July 1, 1996, had the violation been 154
committed prior to that date, a violation of section 2925.11 of 155
the Revised Code that is not a minor drug possession offense, 156
two or more OVI or OVUAC violations committed within the three 157
years immediately preceding the submission of the application or 158
petition that is the basis of the request, or felonious sexual 159
penetration in violation of former section 2907.12 of the 160
Revised Code; 161

(b) A violation of an existing or former law of this 162
state, any other state, or the United States that is 163
substantially equivalent to any of the offenses listed in 164
division (A) (4) (a) of this section. 165

(5) Upon receipt of a request pursuant to section 5104.013 166
of the Revised Code, a completed form prescribed pursuant to 167
division (C) (1) of this section, and a set of fingerprint 168
impressions obtained in the manner described in division (C) (2) 169

of this section, the superintendent of the bureau of criminal 170
identification and investigation shall conduct a criminal 171
records check in the manner described in division (B) of this 172
section to determine whether any information exists that 173
indicates that the person who is the subject of the request has 174
been convicted of or pleaded guilty to any of the following: 175

(a) A violation of section 2151.421, 2903.01, 2903.02, 176
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 177
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 178
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 179
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 180
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 181
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 182
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 183
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 184
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 185
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 186
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 187
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 188
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 189
3716.11 of the Revised Code, felonious sexual penetration in 190
violation of former section 2907.12 of the Revised Code, a 191
violation of section 2905.04 of the Revised Code as it existed 192
prior to July 1, 1996, a violation of section 2919.23 of the 193
Revised Code that would have been a violation of section 2905.04 194
of the Revised Code as it existed prior to July 1, 1996, had the 195
violation been committed prior to that date, a violation of 196
section 2925.11 of the Revised Code that is not a minor drug 197
possession offense, a violation of section 2923.02 or 2923.03 of 198
the Revised Code that relates to a crime specified in this 199
division, or a second violation of section 4511.19 of the 200

Revised Code within five years of the date of application for 201
licensure or certification. 202

(b) A violation of an existing or former law of this 203
state, any other state, or the United States that is 204
substantially equivalent to any of the offenses or violations 205
described in division (A) (5) (a) of this section. 206

(6) Upon receipt of a request pursuant to section 5153.111 207
of the Revised Code, a completed form prescribed pursuant to 208
division (C) (1) of this section, and a set of fingerprint 209
impressions obtained in the manner described in division (C) (2) 210
of this section, the superintendent of the bureau of criminal 211
identification and investigation shall conduct a criminal 212
records check in the manner described in division (B) of this 213
section to determine whether any information exists that 214
indicates that the person who is the subject of the request 215
previously has been convicted of or pleaded guilty to any of the 216
following: 217

(a) A violation of section 2903.01, 2903.02, 2903.03, 218
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 219
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 220
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 221
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 222
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 223
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 224
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 225
Code, felonious sexual penetration in violation of former 226
section 2907.12 of the Revised Code, a violation of section 227
2905.04 of the Revised Code as it existed prior to July 1, 1996, 228
a violation of section 2919.23 of the Revised Code that would 229
have been a violation of section 2905.04 of the Revised Code as 230

it existed prior to July 1, 1996, had the violation been 231
committed prior to that date, or a violation of section 2925.11 232
of the Revised Code that is not a minor drug possession offense; 233

(b) A violation of an existing or former law of this 234
state, any other state, or the United States that is 235
substantially equivalent to any of the offenses listed in 236
division (A)(6)(a) of this section. 237

(7) On receipt of a request for a criminal records check 238
from an individual pursuant to section 4749.03 or 4749.06 of the 239
Revised Code, accompanied by a completed copy of the form 240
prescribed in division (C)(1) of this section and a set of 241
fingerprint impressions obtained in a manner described in 242
division (C)(2) of this section, the superintendent of the 243
bureau of criminal identification and investigation shall 244
conduct a criminal records check in the manner described in 245
division (B) of this section to determine whether any 246
information exists indicating that the person who is the subject 247
of the request has been convicted of or pleaded guilty to a 248
felony in this state or in any other state. If the individual 249
indicates that a firearm will be carried in the course of 250
business, the superintendent shall require information from the 251
federal bureau of investigation as described in division (B)(2) 252
of this section. Subject to division (F) of this section, the 253
superintendent shall report the findings of the criminal records 254
check and any information the federal bureau of investigation 255
provides to the director of public safety. 256

(8) On receipt of a request pursuant to section 1321.37, 257
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 258
Code, a completed form prescribed pursuant to division (C)(1) of 259
this section, and a set of fingerprint impressions obtained in 260

the manner described in division (C) (2) of this section, the 261
superintendent of the bureau of criminal identification and 262
investigation shall conduct a criminal records check with 263
respect to any person who has applied for a license, permit, or 264
certification from the department of commerce or a division in 265
the department. The superintendent shall conduct the criminal 266
records check in the manner described in division (B) of this 267
section to determine whether any information exists that 268
indicates that the person who is the subject of the request 269
previously has been convicted of or pleaded guilty to any of the 270
following: a violation of section 2913.02, 2913.11, 2913.31, 271
2913.51, or 2925.03 of the Revised Code; any other criminal 272
offense involving theft, receiving stolen property, 273
embezzlement, forgery, fraud, passing bad checks, money 274
laundering, or drug trafficking, or any criminal offense 275
involving money or securities, as set forth in Chapters 2909., 276
2911., 2913., 2915., 2921., 2923., and 2925. of the Revised 277
Code; or any existing or former law of this state, any other 278
state, or the United States that is substantially equivalent to 279
those offenses. 280

(9) On receipt of a request for a criminal records check 281
from the treasurer of state under section 113.041 of the Revised 282
Code or from an individual under section 4701.08, 4715.101, 283
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 284
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 285
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 286
4747.051, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 287
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 288
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 289
Code, accompanied by a completed form prescribed under division 290
(C) (1) of this section and a set of fingerprint impressions 291

obtained in the manner described in division (C) (2) of this 292
section, the superintendent of the bureau of criminal 293
identification and investigation shall conduct a criminal 294
records check in the manner described in division (B) of this 295
section to determine whether any information exists that 296
indicates that the person who is the subject of the request has 297
been convicted of or pleaded guilty to any criminal offense in 298
this state or any other state. Subject to division (F) of this 299
section, the superintendent shall send the results of a check 300
requested under section 113.041 of the Revised Code to the 301
treasurer of state and shall send the results of a check 302
requested under any of the other listed sections to the 303
licensing board specified by the individual in the request. 304

(10) On receipt of a request pursuant to section 1121.23, 305
1315.141, 1733.47, or 1761.26 of the Revised Code, a completed 306
form prescribed pursuant to division (C) (1) of this section, and 307
a set of fingerprint impressions obtained in the manner 308
described in division (C) (2) of this section, the superintendent 309
of the bureau of criminal identification and investigation shall 310
conduct a criminal records check in the manner described in 311
division (B) of this section to determine whether any 312
information exists that indicates that the person who is the 313
subject of the request previously has been convicted of or 314
pleaded guilty to any criminal offense under any existing or 315
former law of this state, any other state, or the United States. 316

(11) On receipt of a request for a criminal records check 317
from an appointing or licensing authority under section 3772.07 318
of the Revised Code, a completed form prescribed under division 319
(C) (1) of this section, and a set of fingerprint impressions 320
obtained in the manner prescribed in division (C) (2) of this 321
section, the superintendent of the bureau of criminal 322

identification and investigation shall conduct a criminal 323
records check in the manner described in division (B) of this 324
section to determine whether any information exists that 325
indicates that the person who is the subject of the request 326
previously has been convicted of or pleaded guilty or no contest 327
to any offense under any existing or former law of this state, 328
any other state, or the United States that is a disqualifying 329
offense as defined in section 3772.07 of the Revised Code or 330
substantially equivalent to such an offense. 331

(12) On receipt of a request pursuant to section 2151.33 332
or 2151.412 of the Revised Code, a completed form prescribed 333
pursuant to division (C)(1) of this section, and a set of 334
fingerprint impressions obtained in the manner described in 335
division (C)(2) of this section, the superintendent of the 336
bureau of criminal identification and investigation shall 337
conduct a criminal records check with respect to any person for 338
whom a criminal records check is required under that section. 339
The superintendent shall conduct the criminal records check in 340
the manner described in division (B) of this section to 341
determine whether any information exists that indicates that the 342
person who is the subject of the request previously has been 343
convicted of or pleaded guilty to any of the following: 344

(a) A violation of section 2903.01, 2903.02, 2903.03, 345
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 346
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 347
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 348
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 349
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 350
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 351
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 352
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 353

(b) An existing or former law of this state, any other 354
state, or the United States that is substantially equivalent to 355
any of the offenses listed in division (A) (12) (a) of this 356
section. 357

(13) On receipt of a request pursuant to section 3796.12 358
of the Revised Code, a completed form prescribed pursuant to 359
division (C) (1) of this section, and a set of fingerprint 360
impressions obtained in a manner described in division (C) (2) of 361
this section, the superintendent of the bureau of criminal 362
identification and investigation shall conduct a criminal 363
records check in the manner described in division (B) of this 364
section to determine whether any information exists that 365
indicates that the person who is the subject of the request 366
previously has been convicted of or pleaded guilty to the 367
following: 368

(a) A disqualifying offense as specified in rules adopted 369
under division (B) (2) (b) of section 3796.03 of the Revised Code 370
if the person who is the subject of the request is an 371
administrator or other person responsible for the daily 372
operation of, or an owner or prospective owner, officer or 373
prospective officer, or board member or prospective board member 374
of, an entity seeking a license from the department of commerce 375
under Chapter 3796. of the Revised Code; 376

(b) A disqualifying offense as specified in rules adopted 377
under division (B) (2) (b) of section 3796.04 of the Revised Code 378
if the person who is the subject of the request is an 379
administrator or other person responsible for the daily 380
operation of, or an owner or prospective owner, officer or 381
prospective officer, or board member or prospective board member 382
of, an entity seeking a license from the state board of pharmacy 383

under Chapter 3796. of the Revised Code. 384

(14) On receipt of a request required by section 3796.13 385
of the Revised Code, a completed form prescribed pursuant to 386
division (C)(1) of this section, and a set of fingerprint 387
impressions obtained in a manner described in division (C)(2) of 388
this section, the superintendent of the bureau of criminal 389
identification and investigation shall conduct a criminal 390
records check in the manner described in division (B) of this 391
section to determine whether any information exists that 392
indicates that the person who is the subject of the request 393
previously has been convicted of or pleaded guilty to the 394
following: 395

(a) A disqualifying offense as specified in rules adopted 396
under division (B)(8)(a) of section 3796.03 of the Revised Code 397
if the person who is the subject of the request is seeking 398
employment with an entity licensed by the department of commerce 399
under Chapter 3796. of the Revised Code; 400

(b) A disqualifying offense as specified in rules adopted 401
under division (B)(14)(a) of section 3796.04 of the Revised Code 402
if the person who is the subject of the request is seeking 403
employment with an entity licensed by the state board of 404
pharmacy under Chapter 3796. of the Revised Code. 405

(15) On receipt of a request pursuant to division (B) of 406
section 4764.07 of the Revised Code, a completed form prescribed 407
under division (C)(1) of this section, and a set of fingerprint 408
impressions obtained in the manner described in division (C)(2) 409
of this section, the superintendent of the bureau of criminal 410
identification and investigation shall conduct a criminal 411
records check in the manner described in division (B) of this 412
section to determine whether any information exists indicating 413

that the person who is the subject of the request has been 414
convicted of or pleaded guilty to any crime of moral turpitude, 415
a felony, or an equivalent offense in any other state or the 416
United States. 417

(B) Subject to division (F) of this section, the 418
superintendent shall conduct any criminal records check to be 419
conducted under this section as follows: 420

(1) The superintendent shall review or cause to be 421
reviewed any relevant information gathered and compiled by the 422
bureau under division (A) of section 109.57 of the Revised Code 423
that relates to the person who is the subject of the criminal 424
records check, including, if the criminal records check was 425
requested under section 113.041, 121.08, 173.27, 173.38, 426
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 427
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 428
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4749.03, 429
4749.06, 4763.05, 4764.07, 5104.013, 5164.34, 5164.341, 430
5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, 431
any relevant information contained in records that have been 432
sealed under section 2953.32 of the Revised Code; 433

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

the superintendent receives from that bureau. If a request under 444
section 3319.39 of the Revised Code asks only for information 445
from the federal bureau of investigation, the superintendent 446
shall not conduct the review prescribed by division (B) (1) of 447
this section. 448

(3) The superintendent or the superintendent's designee 449
may request criminal history records from other states or the 450
federal government pursuant to the national crime prevention and 451
privacy compact set forth in section 109.571 of the Revised 452
Code. 453

(4) The superintendent shall include in the results of the 454
criminal records check a list or description of the offenses 455
listed or described in division (A) (1), (2), (3), (4), (5), (6), 456
(7), (8), (9), (10), (11), (12), (13), ~~or (14)~~, or (15) of this 457
section, whichever division requires the superintendent to 458
conduct the criminal records check. The superintendent shall 459
exclude from the results any information the dissemination of 460
which is prohibited by federal law. 461

(5) The superintendent shall send the results of the 462
criminal records check to the person to whom it is to be sent 463
not later than the following number of days after the date the 464
superintendent receives the request for the criminal records 465
check, the completed form prescribed under division (C) (1) of 466
this section, and the set of fingerprint impressions obtained in 467
the manner described in division (C) (2) of this section: 468

(a) If the superintendent is required by division (A) of 469
this section (other than division (A) (3) of this section) to 470
conduct the criminal records check, thirty; 471

(b) If the superintendent is required by division (A) (3) 472

of this section to conduct the criminal records check, sixty. 473

(C) (1) The superintendent shall prescribe a form to obtain 474
the information necessary to conduct a criminal records check 475
from any person for whom a criminal records check is to be 476
conducted under this section. The form that the superintendent 477
prescribes pursuant to this division may be in a tangible 478
format, in an electronic format, or in both tangible and 479
electronic formats. 480

(2) The superintendent shall prescribe standard impression 481
sheets to obtain the fingerprint impressions of any person for 482
whom a criminal records check is to be conducted under this 483
section. Any person for whom a records check is to be conducted 484
under this section shall obtain the fingerprint impressions at a 485
county sheriff's office, municipal police department, or any 486
other entity with the ability to make fingerprint impressions on 487
the standard impression sheets prescribed by the superintendent. 488
The office, department, or entity may charge the person a 489
reasonable fee for making the impressions. The standard 490
impression sheets the superintendent prescribes pursuant to this 491
division may be in a tangible format, in an electronic format, 492
or in both tangible and electronic formats. 493

(3) Subject to division (D) of this section, the 494
superintendent shall prescribe and charge a reasonable fee for 495
providing a criminal records check under this section. The 496
person requesting the criminal records check shall pay the fee 497
prescribed pursuant to this division. In the case of a request 498
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 499
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 500
fee shall be paid in the manner specified in that section. 501

(4) The superintendent of the bureau of criminal 502

identification and investigation may prescribe methods of 503
forwarding fingerprint impressions and information necessary to 504
conduct a criminal records check, which methods shall include, 505
but not be limited to, an electronic method. 506

(D) The results of a criminal records check conducted 507
under this section, other than a criminal records check 508
specified in division (A) (7) of this section, are valid for the 509
person who is the subject of the criminal records check for a 510
period of one year from the date upon which the superintendent 511
completes the criminal records check. If during that period the 512
superintendent receives another request for a criminal records 513
check to be conducted under this section for that person, the 514
superintendent shall provide the results from the previous 515
criminal records check of the person at a lower fee than the fee 516
prescribed for the initial criminal records check. 517

(E) When the superintendent receives a request for 518
information from a registered private provider, the 519
superintendent shall proceed as if the request was received from 520
a school district board of education under section 3319.39 of 521
the Revised Code. The superintendent shall apply division (A) (1) 522
(c) of this section to any such request for an applicant who is 523
a teacher. 524

(F) (1) Subject to division (F) (2) of this section, all 525
information regarding the results of a criminal records check 526
conducted under this section that the superintendent reports or 527
sends under division (A) (7) or (9) of this section to the 528
director of public safety, the treasurer of state, or the 529
person, board, or entity that made the request for the criminal 530
records check shall relate to the conviction of the subject 531
person, or the subject person's plea of guilty to, a criminal 532

offense.	533
(2) Division (F)(1) of this section does not limit,	534
restrict, or preclude the superintendent's release of	535
information that relates to the arrest of a person who is	536
eighteen years of age or older, to an adjudication of a child as	537
a delinquent child, or to a criminal conviction of a person	538
under eighteen years of age in circumstances in which a release	539
of that nature is authorized under division (E)(2), (3), or (4)	540
of section 109.57 of the Revised Code pursuant to a rule adopted	541
under division (E)(1) of that section.	542
(G) As used in this section:	543
(1) "Criminal records check" means any criminal records	544
check conducted by the superintendent of the bureau of criminal	545
identification and investigation in accordance with division (B)	546
of this section.	547
(2) "Minor drug possession offense" has the same meaning	548
as in section 2925.01 of the Revised Code.	549
(3) "OVI or OVUAC violation" means a violation of section	550
4511.19 of the Revised Code or a violation of an existing or	551
former law of this state, any other state, or the United States	552
that is substantially equivalent to section 4511.19 of the	553
Revised Code.	554
(4) "Registered private provider" means a nonpublic school	555
or entity registered with the superintendent of public	556
instruction under section 3310.41 of the Revised Code to	557
participate in the autism scholarship program or section 3310.58	558
of the Revised Code to participate in the Jon Peterson special	559
needs scholarship program.	560
Sec. 121.08. (A) There is hereby created in the department	561

of commerce the position of deputy director of administration. 562
This officer shall be appointed by the director of commerce, 563
serve under the director's direction, supervision, and control, 564
perform the duties the director prescribes, and hold office 565
during the director's pleasure. The director of commerce may 566
designate an assistant director of commerce to serve as the 567
deputy director of administration. The deputy director of 568
administration shall perform the duties prescribed by the 569
director of commerce in supervising the activities of the 570
division of administration of the department of commerce. 571

(B) Except as provided in section 121.07 of the Revised 572
Code, the department of commerce shall have all powers and 573
perform all duties vested in the deputy director of 574
administration, the state fire marshal, the superintendent of 575
financial institutions, the superintendent of real estate and 576
professional licensing, the superintendent of liquor control, 577
the superintendent of industrial compliance, the superintendent 578
of unclaimed funds, and the commissioner of securities, and 579
shall have all powers and perform all duties vested by law in 580
all officers, deputies, and employees of those offices. Except 581
as provided in section 121.07 of the Revised Code, wherever 582
powers are conferred or duties imposed upon any of those 583
officers, the powers and duties shall be construed as vested in 584
the department of commerce. 585

(C) (1) There is hereby created in the department of 586
commerce a division of financial institutions, which shall have 587
all powers and perform all duties vested by law in the 588
superintendent of financial institutions. Wherever powers are 589
conferred or duties imposed upon the superintendent of financial 590
institutions, those powers and duties shall be construed as 591
vested in the division of financial institutions. The division 592

of financial institutions shall be administered by the 593
superintendent of financial institutions. 594

(2) All provisions of law governing the superintendent of 595
financial institutions shall apply to and govern the 596
superintendent of financial institutions provided for in this 597
section; all authority vested by law in the superintendent of 598
financial institutions with respect to the management of the 599
division of financial institutions shall be construed as vested 600
in the superintendent of financial institutions created by this 601
section with respect to the division of financial institutions 602
provided for in this section; and all rights, privileges, and 603
emoluments conferred by law upon the superintendent of financial 604
institutions shall be construed as conferred upon the 605
superintendent of financial institutions as head of the division 606
of financial institutions. The director of commerce shall not 607
transfer from the division of financial institutions any of the 608
functions specified in division (C) (2) of this section. 609

(D) There is hereby created in the department of commerce 610
a division of liquor control, which shall have all powers and 611
perform all duties vested by law in the superintendent of liquor 612
control. Wherever powers are conferred or duties are imposed 613
upon the superintendent of liquor control, those powers and 614
duties shall be construed as vested in the division of liquor 615
control. The division of liquor control shall be administered by 616
the superintendent of liquor control. 617

(E) The director of commerce shall not be interested, 618
directly or indirectly, in any firm or corporation which is a 619
dealer in securities as defined in sections 1707.01 and 1707.14 620
of the Revised Code, or in any firm or corporation licensed 621
under sections 1321.01 to 1321.19 of the Revised Code. 622

(F) The director of commerce shall not have any official 623
connection with a savings and loan association, a savings bank, 624
a bank, a bank holding company, a savings and loan association 625
holding company, a consumer finance company, or a credit union 626
that is under the supervision of the division of financial 627
institutions, or a subsidiary of any of the preceding entities, 628
or be interested in the business thereof. 629

(G) There is hereby created in the state treasury the 630
division of administration fund. The fund shall receive 631
assessments on the operating funds of the department of commerce 632
in accordance with procedures prescribed by the director of 633
commerce and approved by the director of budget and management. 634
All operating expenses of the division of administration shall 635
be paid from the division of administration fund. 636

(H) There is hereby created in the department of commerce 637
a division of real estate and professional licensing, which 638
shall be under the control and supervision of the director of 639
commerce. The division of real estate and professional licensing 640
shall be administered by the superintendent of real estate and 641
professional licensing. The superintendent of real estate and 642
professional licensing shall exercise the powers and perform the 643
functions and duties delegated to the superintendent under 644
Chapters 4735., 4763., 4764., and 4767. of the Revised Code. 645

(I) There is hereby created in the department of commerce 646
a division of industrial compliance, which shall have all powers 647
and perform all duties vested by law in the superintendent of 648
industrial compliance. Wherever powers are conferred or duties 649
imposed upon the superintendent of industrial compliance, those 650
powers and duties shall be construed as vested in the division 651
of industrial compliance. The division of industrial compliance 652

shall be under the control and supervision of the director of 653
commerce and be administered by the superintendent of industrial 654
compliance. 655

(J) There is hereby created in the department of commerce 656
a division of unclaimed funds, which shall have all powers and 657
perform all duties delegated to or vested by law in the 658
superintendent of unclaimed funds. Wherever powers are conferred 659
or duties imposed upon the superintendent of unclaimed funds, 660
those powers and duties shall be construed as vested in the 661
division of unclaimed funds. The division of unclaimed funds 662
shall be under the control and supervision of the director of 663
commerce and shall be administered by the superintendent of 664
unclaimed funds. The superintendent of unclaimed funds shall 665
exercise the powers and perform the functions and duties 666
delegated to the superintendent by the director of commerce 667
under section 121.07 and Chapter 169. of the Revised Code, and 668
as may otherwise be provided by law. 669

(K) The department of commerce or a division of the 670
department created by the Revised Code that is acting with 671
authorization on the department's behalf may request from the 672
bureau of criminal identification and investigation pursuant to 673
section 109.572 of the Revised Code, or coordinate with 674
appropriate federal, state, and local government agencies to 675
accomplish, criminal records checks for the persons whose 676
identities are required to be disclosed by an applicant for the 677
issuance or transfer of a permit, license, certificate of 678
registration, or certification issued or transferred by the 679
department or division. At or before the time of making a 680
request for a criminal records check, the department or division 681
may require any person whose identity is required to be 682
disclosed by an applicant for the issuance or transfer of such a 683

license, permit, certificate of registration, or certification 684
to submit to the department or division valid fingerprint 685
impressions in a format and by any media or means acceptable to 686
the bureau of criminal identification and investigation and, 687
when applicable, the federal bureau of investigation. The 688
department or division may cause the bureau of criminal 689
identification and investigation to conduct a criminal records 690
check through the federal bureau of investigation only if the 691
person for whom the criminal records check would be conducted 692
resides or works outside of this state or has resided or worked 693
outside of this state during the preceding five years, or if a 694
criminal records check conducted by the bureau of criminal 695
identification and investigation within this state indicates 696
that the person may have a criminal record outside of this 697
state. 698

In the case of a criminal records check under section 699
109.572 of the Revised Code, the department or division shall 700
forward to the bureau of criminal identification and 701
investigation the requisite form, fingerprint impressions, and 702
fee described in division (C) of that section. When requested by 703
the department or division in accordance with this section, the 704
bureau of criminal identification and investigation shall 705
request from the federal bureau of investigation any information 706
it has with respect to the person who is the subject of the 707
requested criminal records check and shall forward the requisite 708
fingerprint impressions and information to the federal bureau of 709
investigation for that criminal records check. After conducting 710
a criminal records check or receiving the results of a criminal 711
records check from the federal bureau of investigation, the 712
bureau of criminal identification and investigation shall 713
provide the results to the department or division. 714

The department or division may require any person about 715
whom a criminal records check is requested to pay to the 716
department or division the amount necessary to cover the fee 717
charged to the department or division by the bureau of criminal 718
identification and investigation under division (C) (3) of 719
section 109.572 of the Revised Code, including, when applicable, 720
any fee for a criminal records check conducted by the federal 721
bureau of investigation. 722

(L) The director of commerce, or the director's designee, 723
may adopt rules to enhance compliance with statutes pertaining 724
to, and rules adopted by, divisions under the direction, 725
supervision, and control of the department or director by 726
offering incentive-based programs that ensure safety and 727
soundness while promoting growth and prosperity in the state. 728

Sec. 2925.01. As used in this chapter: 729

(A) "Administer," "controlled substance," "controlled 730
substance analog," "dispense," "distribute," "hypodermic," 731
"manufacturer," "official written order," "person," 732
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 733
"schedule III," "schedule IV," "schedule V," and "wholesaler" 734
have the same meanings as in section 3719.01 of the Revised 735
Code. 736

(B) "Drug dependent person" and "drug of abuse" have the 737
same meanings as in section 3719.011 of the Revised Code. 738

(C) "Drug," "dangerous drug," "licensed health 739
professional authorized to prescribe drugs," and "prescription" 740
have the same meanings as in section 4729.01 of the Revised 741
Code. 742

(D) "Bulk amount" of a controlled substance means any of 743

the following: 744

(1) For any compound, mixture, preparation, or substance 745
included in schedule I, schedule II, or schedule III, with the 746
exception of controlled substance analogs, marihuana, cocaine, 747
L.S.D., heroin, and hashish and except as provided in division 748
(D) (2) or (5) of this section, whichever of the following is 749
applicable: 750

(a) An amount equal to or exceeding ten grams or twenty- 751
five unit doses of a compound, mixture, preparation, or 752
substance that is or contains any amount of a schedule I opiate 753
or opium derivative; 754

(b) An amount equal to or exceeding ten grams of a 755
compound, mixture, preparation, or substance that is or contains 756
any amount of raw or gum opium; 757

(c) An amount equal to or exceeding thirty grams or ten 758
unit doses of a compound, mixture, preparation, or substance 759
that is or contains any amount of a schedule I hallucinogen 760
other than tetrahydrocannabinol or lysergic acid amide, or a 761
schedule I stimulant or depressant; 762

(d) An amount equal to or exceeding twenty grams or five 763
times the maximum daily dose in the usual dose range specified 764
in a standard pharmaceutical reference manual of a compound, 765
mixture, preparation, or substance that is or contains any 766
amount of a schedule II opiate or opium derivative; 767

(e) An amount equal to or exceeding five grams or ten unit 768
doses of a compound, mixture, preparation, or substance that is 769
or contains any amount of phencyclidine; 770

(f) An amount equal to or exceeding one hundred twenty 771
grams or thirty times the maximum daily dose in the usual dose 772

range specified in a standard pharmaceutical reference manual of 773
a compound, mixture, preparation, or substance that is or 774
contains any amount of a schedule II stimulant that is in a 775
final dosage form manufactured by a person authorized by the 776
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 777
U.S.C.A. 301, as amended, and the federal drug abuse control 778
laws, as defined in section 3719.01 of the Revised Code, that is 779
or contains any amount of a schedule II depressant substance or 780
a schedule II hallucinogenic substance; 781

(g) An amount equal to or exceeding three grams of a 782
compound, mixture, preparation, or substance that is or contains 783
any amount of a schedule II stimulant, or any of its salts or 784
isomers, that is not in a final dosage form manufactured by a 785
person authorized by the Federal Food, Drug, and Cosmetic Act 786
and the federal drug abuse control laws. 787

(2) An amount equal to or exceeding one hundred twenty 788
grams or thirty times the maximum daily dose in the usual dose 789
range specified in a standard pharmaceutical reference manual of 790
a compound, mixture, preparation, or substance that is or 791
contains any amount of a schedule III or IV substance other than 792
an anabolic steroid or a schedule III opiate or opium 793
derivative; 794

(3) An amount equal to or exceeding twenty grams or five 795
times the maximum daily dose in the usual dose range specified 796
in a standard pharmaceutical reference manual of a compound, 797
mixture, preparation, or substance that is or contains any 798
amount of a schedule III opiate or opium derivative; 799

(4) An amount equal to or exceeding two hundred fifty 800
milliliters or two hundred fifty grams of a compound, mixture, 801
preparation, or substance that is or contains any amount of a 802

schedule V substance; 803

(5) An amount equal to or exceeding two hundred solid 804
dosage units, sixteen grams, or sixteen milliliters of a 805
compound, mixture, preparation, or substance that is or contains 806
any amount of a schedule III anabolic steroid. 807

(E) "Unit dose" means an amount or unit of a compound, 808
mixture, or preparation containing a controlled substance that 809
is separately identifiable and in a form that indicates that it 810
is the amount or unit by which the controlled substance is 811
separately administered to or taken by an individual. 812

(F) "Cultivate" includes planting, watering, fertilizing, 813
or tilling. 814

(G) "Drug abuse offense" means any of the following: 815

(1) A violation of division (A) of section 2913.02 that 816
constitutes theft of drugs, or a violation of section 2925.02, 817
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 818
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 819
or 2925.37 of the Revised Code; 820

(2) A violation of an existing or former law of this or 821
any other state or of the United States that is substantially 822
equivalent to any section listed in division (G)(1) of this 823
section; 824

(3) An offense under an existing or former law of this or 825
any other state, or of the United States, of which planting, 826
cultivating, harvesting, processing, making, manufacturing, 827
producing, shipping, transporting, delivering, acquiring, 828
possessing, storing, distributing, dispensing, selling, inducing 829
another to use, administering to another, using, or otherwise 830
dealing with a controlled substance is an element; 831

(4) A conspiracy to commit, attempt to commit, or 832
complicity in committing or attempting to commit any offense 833
under division (G) (1), (2), or (3) of this section. 834

(H) "Felony drug abuse offense" means any drug abuse 835
offense that would constitute a felony under the laws of this 836
state, any other state, or the United States. 837

(I) "Harmful intoxicant" does not include beer or 838
intoxicating liquor but means any of the following: 839

(1) Any compound, mixture, preparation, or substance the 840
gas, fumes, or vapor of which when inhaled can induce 841
intoxication, excitement, giddiness, irrational behavior, 842
depression, stupefaction, paralysis, unconsciousness, 843
asphyxiation, or other harmful physiological effects, and 844
includes, but is not limited to, any of the following: 845

(a) Any volatile organic solvent, plastic cement, model 846
cement, fingernail polish remover, lacquer thinner, cleaning 847
fluid, gasoline, or other preparation containing a volatile 848
organic solvent; 849

(b) Any aerosol propellant; 850

(c) Any fluorocarbon refrigerant; 851

(d) Any anesthetic gas. 852

(2) Gamma Butyrolactone; 853

(3) 1,4 Butanediol. 854

(J) "Manufacture" means to plant, cultivate, harvest, 855
process, make, prepare, or otherwise engage in any part of the 856
production of a drug, by propagation, extraction, chemical 857
synthesis, or compounding, or any combination of the same, and 858

includes packaging, repackaging, labeling, and other activities 859
incident to production. 860

(K) "Possess" or "possession" means having control over a 861
thing or substance, but may not be inferred solely from mere 862
access to the thing or substance through ownership or occupation 863
of the premises upon which the thing or substance is found. 864

(L) "Sample drug" means a drug or pharmaceutical 865
preparation that would be hazardous to health or safety if used 866
without the supervision of a licensed health professional 867
authorized to prescribe drugs, or a drug of abuse, and that, at 868
one time, had been placed in a container plainly marked as a 869
sample by a manufacturer. 870

(M) "Standard pharmaceutical reference manual" means the 871
current edition, with cumulative changes if any, of references 872
that are approved by the state board of pharmacy. 873

(N) "Juvenile" means a person under eighteen years of age. 874

(O) "Counterfeit controlled substance" means any of the 875
following: 876

(1) Any drug that bears, or whose container or label 877
bears, a trademark, trade name, or other identifying mark used 878
without authorization of the owner of rights to that trademark, 879
trade name, or identifying mark; 880

(2) Any unmarked or unlabeled substance that is 881
represented to be a controlled substance manufactured, 882
processed, packed, or distributed by a person other than the 883
person that manufactured, processed, packed, or distributed it; 884

(3) Any substance that is represented to be a controlled 885
substance but is not a controlled substance or is a different 886

controlled substance; 887

(4) Any substance other than a controlled substance that a 888
reasonable person would believe to be a controlled substance 889
because of its similarity in shape, size, and color, or its 890
markings, labeling, packaging, distribution, or the price for 891
which it is sold or offered for sale. 892

(P) An offense is "committed in the vicinity of a school" 893
if the offender commits the offense on school premises, in a 894
school building, or within one thousand feet of the boundaries 895
of any school premises, regardless of whether the offender knows 896
the offense is being committed on school premises, in a school 897
building, or within one thousand feet of the boundaries of any 898
school premises. 899

(Q) "School" means any school operated by a board of 900
education, any community school established under Chapter 3314. 901
of the Revised Code, or any nonpublic school for which the state 902
board of education prescribes minimum standards under section 903
3301.07 of the Revised Code, whether or not any instruction, 904
extracurricular activities, or training provided by the school 905
is being conducted at the time a criminal offense is committed. 906

(R) "School premises" means either of the following: 907

(1) The parcel of real property on which any school is 908
situated, whether or not any instruction, extracurricular 909
activities, or training provided by the school is being 910
conducted on the premises at the time a criminal offense is 911
committed; 912

(2) Any other parcel of real property that is owned or 913
leased by a board of education of a school, the governing 914
authority of a community school established under Chapter 3314. 915

of the Revised Code, or the governing body of a nonpublic school 916
for which the state board of education prescribes minimum 917
standards under section 3301.07 of the Revised Code and on which 918
some of the instruction, extracurricular activities, or training 919
of the school is conducted, whether or not any instruction, 920
extracurricular activities, or training provided by the school 921
is being conducted on the parcel of real property at the time a 922
criminal offense is committed. 923

(S) "School building" means any building in which any of 924
the instruction, extracurricular activities, or training 925
provided by a school is conducted, whether or not any 926
instruction, extracurricular activities, or training provided by 927
the school is being conducted in the school building at the time 928
a criminal offense is committed. 929

(T) "Disciplinary counsel" means the disciplinary counsel 930
appointed by the board of commissioners on grievances and 931
discipline of the supreme court under the Rules for the 932
Government of the Bar of Ohio. 933

(U) "Certified grievance committee" means a duly 934
constituted and organized committee of the Ohio state bar 935
association or of one or more local bar associations of the 936
state of Ohio that complies with the criteria set forth in Rule 937
V, section 6 of the Rules for the Government of the Bar of Ohio. 938

(V) "Professional license" means any license, permit, 939
certificate, registration, qualification, admission, temporary 940
license, temporary permit, temporary certificate, or temporary 941
registration that is described in divisions (W) (1) to ~~(36)~~ (37) 942
of this section and that qualifies a person as a professionally 943
licensed person. 944

- (W) "Professionally licensed person" means any of the 945
following: 946
- (1) A person who has obtained a license as a manufacturer 947
of controlled substances or a wholesaler of controlled 948
substances under Chapter 3719. of the Revised Code; 949
- (2) A person who has received a certificate or temporary 950
certificate as a certified public accountant or who has 951
registered as a public accountant under Chapter 4701. of the 952
Revised Code and who holds an Ohio permit issued under that 953
chapter; 954
- (3) A person who holds a certificate of qualification to 955
practice architecture issued or renewed and registered under 956
Chapter 4703. of the Revised Code; 957
- (4) A person who is registered as a landscape architect 958
under Chapter 4703. of the Revised Code or who holds a permit as 959
a landscape architect issued under that chapter; 960
- (5) A person licensed under Chapter 4707. of the Revised 961
Code; 962
- (6) A person who has been issued a certificate of 963
registration as a registered barber under Chapter 4709. of the 964
Revised Code; 965
- (7) A person licensed and regulated to engage in the 966
business of a debt pooling company by a legislative authority, 967
under authority of Chapter 4710. of the Revised Code; 968
- (8) A person who has been issued a cosmetologist's 969
license, hair designer's license, manicurist's license, 970
esthetician's license, natural hair stylist's license, advanced 971
cosmetologist's license, advanced hair designer's license, 972

advanced manicurist's license, advanced esthetician's license,	973
advanced natural hair stylist's license, cosmetology	974
instructor's license, hair design instructor's license,	975
manicurist instructor's license, esthetics instructor's license,	976
natural hair style instructor's license, independent	977
contractor's license, or tanning facility permit under Chapter	978
4713. of the Revised Code;	979
(9) A person who has been issued a license to practice	980
dentistry, a general anesthesia permit, a conscious intravenous	981
sedation permit, a limited resident's license, a limited	982
teaching license, a dental hygienist's license, or a dental	983
hygienist's teacher's certificate under Chapter 4715. of the	984
Revised Code;	985
(10) A person who has been issued an embalmer's license, a	986
funeral director's license, a funeral home license, or a	987
crematory license, or who has been registered for an embalmer's	988
or funeral director's apprenticeship under Chapter 4717. of the	989
Revised Code;	990
(11) A person who has been licensed as a registered nurse	991
or practical nurse, or who has been issued a certificate for the	992
practice of nurse-midwifery under Chapter 4723. of the Revised	993
Code;	994
(12) A person who has been licensed to practice optometry	995
or to engage in optical dispensing under Chapter 4725. of the	996
Revised Code;	997
(13) A person licensed to act as a pawnbroker under	998
Chapter 4727. of the Revised Code;	999
(14) A person licensed to act as a precious metals dealer	1000
under Chapter 4728. of the Revised Code;	1001

(15) A person licensed as a pharmacist, a pharmacy intern,	1002
a wholesale distributor of dangerous drugs, or a terminal	1003
distributor of dangerous drugs under Chapter 4729. of the	1004
Revised Code;	1005
(16) A person who is authorized to practice as a physician	1006
assistant under Chapter 4730. of the Revised Code;	1007
(17) A person who has been issued a license to practice	1008
medicine and surgery, osteopathic medicine and surgery, or	1009
podiatric medicine and surgery under Chapter 4731. of the	1010
Revised Code or has been issued a certificate to practice a	1011
limited branch of medicine under that chapter;	1012
(18) A person licensed as a psychologist or school	1013
psychologist under Chapter 4732. of the Revised Code;	1014
(19) A person registered to practice the profession of	1015
engineering or surveying under Chapter 4733. of the Revised	1016
Code;	1017
(20) A person who has been issued a license to practice	1018
chiropractic under Chapter 4734. of the Revised Code;	1019
(21) A person licensed to act as a real estate broker or	1020
real estate salesperson under Chapter 4735. of the Revised Code;	1021
(22) A person registered as a registered sanitarian under	1022
Chapter 4736. of the Revised Code;	1023
(23) A person licensed to operate or maintain a junkyard	1024
under Chapter 4737. of the Revised Code;	1025
(24) A person who has been issued a motor vehicle salvage	1026
dealer's license under Chapter 4738. of the Revised Code;	1027
(25) A person who has been licensed to act as a steam	1028

engineer under Chapter 4739. of the Revised Code;	1029
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	1030 1031 1032 1033
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	1034 1035 1036
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	1037 1038 1039
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	1040 1041 1042
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	1043 1044 1045
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	1046 1047 1048
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	1049 1050 1051 1052 1053 1054
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	1055 1056

(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;

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

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

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

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

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

(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;

(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.

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

(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.

(AA) "Marihuana" has the same meaning as in section 1084
3719.01 of the Revised Code, except that it does not include 1085
hashish. 1086

(BB) An offense is "committed in the vicinity of a 1087
juvenile" if the offender commits the offense within one hundred 1088
feet of a juvenile or within the view of a juvenile, regardless 1089
of whether the offender knows the age of the juvenile, whether 1090
the offender knows the offense is being committed within one 1091
hundred feet of or within view of the juvenile, or whether the 1092
juvenile actually views the commission of the offense. 1093

(CC) "Presumption for a prison term" or "presumption that 1094
a prison term shall be imposed" means a presumption, as 1095
described in division (D) of section 2929.13 of the Revised 1096
Code, that a prison term is a necessary sanction for a felony in 1097
order to comply with the purposes and principles of sentencing 1098
under section 2929.11 of the Revised Code. 1099

(DD) "Major drug offender" has the same meaning as in 1100
section 2929.01 of the Revised Code. 1101

(EE) "Minor drug possession offense" means either of the 1102
following: 1103

(1) A violation of section 2925.11 of the Revised Code as 1104
it existed prior to July 1, 1996; 1105

(2) A violation of section 2925.11 of the Revised Code as 1106
it exists on and after July 1, 1996, that is a misdemeanor or a 1107
felony of the fifth degree. 1108

(FF) "Mandatory prison term" has the same meaning as in 1109
section 2929.01 of the Revised Code. 1110

(GG) "Adulterate" means to cause a drug to be adulterated 1111

as described in section 3715.63 of the Revised Code. 1112

(HH) "Public premises" means any hotel, restaurant, 1113
tavern, store, arena, hall, or other place of public 1114
accommodation, business, amusement, or resort. 1115

(II) "Methamphetamine" means methamphetamine, any salt, 1116
isomer, or salt of an isomer of methamphetamine, or any 1117
compound, mixture, preparation, or substance containing 1118
methamphetamine or any salt, isomer, or salt of an isomer of 1119
methamphetamine. 1120

(JJ) "Lawful prescription" means a prescription that is 1121
issued for a legitimate medical purpose by a licensed health 1122
professional authorized to prescribe drugs, that is not altered 1123
or forged, and that was not obtained by means of deception or by 1124
the commission of any theft offense. 1125

(KK) "Deception" and "theft offense" have the same 1126
meanings as in section 2913.01 of the Revised Code. 1127

Sec. 4735.181. (A) No real estate broker or salesperson 1128
licensed pursuant to this chapter shall fail to comply with 1129
divisions (B) ~~or~~ and (D) of section 4735.13, division (D) of 1130
section 4735.14, or sections 4735.22, 4735.55, 4735.56, and 1131
4735.58 of the Revised Code or any rules adopted under those 1132
divisions or sections. 1133

(B) When the superintendent determines that a licensee has 1134
violated division (A) of this section, the superintendent may do 1135
either of the following: 1136

(1) Initiate disciplinary action under section 4735.051 of 1137
the Revised Code, in accordance with Chapter 119. of the Revised 1138
Code; 1139

(2) Personally, or by certified mail, serve a citation and 1140
impose sanctions in accordance with this section upon the 1141
licensee. 1142

(C) Every citation served under this section shall give 1143
notice to the licensee of the alleged violation or violations 1144
charged and inform the licensee of the opportunity to request a 1145
hearing in accordance with Chapter 119. of the Revised Code. The 1146
citation also shall contain a statement of a fine of up to two 1147
hundred dollars per violation. All fines collected pursuant to 1148
this section shall be credited to the real estate recovery fund, 1149
created in the state treasury under section 4735.12 of the 1150
Revised Code. 1151

(D) If any licensee is cited three times under this 1152
section within twelve consecutive months, the superintendent 1153
shall initiate disciplinary action pursuant to section 4735.051 1154
of the Revised Code for any subsequent violation that occurs 1155
within the same twelve-month period. 1156

If a licensee fails to request a hearing within thirty 1157
days after the date of service of the citation, or the licensee 1158
and the superintendent fail to reach an alternative agreement, 1159
the citation shall become final. 1160

(E) Unless otherwise indicated, the licensee named in a 1161
final citation under this section must meet all requirements 1162
contained in the final citation within thirty days after the 1163
effective date of that citation. 1164

(F) The superintendent shall suspend automatically a 1165
licensee's license if the licensee fails to comply with division 1166
(E) of this section. 1167

Sec. 4735.22. If a real estate broker or real estate 1168

salesperson provides the name of a home inspector to a purchaser 1169
or seller of real estate, the broker or salesperson shall 1170
provide the buyer or seller with the names of at least three 1171
home inspectors. Any home inspector named shall be licensed 1172
under Chapter 4764. of the Revised Code. Providing a purchaser 1173
or seller of real estate with the names of licensed home 1174
inspectors does not constitute an endorsement or recommendation 1175
of those inspectors and does not obligate the broker or 1176
salesperson to satisfy any due diligence requirements with 1177
respect to the licensed home inspectors. This section does not 1178
require a broker or salesperson to provide purchasers or sellers 1179
of real estate with information on home inspection services or 1180
home inspectors. No cause of action shall arise against a broker 1181
or salesperson for providing or failing to provide the names of 1182
licensed home inspectors or information on home inspection 1183
services or for failing to recommend a licensed home inspector 1184
to a purchaser or seller. 1185

Sec. 4735.99. (A) Whoever violates section 4735.02~~7~~ or 1186
4735.021~~7~~ or 4735.22 of the Revised Code is guilty of a 1187
misdemeanor of the first degree. 1188

(B) Whoever violates section 4735.25 or 4735.30 of the 1189
Revised Code is guilty of a felony of the fifth degree, and the 1190
court may impose upon the offender an additional fine of not 1191
more than two thousand five hundred dollars. 1192

Sec. 4764.01. As used in this chapter: 1193

(A) "Client" means a person who enters into a written 1194
contract with a home inspector to retain for compensation or 1195
other valuable consideration the services of that home inspector 1196
to conduct a home inspection and to provide a written report on 1197
the condition of a residential building. 1198

(B) "Crime of moral turpitude" has the same meaning as in section 4776.10 of the Revised Code. 1199
1200

(C) "Home inspection" means the process by which a home inspector conducts a visual examination of the readily accessible components of a residential building for a client. "Home inspection" does not include pest inspections; environmental testing; inspection of any property or structure conducted by an employee or representative of an insurer licensed to transact business in this state under Title XXXIX of the Revised Code for purposes related to the business of insurance; or determination of compliance with applicable statutes, rules, resolutions, or ordinances, including, without limitation, building, zoning, or historic codes. 1201
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(D) "Home inspection report" means a written report prepared by a licensed home inspector for compensation and issued after an on-site inspection of a residential property. A report shall include all of the following: 1212
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(1) Information on any system or component inspected that, in the professional opinion of the inspector, is deficient to the degree that it is deficient; 1216
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(2) The inspector's recommendation to repair or monitor deficiencies reported under division (D)(1) of this section; 1219
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(3) A list of any systems or components that were designated for inspection in the standards of practice adopted by the board under division (A)(10) of section 4764.05 of the Revised Code but that were not inspected; 1221
1222
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(4) The reason a system or component listed under division (D)(3) of this section was not inspected. 1225
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(E) "Licensed home inspector" means a person who holds a 1227

valid license issued pursuant to section 4764.07 or 4764.10 of 1228
the Revised Code to conduct a home inspection for compensation 1229
or other valuable consideration. 1230

(F) "Parallel inspection" means a home inspection 1231
performed by an applicant for a home inspector license at which 1232
both of the following take place concurrently: 1233

(1) A licensed home inspector observes and evaluates the 1234
applicant during the inspection to verify the applicant's 1235
compliance with the standards of practice specified in rules 1236
adopted by the Ohio home inspector board pursuant to division 1237
(A) (10) of section 4764.05 of the Revised Code. 1238

(2) The inspection is an on-site inspection of a 1239
residential building for the licensed home inspector's client. 1240

(G) "Readily accessible" means available for visual 1241
inspection without requiring a person to move or dismantle 1242
personal property, take destructive measures, or take any other 1243
action that will involve risk to a person or to the property. 1244

(H) "Residential building" has the same meaning as in 1245
section 3781.06 of the Revised Code but also includes the 1246
individual dwelling units within an apartment or condominium 1247
complex containing four or more dwelling units. 1248

(I) "Peer review session" means a practical exercise in 1249
which a prospective applicant for a home inspector license 1250
identifies and reports defects in a residential building that 1251
contains previously identified defects for the purpose of 1252
evaluating the prospective applicant's ability to conduct a home 1253
inspection and prepare a home inspection report. 1254

Sec. 4764.02. (A) No person shall knowingly conduct a home 1255
inspection or represent a qualification to conduct a home 1256

inspection for compensation or other valuable consideration 1257
unless that person is licensed pursuant to this chapter as a 1258
home inspector or performing a parallel inspection. 1259

(B) No person shall perform a home inspection unless it is 1260
performed pursuant to a written contract entered into between a 1261
licensed home inspector and a client. 1262

(C) No person shall perform a home inspection unless the 1263
home inspection conforms to requirements specified in rules 1264
adopted by the Ohio home inspector board pursuant to division 1265
(A) (10) of section 4764.05 of the Revised Code. 1266

(D) No person shall knowingly make or cause to be made any 1267
false representation concerning a material and relevant fact 1268
relating to the person's licensure as a home inspector. 1269

Sec. 4764.03. Section 4764.02 of the Revised Code does not 1270
apply to any person described as follows if the person is acting 1271
within the scope of practice of the person's respective 1272
profession: 1273

(A) A person who is employed by or whose services 1274
otherwise are retained by this state or a political subdivision 1275
of this state for the purpose of enforcing building codes; 1276

(B) A person holding a valid certificate to practice 1277
architecture issued under Chapter 4703. of the Revised Code; 1278

(C) A person registered as a professional engineer under 1279
Chapter 4733. of the Revised Code; 1280

(D) A heating, ventilating, and air conditioning 1281
contractor, refrigeration contractor, electrical contractor, 1282
plumbing contractor, or hydronics contractor who is licensed 1283
under Chapter 4740. or section 3781.102 of the Revised Code or 1284

who is licensed or registered under section 715.27 of the 1285
Revised Code; 1286

(E) A real estate broker, real estate salesperson, foreign 1287
real estate dealer, or foreign real estate salesperson who is 1288
licensed under Chapter 4735. of the Revised Code; 1289

(F) A real estate appraiser who is licensed under Chapter 1290
4763. of the Revised Code; 1291

(G) A public insurance adjuster who holds a valid 1292
certificate of authority issued under Chapter 3951. of the 1293
Revised Code or an employee or representative of an insurer 1294
licensed to transact business in this state under Title XXXIX of 1295
the Revised Code who conducts an inspection of any property or 1296
structure for purposes related to the business of insurance; 1297

(H) A commercial applicator of pesticide who is licensed 1298
under Chapter 921. of the Revised Code. 1299

Sec. 4764.04. There is hereby created the Ohio home 1300
inspector board consisting of seven members. The governor shall 1301
appoint five members who are licensed home inspectors. The 1302
president of the senate and the speaker of the house of 1303
representatives each shall appoint one member who represents the 1304
public and has no financial interest in the home inspection 1305
industry. Not more than four members of the board shall be 1306
members of the same political party. 1307

The governor, president of the senate, and speaker of the 1308
house of representatives shall make the initial appointments to 1309
the board not later than ninety days after the effective date of 1310
this section. Of the initial appointments to the board, the 1311
governor shall appoint one member to a term ending one year 1312
after the effective date of this section, two members to a term 1313

ending three years after that date, and two members to a term 1314
ending five years after that date. The president of the senate 1315
shall appoint one member to a term ending two years after that 1316
date, and the speaker of the house of representatives shall 1317
appoint one member to a term ending four years after that date. 1318
Thereafter, each term shall be for five years, ending on the 1319
same day of the same month as the term that it succeeds. Each 1320
member shall hold office from the date of appointment until the 1321
end of the term for which the member was appointed. Vacancies 1322
shall be filled in the manner provided for original 1323
appointments. A member appointed to fill a vacancy prior to the 1324
expiration of a term shall hold office for the remainder of that 1325
term. A member shall continue in office subsequent to the 1326
expiration of the term until the member's successor takes 1327
office. 1328

The members of the board shall not be compensated but 1329
shall be reimbursed for actual expenses reasonably incurred in 1330
the performance of their duties as members. 1331

The person who, or office that, appointed a member may 1332
remove that member for misconduct, neglect of duty, incapacity, 1333
or malfeasance. 1334

The Ohio home inspector board is a part of the department 1335
of commerce for administrative purposes. The director of 1336
commerce is ex officio the executive officer of the commission, 1337
or the director may designate the superintendent of real estate 1338
and professional licensing to act as executive officer of the 1339
commission. 1340

Sec. 4764.05. (A) The Ohio home inspector board shall 1341
adopt rules in accordance with Chapter 119. of the Revised Code 1342
to do all of the following: 1343

(1) Establish standards to govern the issuance, renewal, suspension, and revocation of licenses, other sanctions that may be imposed for violations of this chapter, the conduct of hearings related to these actions, and the process of reactivating a license; 1344
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(2) Establish the amount of the following fees: 1349

(a) Establish the following fees in an amount that is sufficient to defray necessary expenses incurred in the administration of this chapter: 1350
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(i) The fee for applying for and receiving a license issued under section 4764.07 of the Revised Code and the special assessment for the home inspection recovery fund created in section 4764.21 of the Revised Code, which together shall not exceed two hundred fifty dollars; 1353
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(ii) The fee for renewal of a license under section 4764.09 of the Revised Code and the special assessment for the home inspection recovery fund created in section 4764.21 of the Revised Code, which together shall not exceed two hundred fifty dollars. 1358
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(b) The renewal late fee described in division (B) (2) of section 4764.09 of the Revised Code; 1363
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(c) The fee an institution or organization described in division (A) (7) of this section shall pay to receive approval to offer continuing education courses and programs; 1365
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1367

(d) The fee an institution or organization that is approved to offer continuing education courses and programs shall pay for each course or program that the institution or organization wishes to have the superintendent approve pursuant to the rules adopted by the board under division (A) (8) of this 1368
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1371
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section; 1373

(e) Any other fees as required by this chapter. 1374

(3) In accordance with division (C) of this section, 1375
specify methods and procedures the board shall use to approve a 1376
curriculum of education a person must successfully complete to 1377
obtain a license under this chapter; 1378

(4) In accordance with division (D) of this section, 1379
specify methods and procedures the board shall use to approve a 1380
curriculum of experience that a person may elect to complete the 1381
proof of experience requirement specified in division (D)(6) of 1382
section 4764.07 of the Revised Code; 1383

(5) Establish the administrative reporting and review 1384
requirements for parallel inspections or equivalency for field 1385
experience to assure that an applicant for a license satisfies 1386
the requirements of division (D)(6) of section 4764.07 of the 1387
Revised Code, as applicable; 1388

(6) Establish a curriculum for continuing education that a 1389
licensed home inspector shall complete to satisfy the 1390
requirements for continuing education specified in section 1391
4764.08 of the Revised Code and procedures to assure continuing 1392
education requirements are updated periodically to make those 1393
requirements consistent with home inspection industry practices; 1394

(7) Establish requirements an institution or organization 1395
shall satisfy to obtain approval to provide courses or programs 1396
that enable a licensed home inspector to satisfy the 1397
requirements for continuing education specified in section 1398
4764.08 of the Revised Code and establish procedures that the 1399
superintendent of real estate and professional licensing shall 1400
use to approve an institution or organization that satisfies the 1401

requirements the board establishes; 1402

(8) Establish procedures and standards that the 1403
superintendent shall use to approve courses and programs, 1404
including online courses and programs, offered by an institution 1405
or organization that is approved by the superintendent to offer 1406
continuing education courses or programs pursuant to the rules 1407
adopted by the board under division (A)(7) of this section; 1408

(9) Establish reporting requirements for a licensed home 1409
inspector to follow to demonstrate that the licensed home 1410
inspector successfully completed the continuing education 1411
requirements specified in section 4764.08 of the Revised Code; 1412

(10) Establish requirements for conducting home 1413
inspections, standards of practice for home inspectors, and 1414
conflict of interest prohibitions to the extent that those 1415
provisions do not conflict with divisions (B) to (E) of section 1416
4764.14 of the Revised Code; 1417

(11) Specify requirements for settlement agreements 1418
entered into between the superintendent and a licensed home 1419
inspector under division (C) of section 4764.13 of the Revised 1420
Code; 1421

(12) Establish procedures for providing licensees with 1422
notice and applications for renewal under section 4764.09 of the 1423
Revised Code; 1424

(13) Establish a set of standards of practice and canons 1425
of ethics for the home inspection industry; 1426

(14) Establish directions for the superintendent of real 1427
estate and professional licensing to follow regarding the 1428
scheduling, instruction, and offerings of home inspection 1429
courses a person must successfully complete to obtain a license 1430

issued under this chapter; 1431

(15) Establish requirements a licensed home inspector shall satisfy to obtain approval to prepare and conduct peer review sessions. 1432
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(B) The board shall do all of the following: 1435

(1) On appeal by any party affected, or on its own motion, review any order of or application determination made by the superintendent, and as the board determines necessary, reverse, vacate, modify, or sustain such an order or determination; 1436
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(2) Hear appeals from orders of the superintendent regarding claims against the home inspection recovery fund created under section 4764.21 of this section; 1440
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(3) Disseminate to licensees and the public information relative to board activities and decisions; 1443
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(4) Notify licensees of changes in state and federal laws pertaining to home inspections and relevant case law and inform licensees that they are subject to disciplinary action if they do not comply with the changes. 1445
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(C) The board shall approve a curriculum of education a person must successfully complete to obtain a license issued under this chapter. The board shall approve a curriculum of education that satisfies all of the following requirements: 1449
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(1) The curriculum is offered by an accredited public or private institution of higher education or a professional organization that has been approved by the board to offer a curriculum. 1453
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(2) The curriculum includes a requirement that a person, to successfully complete the curriculum, complete at least 1457
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eighty hours of classroom or online prelicensing instruction, 1459
including instruction about compliance with the requirements 1460
specified in this chapter, inspection safety, report writing, 1461
and any other administrative matters required by the board. 1462

(3) The curriculum satisfies any other requirements the 1463
board established in rules it adopts. 1464

(D) The board shall determine the equivalency of field 1465
experience that a person may elect to complete to satisfy the 1466
proof of experience requirement specified in division (D)(6) of 1467
section 4764.07 of the Revised Code. The board shall approve 1468
only a curriculum of experience that includes a requirement that 1469
a person, to successfully complete the curriculum, must perform 1470
at least forty hours of work in the home inspection field that 1471
allows the person to obtain practical experience or training 1472
regarding home inspections. The board shall approve only a 1473
curriculum of experience that includes a requirement that a 1474
person, to successfully complete the curriculum, must complete a 1475
peer review session with a licensed home inspector approved by 1476
the board before applying for a license. The peer review session 1477
may be used as part of the required eighty hours of prelicensing 1478
education. 1479

Sec. 4764.06. (A) The superintendent of real estate and 1480
professional licensing shall do all of the following: 1481

(1) Administer this chapter; 1482

(2) Provide the Ohio home inspector board with meeting 1483
space, staff services, and other technical assistance required 1484
by the board to carry out the duties of the board under this 1485
chapter; 1486

(3) Provide each applicant for a home inspector license 1487

with a copy of the requirements for home inspections specified 1488
in rules adopted by the board pursuant to division (A) (10) of 1489
section 4764.05 of the Revised Code, and make those requirements 1490
available to the public by posting them on the web site 1491
maintained by the department of commerce; 1492

(4) In accordance with division (B) of this section, issue 1493
a home inspector license to, or renew a home inspector license 1494
for, any person who satisfies the requirements specified in this 1495
chapter for such licensure or renewal, and make a list of those 1496
licensed home inspectors available to the public by posting the 1497
list on the web site maintained by the department of commerce; 1498

(5) Administer the home inspector recovery fund created 1499
under section 4764.21 of the Revised Code; 1500

(6) Establish procedures, in accordance with division (K) 1501
of section 121.08 of the Revised Code, to have fingerprint-based 1502
criminal records checks conducted by the bureau of criminal 1503
identification and investigation for all applicants for 1504
licensure; 1505

(7) In accordance with the procedures specified in rules 1506
adopted by the board in accordance with division (A) (7) of 1507
section 4764.05 of the Revised Code, approve an institution or 1508
organization wishing to provide continuing education courses or 1509
programs if that institution or organization satisfies the 1510
requirements specified in rules adopted by the board in 1511
accordance with that division and pays the fee established in 1512
rules adopted by the board pursuant to division (A) (2) (c) of 1513
that section; 1514

(8) In accordance with the procedures specified in rules 1515
adopted by the board in accordance with division (A) (8) of 1516

section 4764.05 of the Revised Code, approve a course or program 1517
that a licensed home inspector may complete to satisfy the 1518
continuing education requirements specified in section 4764.08 1519
of the Revised Code if all of the following are satisfied: 1520

(a) The course or program is offered by an institution or 1521
organization approved by the superintendent pursuant to division 1522
(A) (7) of this section. 1523

(b) The course or program satisfies the standards 1524
established in rules adopted by the board pursuant to division 1525
(A) (8) of section 4764.05 of the Revised Code. 1526

(c) The institution or organization pays the fee 1527
established in rules adopted by the board pursuant to division 1528
(A) (2) (d) of section 4764.05 of the Revised Code. 1529

(9) Issue all orders necessary to implement this chapter; 1530

(10) In accordance with section 4764.12 of the Revised 1531
Code, investigate complaints concerning an alleged violation of 1532
this chapter or the conduct of any licensee and subpoena 1533
witnesses in connection with those investigations, as provided 1534
in that section. The subpoena may contain a direction that the 1535
witness produce and bring any documents, work files, inspection 1536
reports, records, or papers mentioned in the subpoena. 1537

(11) Establish and maintain an investigation and audit 1538
section to investigate complaints and conduct inspections, 1539
audits, and other inquiries as in the judgment of the 1540
superintendent are appropriate to enforce this chapter. The 1541
superintendent shall utilize the investigators and auditors 1542
employed pursuant to division (B) (4) of section 4735.05 of the 1543
Revised Code to assist in performing the duties specified in 1544
division (A) (10) of this section. 1545

(12) Specify the information that must be provided on an application for licensure under this chapter; 1546
1547

(13) Establish procedures for processing, approving, and denying applications for licensure under this chapter; 1548
1549

(14) Specify the format and content of all affidavits and other documents required for the administration of this chapter; 1550
1551

(15) Appoint a hearing officer for any proceeding involving a determination under section 3123.47 of the Revised Code, disciplinary action arising under section 4764.02 or division (F) of section 4764.14 of the Revised Code, or a proceeding under section 4764.16 of the Revised Code. 1552
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(B) The superintendent shall not issue a license to a corporation, limited liability company, partnership, or association, although a licensed home inspector may sign a home inspection report in a representative capacity on behalf of any of those types of entities. 1557
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Sec. 4764.07. (A) To obtain a license to perform home inspections, a person shall submit both of the following to the superintendent of real estate and professional licensing: 1562
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1564

(1) An application meeting the requirements of division (D) of this section on a form the superintendent provides; 1565
1566

(2) The fee established in rules adopted by the Ohio home inspector board pursuant to division (A) (2) (a) of section 4764.05 of the Revised Code. 1567
1568
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(B) Each person applying for a license shall submit one complete set of fingerprints directly to the superintendent of the bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The person shall 1570
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provide the fingerprints using a method the superintendent of 1574
the bureau of criminal identification and investigation 1575
prescribes pursuant to division (C) (2) of section 109.572 of the 1576
Revised Code and fill out the form the superintendent of the 1577
bureau of criminal identification and investigation prescribes 1578
pursuant to division (C) (1) of section 109.572 of the Revised 1579
Code. Upon receiving an application under this section, the 1580
superintendent of real estate and professional licensing shall 1581
request the superintendent of the bureau of criminal 1582
identification and investigation, or a vendor approved by the 1583
bureau, to conduct a criminal records check based on the 1584
applicant's fingerprint impressions in accordance with division 1585
(A) (15) of section 109.572 of the Revised Code. Notwithstanding 1586
division (K) of section 121.08 of the Revised Code, the 1587
superintendent of real estate and professional licensing shall 1588
request that criminal record information based on the 1589
applicant's fingerprints be obtained from the federal bureau of 1590
investigation as part of the criminal records check. Any fee 1591
required under division (C) (3) of section 109.572 of the Revised 1592
Code shall be paid by the applicant. 1593

(C) The superintendent shall issue a license to perform 1594
home inspections to applicants who satisfy the requirements set 1595
forth in this section, subject to section 4768.14 of the Revised 1596
Code. 1597

(D) Except as otherwise specified in division (E) of this 1598
section, the application shall include all of the following: 1599

(1) A pledge the applicant signs, agreeing to comply with 1600
the rules adopted by the board pursuant to division (A) (10) of 1601
section 4764.05 of the Revised Code; 1602

(2) A statement that the applicant understands the grounds 1603

for any disciplinary action that may be initiated under this 1604
chapter; 1605

(3) Proof of holding a comprehensive general liability 1606
insurance policy or a commercial general liability insurance 1607
policy in accordance with division (A) of section 4764.11 of the 1608
Revised Code; 1609

(4) Proof of successfully passing, within two years before 1610
the date of the application, the national home inspector 1611
examination; 1612

(5) Proof of successfully completing a curriculum of 1613
education approved by the board in accordance with rules the 1614
board adopts pursuant to division (A) (3) of section 4764.05 of 1615
the Revised Code; 1616

(6) Proof that the applicant has experience in the field 1617
of home inspections through either of the following: 1618

(a) Successful completion of a curriculum of experience 1619
approved by the board in accordance with rules the board adopts 1620
pursuant to divisions (A) (4) and (D) of section 4764.05 of the 1621
Revised Code; 1622

(b) Successful completion of ten parallel inspections or 1623
equivalent experience as determined by the board pursuant to 1624
division (A) (5) of section 4764.05 of the Revised Code; 1625

(7) Proof that the applicant is at least eighteen years of 1626
age; 1627

(8) Proof that the applicant has graduated from the 1628
twelfth grade, received a general educational development 1629
diploma, or satisfactorily completed a program that is the 1630
equivalent to graduating from the twelfth grade or receiving a 1631

general educational development diploma; 1632

(9) Any other information the board requires that the 1633
board determines is relevant to receiving a license to practice 1634
as a licensed home inspector. 1635

(E) The superintendent shall not require a person 1636
described in division (B) or (C) of section 4764.03 of the 1637
Revised Code who wishes to obtain a license to perform home 1638
inspections under this chapter to submit proof of education and 1639
experience as required under divisions (D)(5) and (6) of this 1640
section in the person's application in order for that person to 1641
receive a license. Such a person, however, shall satisfy all 1642
other requirements specified in divisions (A) and (D) of this 1643
section and provide proof of licensure in good standing 1644
described in division (B) or (C) of section 4764.03 of the 1645
Revised Code to receive a license. 1646

(F) The act of submitting an application to the 1647
superintendent does not create, shall not be construed as 1648
creating, and is not intended to indicate licensure as a home 1649
inspector. 1650

Sec. 4764.08. During each three-year period that a license 1651
is valid, a licensed home inspector shall successfully complete 1652
not less than fourteen hours of continuing education instruction 1653
annually in courses or programs directly applicable to the 1654
standards of practice and requirements specified in rules 1655
adopted by the Ohio home inspector board pursuant to division 1656
(A) (10) of section 4764.05 of the Revised Code. 1657

The superintendent of real estate and professional 1658
licensing shall accept only those courses and programs the 1659
superintendent approves in accordance with division (A) (8) of 1660

section 4764.06 of the Revised Code prior to the date the 1661
licensed home inspector completes the course or program. The 1662
superintendent shall not include parallel inspections completed 1663
by a person for credit toward satisfying the continuing 1664
education requirements specified in this section. 1665

Sec. 4764.09. (A) A home inspector license issued or 1666
renewed pursuant to this chapter expires three years after the 1667
date of issuance or renewal. 1668

(B) (1) To renew a home inspector license, a licensed home 1669
inspector shall file all of the following with the 1670
superintendent of real estate and professional licensing within 1671
the ninety-day period immediately preceding the date the license 1672
expires: 1673

(a) A renewal application pursuant to the procedures 1674
established by the Ohio home inspector board under section 1675
4764.05 of the Revised Code; 1676

(b) Proof of holding or being covered by a comprehensive 1677
general liability insurance policy or a commercial general 1678
liability insurance policy in accordance with division (A) of 1679
section 4764.11 of the Revised Code; 1680

(c) Proof of satisfying the continuing education 1681
requirements specified in section 4764.08 of the Revised Code. 1682

(2) A licensed home inspector who fails to renew a license 1683
before its expiration may, during the three months following the 1684
expiration, renew the license by following the procedures in 1685
division (B) (1) of this section and paying a late renewal fee in 1686
an amount the Ohio home inspector board establishes. A licensed 1687
home inspector who applies for a late renewal pursuant to this 1688
division shall not engage in any activities permitted under the 1689

license being renewed until the superintendent notifies the 1690
licensed home inspector that the licensed home inspector's 1691
license has been renewed. 1692

(C) A licensed home inspector who fails to renew a license 1693
prior to its expiration or during the three months following its 1694
expiration, or who fails to submit the proof required under 1695
division (B) (1) (b) or (c) of this section, may subsequently 1696
obtain a license by applying for a license pursuant to section 1697
4764.07 of the Revised Code. 1698

Sec. 4764.10. The superintendent of real estate and 1699
professional licensing may issue a home inspector license to an 1700
applicant who holds a license, registration, or certification as 1701
a home inspector in another jurisdiction if that applicant 1702
submits an application on a form the superintendent provides, 1703
pays the fee the Ohio home inspector board prescribes, and 1704
satisfies all of the following requirements: 1705

(A) The applicant is licensed, registered, or certified as 1706
a home inspector in a jurisdiction that the board determines 1707
grants the same privileges to persons licensed under this 1708
chapter as this state grants to persons in that jurisdiction. 1709

(B) That other jurisdiction has licensing, registration, 1710
or certification requirements that are substantially similar to, 1711
or exceed, those of this state. 1712

(C) The applicant attests that the applicant is familiar 1713
with and will abide by this chapter. 1714

(D) The applicant attests to all of the following in a 1715
written statement that the applicant submits to the 1716
superintendent: 1717

(1) To provide the superintendent the name and address of 1718

an agent to receive service of process in this state or that the 1719
applicant authorizes the superintendent to act as agent for that 1720
applicant; 1721

(2) That service of process in accordance with the Revised 1722
Code is proper and the applicant is subject to the jurisdiction 1723
of the courts of this state; 1724

(3) That any cause of action arising out of the conduct of 1725
the applicant's business in this state shall be filed in the 1726
county in which the events that gave rise to that cause of 1727
action occurred. 1728

Sec. 4764.11. (A) Every licensed home inspector shall 1729
maintain, or be covered by, a comprehensive general liability 1730
insurance policy or a commercial general liability insurance 1731
policy with coverage limits of not less than one hundred 1732
thousand dollars per occurrence and not less than a three- 1733
hundred-thousand-dollar aggregate limit. The insurance policy 1734
shall provide coverage against liability of the licensed home 1735
inspector for loss, damage, or expense as a result of an act 1736
that occurred while the licensed home inspector was on the 1737
premises performing a home inspection. If the employer of a 1738
licensed home inspector is not a licensed home inspector and 1739
maintains an insurance policy covering the licensed home 1740
inspector, the licensed home inspector is not required to 1741
maintain the licensed home inspector's own insurance policy. 1742

(B) Every licensed home inspector shall retain for a 1743
period of five years the original or a true copy of each written 1744
contract for the licensee's services relating to home inspection 1745
work, all home inspection reports, and all work file 1746
documentation and data assembled in preparing those reports. The 1747
retention period begins on the date the report is submitted to 1748

the client unless, prior to expiration of the retention period, 1749
the licensee is notified that the services or report is the 1750
subject of or is otherwise involved in pending investigation or 1751
litigation, in which case the retention period begins on the 1752
date of final disposition of the litigation. 1753

A licensee shall make available all records required to be 1754
maintained under this section for inspection and copying by the 1755
superintendent of real estate and professional licensing upon 1756
reasonable notice to the licensee. 1757

Sec. 4764.12. (A) On receipt of a written complaint or on 1758
the superintendent's or the board's own motion, the 1759
superintendent of real estate and professional licensing may 1760
investigate licensed home inspectors concerning any alleged 1761
violation of this chapter. Investigators and auditors employed 1762
by the superintendent may review and audit, during normal 1763
business hours, the licensed home inspector's business records 1764
that are directly related to complaints. The licensed home 1765
inspector shall permit such a review and audit. 1766

(B) Within five business days after a person files a 1767
complaint against a licensed home inspector with the 1768
superintendent, the superintendent shall provide to that person 1769
an acknowledgment of the receipt of the complaint and send a 1770
notice regarding that complaint to the licensee who is the 1771
subject of the complaint. The superintendent shall include in 1772
that notice a description of the activities in which the 1773
licensed home inspector allegedly engaged that violate this 1774
chapter. Within twenty days after the superintendent sends the 1775
notice to the complainant and the licensed home inspector who is 1776
the subject of the complainant's complaint, the complainant and 1777
the licensed home inspector may file with the superintendent a 1778

request to have an informal mediation hearing. 1779

If both the complainant and the licensed home inspector 1780
file such a request, the superintendent shall notify the 1781
complainant and the licensed home inspector of the date and time 1782
of the informal mediation hearing. A mediator employed by the 1783
superintendent shall conduct the informal mediation hearing. If 1784
the complainant and the licensed home inspector reach an 1785
accommodation during that informal mediation hearing, the 1786
mediator shall send a written report describing the 1787
accommodation to the superintendent, complainant, and licensee. 1788
Notwithstanding division (C) of this section, the written report 1789
describing the accommodation is confidential and is not a public 1790
record for purposes of section 149.43 of the Revised Code. The 1791
superintendent shall close the complaint upon satisfactory 1792
completion of the accommodation. 1793

If the licensee or the complainant fails to file a request 1794
for an informal mediation hearing, or if the parties fail to 1795
agree on an accommodation during that informal mediation 1796
hearing, the superintendent shall proceed with an investigation 1797
of the complaint. 1798

(C) This section does not prohibit the superintendent of 1799
real estate and professional licensing from releasing 1800
information relating to licensees to the superintendent of 1801
financial institutions for purposes relating to the 1802
administration of sections 1322.01 to 1322.12 of the Revised 1803
Code, to the superintendent of insurance for purposes relating 1804
to the administration of Chapter 3953. of the Revised Code, to 1805
the commissioner of the division of securities for purposes 1806
relating to the administration of Chapter 1707. of the Revised 1807
Code, to the attorney general, or to local law enforcement and 1808

appropriate prosecutorial authorities. Information released by 1809
the superintendent pursuant to this section remains 1810
confidential. 1811

(D) The Ohio home inspector board or the superintendent 1812
may compel, by order or subpoena, the attendance of witnesses to 1813
testify in relation to any matter over which the board or 1814
superintendent has jurisdiction and that is the subject of 1815
inquiry and investigation by the board or superintendent, and 1816
may require the production of any book, paper, or document 1817
pertaining to such a matter. For that purpose, the board or 1818
superintendent shall have the same power as judges of county 1819
courts to administer oaths, compel the attendance of witnesses, 1820
and punish them for refusal to testify. Service of the subpoena 1821
may be made by sheriffs or constables, or by certified mail, 1822
return receipt requested, and the subpoena shall be considered 1823
served on the date delivery is made or the date the person 1824
refused to accept delivery. A witness shall receive, after the 1825
witness's appearance before the board or superintendent, the 1826
fees and mileage allowed in civil actions in courts of common 1827
pleas. If two or more witnesses travel together in the same 1828
vehicle, the mileage fee shall be paid to only one of those 1829
witnesses, but the witnesses may agree to divide the fee among 1830
themselves in any manner. 1831

(E) If any person fails to file any statement or report, 1832
obey any subpoena, give testimony, answer questions, or produce 1833
any books, records, or papers as required by the board or 1834
superintendent under this chapter, the board or superintendent 1835
may apply to the court of common pleas of any county in the 1836
state setting forth the failure. 1837

The court may make an order awarding process of subpoena 1838

or subpoena duces tecum for the person to appear and testify 1839
before the board or superintendent. The court also may order any 1840
person to give testimony and answer questions, and to produce 1841
books, records, or papers, as required by the board or 1842
superintendent. 1843

Upon the filing of such order in the office of the clerk 1844
of the court of common pleas, the clerk, under the seal of the 1845
court, shall issue process of subpoena for the person to appear 1846
before the board or superintendent at a time and place named in 1847
the subpoena, and each day thereafter until the examination of 1848
such person is completed. The subpoena may contain a direction 1849
that the witness bring with the witness to the examination any 1850
books, records, or papers mentioned in the subpoena. The clerk 1851
shall also issue, under the seal of the court, such other 1852
orders, in reference to the examination, appearance, and 1853
production of books, records, or papers, as the court directs. 1854

If any person so summoned by subpoena fails to obey the 1855
subpoena, to give testimony, to answer questions as required, or 1856
to obey an order of the court, the court, on motion supported by 1857
proof, may order an attachment for contempt to be issued against 1858
the person charged with disobedience of any order or injunction 1859
issued by the court under this chapter. If the person is brought 1860
before the court by virtue of the attachment, and if upon a 1861
hearing the disobedience appears, the court may order the 1862
offender to be committed and kept in close custody. 1863

Sec. 4764.13. (A) If, upon examining the results of an 1864
investigation, the superintendent of real estate and 1865
professional licensing determines that reasonable evidence 1866
exists that a licensed home inspector has violated this chapter 1867
or engaged in an activity described in divisions (A) to (G) of 1868

section 4764.14 of the Revised Code, the superintendent shall 1869
proceed in accordance with the notice and hearing requirements 1870
prescribed in Chapter 119. of the Revised Code. After a hearing 1871
officer conducts a hearing and issues a report pursuant to 1872
division (D) of this section, the Ohio home inspector board 1873
shall review the report and shall order the disciplinary action 1874
the board considers appropriate, which may include any one or 1875
more of the following: 1876

(1) A reprimand; 1877

(2) A fine not exceeding one thousand dollars per 1878
violation; 1879

(3) Completion of hours of education in subjects related 1880
to the underlying cause of the violation in an amount determined 1881
by the board; 1882

(4) Suspension of the license until the licensed home 1883
inspector complies with conditions the board establishes; 1884

(5) Suspension of the license for a specific period of 1885
time; 1886

(6) Revocation of the license; 1887

(7) Surrender of the license in lieu of discipline. 1888

(B) The superintendent shall not credit any hours of 1889
education a licensed home inspector completes in accordance with 1890
division (A) (3) of this section toward satisfying the 1891
requirements for continuing education specified in section 1892
4764.08 of the Revised Code. 1893

(C) At any time after the superintendent notifies a 1894
licensee in accordance with division (A) of this section that a 1895
hearing will be held, the licensee may apply to the 1896

superintendent to enter into a settlement agreement regarding 1897
the alleged violation. The superintendent and the licensed home 1898
inspector shall comply with the requirements for settlement 1899
agreements established in rules adopted by the board pursuant to 1900
division (A) (11) of section 4764.05 of the Revised Code. If the 1901
parties enter into the settlement agreement and comply with all 1902
of the requirements set forth in that agreement, the 1903
investigation regarding that alleged violation is considered 1904
closed. Notwithstanding division (C) of section 4764.12 of the 1905
Revised Code, the settlement agreement is a public record for 1906
purposes of section 149.43 of the Revised Code. 1907

(D) The superintendent shall appoint a hearing officer to 1908
conduct adjudication hearings in accordance with Chapter 119. of 1909
the Revised Code. 1910

In accordance with section 119.09 of the Revised Code, 1911
after conducting a hearing, a hearing officer shall submit to 1912
the board a report of the hearing and a recommendation for the 1913
action to be taken against the licensed home inspector. All 1914
parties may file objections to the report and recommendations as 1915
permitted under that section, and the board shall issue an order 1916
in accordance with the procedures prescribed in that section. 1917

(E) If the board assesses a licensee a fine for a 1918
violation of section 4764.02 of the Revised Code and the person 1919
fails to pay that fine within the time period prescribed by the 1920
board, the superintendent shall forward to the attorney general 1921
the name of the person and the amount of the fine for the 1922
purpose of collecting that fine. In addition to the fine 1923
assessed pursuant to this section, the person also shall pay any 1924
fee assessed by the attorney general for collection of the fine. 1925

(F) The decision and order of the board is final, subject 1926

to review in the manner provided in Chapter 119. of the Revised 1927
Code and appeal to the court of common pleas of Franklin county. 1928

Sec. 4764.14. The superintendent of real estate and 1929
professional licensing may refuse to issue or renew a license if 1930
the applicant for the license or renewal has done any of the 1931
following: 1932

(A) Failed to establish to the satisfaction of the 1933
superintendent that the applicant is honest, truthful, and of 1934
good reputation; 1935

(B) Accepted compensation or other valuable consideration 1936
from more than one interested party for the same service without 1937
the written consent of all interested parties; 1938

(C) Accepted commissions, allowances, or other valuable 1939
consideration, directly or indirectly, from other parties who 1940
deal with a client in connection with the home inspection for 1941
which the home inspector is responsible, or from other parties 1942
who are involved in any part of the real estate transaction 1943
involving a residential building for which that home inspector 1944
conducted a home inspection; 1945

(D) Repaired, replaced, or upgraded, or solicited to 1946
repair, replace, or upgrade, for compensation or other valuable 1947
consideration, systems or components in a residential building 1948
after completing a home inspection of that residential building, 1949
but prior to the close of the real estate transaction associated 1950
with that home inspection and the resolution of all contingent 1951
issues involving that building and transaction; 1952

(E) Failed to disclose to a client in writing and before 1953
entering into a written contract with the client information 1954
about any business interest of the home inspector that may 1955

affect the client in connection with the home inspection; 1956

(F) Plead guilty to or been convicted of any crime of 1957
moral turpitude, a felony, or an equivalent offense under the 1958
laws of any other state or the United States, or was required to 1959
register under Chapter 2950. of the Revised Code; 1960

(G) Failed to maintain or provide copies of records to the 1961
superintendent as required by section 4764.11 of the Revised 1962
Code or failed to cooperate with an investigation conducted by 1963
the superintendent under section 4764.12 of the Revised Code. 1964
Failure of a licensee to comply with a subpoena issued under 1965
division (D) of section 4764.12 of the Revised Code is prima 1966
facie evidence of a violation of division (B) of section 4764.11 1967
of the Revised Code. 1968

(H) Failed to maintain, be covered by, or submit proof of 1969
a comprehensive general liability insurance policy or a 1970
commercial general liability insurance policy as required under 1971
division (A) of section 4764.11 of the Revised Code at any point 1972
during the term of a prior license; 1973

(I) Violated rules adopted under section 4764.05 of the 1974
Revised Code or is otherwise not in compliance with this 1975
chapter; 1976

(J) Failed to submit proof of satisfying the continuing 1977
education requirements specified in section 4764.08 of the 1978
Revised Code. 1979

Sec. 4764.15. The superintendent of real estate and 1980
professional licensing may apply to any court of common pleas to 1981
enjoin a violation of this chapter. Upon a showing by the 1982
superintendent that a person has violated or is violating this 1983
chapter, the court shall grant an injunction, restraining order, 1984

or other appropriate relief. 1985

Sec. 4764.16. (A) Upon receipt of a written complaint or 1986
upon the motion of the superintendent of real estate and 1987
professional licensing, the superintendent may investigate any 1988
person who is not a licensed home inspector who has allegedly 1989
violated section 4764.02 of the Revised Code. 1990

(B) The superintendent has the same powers to investigate 1991
an alleged violation of section 4764.02 of the Revised Code by a 1992
person who is not licensed as a home inspector as those powers 1993
are specified in section 4764.12 of the Revised Code. If, after 1994
an investigation pursuant to section 4764.12 of the Revised 1995
Code, the superintendent determines that reasonable evidence 1996
exists that an unlicensed person has violated section 4764.02 of 1997
the Revised Code, within seven days after that determination, 1998
the superintendent shall send a written notice to that person by 1999
regular mail and shall include in the notice the information 2000
specified in section 119.07 of the Revised Code for notices 2001
given to licensees, except that the notice shall specify that a 2002
hearing will be held and specify the date, time, and place of 2003
the hearing. 2004

(C) The Ohio home inspector board shall hold a hearing 2005
regarding the alleged violation in the same manner prescribed 2006
for an adjudication hearing under section 119.09 of the Revised 2007
Code. If the board, after the hearing, determines a violation 2008
has occurred, the board may impose a civil penalty on the 2009
person, not exceeding five hundred dollars per violation which 2010
is distinct from any criminal fine imposed pursuant to section 2011
4764.99 of the Revised Code. Each day a violation occurs or 2012
continues is a separate violation. The superintendent may 2013
approve a payment plan if the unlicensed person requests such. 2014

The board shall maintain a transcript of the proceedings of the hearing and issue a written order to all parties, citing its findings and grounds for any action taken. The board's determination regarding a violation of section 4764.02 of the Revised Code is an order that the person may appeal in accordance with section 119.12 of the Revised Code. 2015
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(D) If the unlicensed person who allegedly committed a violation of section 4764.02 of the Revised Code fails to appear for a hearing, the board may request the court of common pleas of the county where the alleged violation occurred to compel the person to appear before the board for a hearing. 2021
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(E) If the board assesses an unlicensed person a civil penalty for a violation of section 4764.02 of the Revised Code and the person fails to pay that civil penalty within the time period prescribed by the board, the superintendent shall forward to the attorney general the name of the person and the amount of the civil penalty for the purpose of collecting that civil penalty. In addition to the civil penalty assessed pursuant to this section, the person also shall pay any fee assessed by the attorney general for collection of the civil penalty. 2026
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If the board finds, or an unlicensed person admits to the board, a violation of section 4764.02 of the Revised Code, the superintendent shall not issue to the person a home inspector license without prior board approval. 2035
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Sec. 4764.17. (A) Except as provided in divisions (B) and (C) of this section, nothing in this chapter shall be construed to create or imply a private cause of action against a licensed home inspector for a violation of this chapter if that action is not otherwise maintainable under common law. 2039
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(B) An action for damages that is based on professional services that were rendered or that should have been rendered by a licensed home inspector shall not be brought, commenced, or maintained unless the action is filed within one year after the date that the home inspection is performed. 2044
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(C) Before bringing, commencing, or maintaining an action under division (B) of this section, a client shall notify the licensed home inspector of the alleged deficiencies and shall allow the licensed home inspector the opportunity to review and remedy the alleged deficiencies. The statute of limitations specified in division (B) of this section shall be tolled for the period that begins on the date the client notifies the licensed home inspector of the alleged deficiencies and that ends on the date that the licensed home inspector reviews, declines to review, remedies, or declines to remedy the alleged deficiencies, whichever comes later. 2049
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(D) The remedies provided under sections 4764.12 to 4764.15 of the Revised Code are the exclusive remedies for alleged violations of any conflict of interest prohibitions specified in the rules adopted by the Ohio home inspector board pursuant to division (A)(10) of section 4764.05 of the Revised Code. 2060
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(E) Nothing in this section shall be construed to prohibit the superintendent of real estate and professional licensing from investigating, or to prohibit the board from taking action against a licensed home inspector for violations of this chapter if the investigation commences more than one year after the date that the licensed home inspector conducts the home inspection that is the subject of the investigation and action. 2066
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Sec. 4764.18. Except as provided in section 4764.21 of the 2073

Revised Code, the superintendent of real estate and professional 2074
licensing shall deposit all money collected under this chapter 2075
in the state treasury to the credit of the home inspectors fund, 2076
which is hereby created. Money credited to the fund shall be 2077
used solely by the superintendent to pay costs associated with 2078
the administration and enforcement of this chapter. 2079

Sec. 4764.19. On receipt of a notice pursuant to section 2080
3123.43 of the Revised Code, the superintendent of real estate 2081
and professional licensing shall comply with sections 3123.41 to 2082
3123.50 of the Revised Code and any applicable rules adopted 2083
under section 3123.63 of the Revised Code with respect to a 2084
license issued pursuant to this chapter. 2085

Sec. 4764.20. The superintendent of real estate and 2086
professional licensing shall comply with section 4776.20 of the 2087
Revised Code. 2088

Sec. 4764.21. (A) The home inspection recovery fund is 2089
hereby created in the state treasury, to be administered by the 2090
superintendent of real estate and professional licensing. 2091
Amounts collected by the superintendent as prescribed in this 2092
section and interest earned on the assets of the fund shall be 2093
ascertained by the superintendent as of the first day of July 2094
each year. 2095

The Ohio home inspector board, in accordance with rules 2096
adopted under division (A) (2) of section 4764.05 of the Revised 2097
Code, shall impose a special assessment not to exceed five 2098
dollars per year for each year of a licensing period on each 2099
person applying for a license under section 4764.07 of the 2100
Revised Code and on each licensee filing a notice of renewal 2101
under section 4764.09 of the Revised Code if the amount 2102
available in the fund is less than two hundred and fifty 2103

thousand dollars on the first day of July preceding that filing. 2104
The board may impose a special assessment not to exceed three 2105
dollars per year for each year of a licensing period if the 2106
amount available is greater than five hundred thousand dollars, 2107
but less than one million dollars on the first day of July 2108
preceding that filing. The board shall not impose a special 2109
assessment if the amount available in the fund exceeds one 2110
million dollars on the first day of July preceding that filing. 2111

(B) (1) Any person who obtains a final judgment in any 2112
court of competent jurisdiction against any home inspector 2113
licensed under this chapter, on the grounds of conduct that is 2114
in violation of this chapter or the rules adopted under it, and 2115
that is associated with an act or transaction that only a 2116
licensed home inspector is authorized to perform as specified in 2117
section 4764.02 of the Revised Code, may file an application, as 2118
described in division (B) (3) of this section, in the court of 2119
common pleas of Franklin county for an order directing payment 2120
out of the home inspection recovery fund of the portion of the 2121
judgment that remains unpaid and that represents an actual and 2122
direct loss sustained by the applicant. 2123

(2) Punitive damages, attorney's fees, and interest on a 2124
judgment are not recoverable from the fund. The superintendent 2125
may allow court costs to be recovered from the fund, and, if the 2126
superintendent authorizes the recovery of court costs, the order 2127
of the court of common pleas then may direct their payment from 2128
the fund. 2129

(3) The applicant shall describe in the application the 2130
nature of the act or transaction on which the underlying 2131
judgment was based, the activities of the applicant in pursuit 2132
of remedies available under law for the collection of judgments, 2133

and the actual and direct losses, attorney's fees, and the court 2134
costs sustained or incurred by the applicant. The applicant 2135
shall attach to the application a copy of each pleading and 2136
order in the underlying court action. 2137

(4) The court shall order the superintendent to make 2138
payments out of the fund when the person seeking the order has 2139
shown all of the following: 2140

(a) The person has obtained a judgment, as provided in 2141
this division; 2142

(b) All appeals from the judgment have been exhausted and 2143
the person has given notice to the superintendent, as required 2144
by division (C) of this section; 2145

(c) The person is not a spouse of the judgment debtor, or 2146
the personal representative of the spouse; 2147

(d) The person has diligently pursued the person's 2148
remedies against all the judgment debtors and all other persons 2149
liable to the person in the transaction for which the person 2150
seeks recovery from the fund; 2151

(e) The person is applying not more than one year after 2152
termination of all proceedings, including appeals, in connection 2153
with the judgment. 2154

(5) Divisions (B)(1) to (4) of this section do not apply 2155
to any of the following: 2156

(a) Actions arising from home inspections conducted by an 2157
unlicensed individual; 2158

(b) A bonding company when it is not a principal in the 2159
real estate transaction; 2160

(c) A person in an action for the payment of a fee or 2161
other compensation for the performance of an act or transaction 2162
specified or comprehended in division (A) or (C) of section 2163
4764.02 of the Revised Code; 2164

(d) Losses incurred by investors in real estate if the 2165
applicant and the licensee are principals in the investment. 2166

(C) A person who applies to a court of common pleas for an 2167
order directing payment out of the fund shall file notice of the 2168
application with the superintendent. The superintendent may 2169
defend any action on behalf of the fund and shall have recourse 2170
to all appropriate means of defense and review, including 2171
examination of witnesses, verification of actual and direct 2172
losses, and challenges to the underlying judgment required in 2173
division (B) (4) (a) of this section to determine whether the 2174
underlying judgment is based on activity only a licensed home 2175
inspector is permitted to perform. The superintendent may move 2176
the court at any time to dismiss the application when it appears 2177
there are no triable issues and the application is without 2178
merit. The motion may be supported by affidavit of any person 2179
having knowledge of the facts and may be made on the basis that 2180
the application, including the judgment referred to in it, does 2181
not form the basis for a meritorious recovery claim; provided, 2182
that the superintendent shall give written notice to the 2183
applicant at least ten days before making the motion. The 2184
superintendent may, subject to court approval, compromise a 2185
claim based upon the application of an aggrieved party. The 2186
superintendent shall not be bound by any prior compromise or 2187
stipulation of the judgment debtor. 2188

(D) Notwithstanding any other provision of this section to 2189
the contrary, the liability of the fund shall not exceed forty 2190

thousand dollars for any one licensee. If a licensee's license 2191
is reactivated as provided in division (E) of this section, the 2192
liability of the fund for the licensee under this section shall 2193
again be forty thousand dollars, but only for transactions that 2194
occur subsequent to the time of reactivation. 2195

If the forty-thousand-dollar liability of the fund is 2196
insufficient to pay in full the valid claims of all aggrieved 2197
persons by whom claims have been filed against any one licensee, 2198
the forty thousand dollars shall be distributed among them in 2199
the ratio that their respective claims bear to the aggregate of 2200
valid claims or in any other manner as the court finds 2201
equitable. Distribution of moneys shall be among the persons 2202
entitled to share in it, without regard to the order of priority 2203
in which their respective judgments may have been obtained or 2204
their claims have been filed. Upon petition of the 2205
superintendent, the court may require all claimants and 2206
prospective claimants against one licensee to be joined in one 2207
action, to the end that the respective rights of all the 2208
claimants to the fund may be equitably adjudicated and settled. 2209

(E) If the superintendent pays from the fund any amount in 2210
settlement of a claim or toward satisfaction of a judgment 2211
against a licensed home inspector, the superintendent may 2212
suspend the home inspector's license. The superintendent shall 2213
not reactivate the suspended license of that home inspector 2214
until the home inspector has repaid in full, plus interest per 2215
annum at the rate specified in division (A) of section 1343.03 2216
of the Revised Code, the amount paid from the fund on the home 2217
inspector's account. A discharge in bankruptcy does not relieve 2218
a person from the suspension and requirements for reactivation 2219
provided in this section unless the underlying judgment has been 2220
included in the discharge and has not been reaffirmed by the 2221

debtor. 2222

(F) If, at any time, the money deposited in the fund is 2223
insufficient to satisfy any duly authorized claim or portion of 2224
a claim, the superintendent shall, when sufficient money has 2225
been deposited in the fund, satisfy the unpaid claims or 2226
portions, in the order that the claims or portions were 2227
originally filed, plus accumulated interest per annum at the 2228
rate specified in division (A) of section 1343.03 of the Revised 2229
Code. 2230

(G) When, upon the order of the court, the superintendent 2231
has paid from the fund any sum to the judgment creditor, the 2232
superintendent shall be subrogated to all of the rights of the 2233
judgment creditor to the extent of the amount so paid, and the 2234
judgment creditor shall assign all the judgment creditor's 2235
right, title, and interest in the judgment to the superintendent 2236
to the extent of the amount so paid. Any amount and interest so 2237
recovered by the superintendent on the judgment shall be 2238
deposited in the fund. 2239

(H) Nothing contained in this section shall limit the 2240
authority of the superintendent to take disciplinary action 2241
against any licensee under other provisions of this chapter; nor 2242
shall the repayment in full of all obligations to the fund by 2243
any licensee nullify or modify the effect of any other 2244
disciplinary proceeding brought pursuant to this chapter. 2245

(I) The superintendent shall collect from the fund a 2246
service fee in an amount equivalent to the interest rate 2247
specified in division (A) of section 1343.03 of the Revised Code 2248
multiplied by the annual interest earned on the assets of the 2249
fund, to defray the expenses incurred in the administration of 2250
the fund. 2251

Sec. 4764.99. (A) Whoever violates division (A) of section 4764.02 of the Revised Code is guilty of a misdemeanor of the first degree. 2252
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(B) Whoever violates division (D) of section 4764.02 of the Revised Code is guilty of a felony of the fifth degree. 2255
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Sec. 4776.10. As used in Chapters 4713., 4738., 4740., 4747., ~~and 4749.,~~ and 4764., and sections 4725.40 to 4725.59 of the Revised Code: 2257
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(A) "Crime of moral turpitude" or "moral turpitude" means all of the following: 2260
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(1) A violation of section 2903.01 or 2903.02 of the Revised Code; 2262
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(2) A sexually oriented offense as defined in section 2950.01 of the Revised Code; 2264
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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; 2266
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(4) Complicity in committing an offense described in division (A)(1) of this section; 2269
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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; 2271
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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), 2275
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(4), or (5) of this section. 2280

(B) "Direct nexus" means that the nature of the offense 2281
for which the individual was convicted or to which the 2282
individual pleaded guilty has a direct bearing on the fitness or 2283
ability of the individual to perform one or more of the duties 2284
or responsibilities necessarily related to a particular 2285
occupation, profession, or trade. 2286

(C) "Disqualifying offense" means an offense that is a 2287
felony and that has a direct nexus to an individual's proposed 2288
or current field of licensure, certification, or employment. 2289

Sec. 4776.20. (A) As used in this section: 2290

(1) "Licensing agency" means, in addition to each board 2291
identified in division (C) of section 4776.01 of the Revised 2292
Code, the board or other government entity authorized to issue a 2293
license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 2294
4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 2295
4742., 4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 2296
4764., 4765., 4766., 4771., 4773., and 4781. of the Revised 2297
Code. "Licensing agency" includes an administrative officer that 2298
has authority to issue a license. 2299

(2) "Licensee" means, in addition to a licensee as 2300
described in division (B) of section 4776.01 of the Revised 2301
Code, the person to whom a license is issued by the board or 2302
other government entity authorized to issue a license under 2303
Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 2304
4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 2305
4749., 4751., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 2306
4766., 4771., 4773., and 4781. of the Revised Code. 2307

(3) "Prosecutor" has the same meaning as in section 2308

2935.01 of the Revised Code. 2309

(B) On a licensee's conviction of, plea of guilty to, 2310
judicial finding of guilt of, or judicial finding of guilt 2311
resulting from a plea of no contest to the offense of 2312
trafficking in persons in violation of section 2905.32 of the 2313
Revised Code, the prosecutor in the case shall promptly notify 2314
the licensing agency of the conviction, plea, or finding and 2315
provide the licensee's name and residential address. On receipt 2316
of this notification, the licensing agency shall immediately 2317
suspend the licensee's license. 2318

(C) If there is a conviction of, plea of guilty to, 2319
judicial finding of guilt of, or judicial finding of guilt 2320
resulting from a plea of no contest to the offense of 2321
trafficking in persons in violation of section 2905.32 of the 2322
Revised Code and all or part of the violation occurred on the 2323
premises of a facility that is licensed by a licensing agency, 2324
the prosecutor in the case shall promptly notify the licensing 2325
agency of the conviction, plea, or finding and provide the 2326
facility's name and address and the offender's name and 2327
residential address. On receipt of this notification, the 2328
licensing agency shall immediately suspend the facility's 2329
license. 2330

(D) Notwithstanding any provision of the Revised Code to 2331
the contrary, the suspension of a license under division (B) or 2332
(C) of this section shall be implemented by a licensing agency 2333
without a prior hearing. After the suspension, the licensing 2334
agency shall give written notice to the subject of the 2335
suspension of the right to request a hearing under Chapter 119. 2336
of the Revised Code. After a hearing is held, the licensing 2337
agency shall either revoke or permanently revoke the license of 2338

the subject of the suspension, unless it determines that the 2339
license holder has not been convicted of, pleaded guilty to, 2340
been found guilty of, or been found guilty based on a plea of no 2341
contest to the offense of trafficking in persons in violation of 2342
section 2905.32 of the Revised Code. 2343

Section 2. That existing sections 109.572, 121.08, 2344
2925.01, 4735.181, 4735.99, 4776.10, and 4776.20 of the Revised 2345
Code are hereby repealed. 2346

Section 3. Section 4764.02 of the Revised Code, as enacted 2347
by this act, takes effect two hundred ten days after the 2348
effective date of this act. 2349

Section 4. Notwithstanding section 4764.04 of the Revised 2350
Code, as enacted by this act, persons appointed to the Ohio Home 2351
Inspector Board during the first year after the effective date 2352
of this act need not be licensed as required under that section. 2353

Section 5. Not later than one hundred eighty days after 2354
the effective date of this act, the Ohio Home Inspector Board 2355
shall adopt the rules the Board is required to adopt under this 2356
act. 2357

Section 6. (A) Notwithstanding section 4764.07 of the 2358
Revised Code, as enacted by this act, and except as provided 2359
under section 4764.14 of the Revised Code, as enacted by this 2360
act, during the period of time beginning on the date the last 2361
initial member of the Ohio Home Inspector Board is appointed 2362
pursuant to section 4764.04 of the Revised Code, as enacted by 2363
this act, and ending one hundred twenty days after that date, 2364
the Superintendent of Real Estate and Professional Licensing 2365
shall issue a home inspector license if a person applies for a 2366
license on a form the Superintendent provides and pays the fee 2367

specified in section 4764.05 of the Revised Code, as enacted by 2368
this act, and if the applicant demonstrates all of the 2369
following: 2370

(1) Proof of maintaining or being covered by a 2371
comprehensive general liability insurance policy or a commercial 2372
general liability insurance policy in accordance with division 2373
(A) of section 4764.11 of the Revised Code, as enacted by this 2374
act; 2375

(2) Proof by direct documentation or signed affidavit 2376
attesting to having met any three of the following requirements 2377
to demonstrate participation in the home inspection field prior 2378
to the effective date of this act: 2379

(a) Having performed at least two hundred home inspections 2380
for clients for compensation or other valuable consideration; 2381

(b) Having successfully passed a home inspector 2382
examination specified in division (D)(4) of section 4764.07 of 2383
the Revised Code, as enacted by this act; 2384

(c) Having actively operated a home inspection business in 2385
this state for three years before the effective date of this act 2386
under a business name officially registered with the Secretary 2387
of State; 2388

(d) Having been employed as a home inspector for the 2389
consecutive thirty-six months before the effective date of this 2390
act by an inspection company or person whose owner or manager 2391
meets the license requirement specified in this section; 2392

(e) Having successfully completed eighty hours of 2393
instruction of the type that would qualify for continuing 2394
education credit under section 4764.08 of the Revised Code, as 2395
enacted by this act; 2396

(f) Having a license, registration, or certification in 2397
good standing to perform the duties of a home inspector in 2398
another jurisdiction that has requirements for licensure, 2399
registration, or certification that are substantially similar to 2400
Chapter 4764. of the Revised Code, as enacted by this act; 2401

(g) Having prepared at least five home inspection reports 2402
that have been verified as being in compliance with standards 2403
adopted by a national organization that consists of and 2404
represents home inspectors; 2405

(h) Having completed, not more than one year before the 2406
effective date of this act, at least one peer review session 2407
conducted by a national organization that consists of and 2408
represents home inspectors. 2409

(3) Proof of signing an attestation that the applicant 2410
agrees to comply with the requirements specified in rules 2411
adopted by the Board pursuant to division (A)(10) of section 2412
4764.05 of the Revised Code, as enacted by this act; 2413

(4) In a written statement, acknowledgment that the person 2414
understands the grounds for any disciplinary action that may be 2415
initiated under Chapter 4764. of the Revised Code, as enacted by 2416
this act. 2417

The Superintendent shall have a fingerprint-based criminal 2418
records check conducted pursuant to section 121.08 of the 2419
Revised Code and the rules adopted by the Superintendent 2420
pursuant to division (A)(6) of section 4764.06 of the Revised 2421
Code, as enacted by this act, on any applicant who applies for a 2422
license under this section. 2423

(B) Any license issued under this section shall expire 2424
three years after the date the license was issued. A licensed 2425

home inspector may renew the licensed home inspector's license 2426
in accordance with section 4764.09 of the Revised Code, as 2427
enacted by this act. 2428

(C) As used in this section, "home inspection," "peer 2429
review session," and "residential building" have the same 2430
meanings as in section 4764.01 of the Revised Code, as enacted 2431
by this act. "Home inspector" means a person who conducts home 2432
inspections for compensation or other valuable consideration. 2433