
DEPARTMENT OF AGRICULTURE

Amusement ride reinspections

- Adds to the reasons why an amusement ride owner must pay a reinspection fee by requiring the owner to pay the fee if rules adopted by the Director of Agriculture require reinspections for the ride's safe operation.
- Allows the Department of Agriculture to charge a fee for a supplemental reinspection of a temporary amusement ride when the inspection is required by rules governing a ride's safe operation.

Agricultural commodity handlers

- Revises several of the circumstances under which claims may be reimbursed at 100% from the Agricultural Commodity Depositors Fund when an agricultural commodity handler fails to pay an agricultural commodity depositor.
- If a commodity depositor's loss involves circumstances other than when 100% payment for the loss is required, decreases the fund's liability to 75% of the loss, rather than 100% of the first \$10,000 of losses and 80% of the remaining dollar value of losses under current law.

Internet sales exemption from auction laws

- Revises an exemption from the auction law so that a person who sells any real or personal property via an auction mediation company on the internet is exempt, provided the company provides fraud protection or a money-back guarantee to the buyer, rather than exempting only certain sellers that sell below \$10,000 of items annually as in current law.

Legume inoculators

- Eliminates the legume inoculator's annual license (\$5 fee), which authorizes a person to apply legume inoculants to seed for sale.

Amusement ride reinspections

(R.C. 993.04)

The bill adds to the list of reasons why an amusement ride owner must pay a reinspection fee by requiring the owner to pay the fee if rules adopted by the Director of Agriculture require reinspections for the safe operation of the ride. Under current law, the Director may require an amusement ride owner to pay a reinspection fee only if:

1. The reinspection was conducted at the owner's request;
2. The reinspection is required because of an accident; or
3. The reinspection is required because it is unsafe and in violation of the law governing safe operations of rides.

Also under current law, the Director is not authorized to charge a fee for a reinspection when the reinspection is conducted in accordance with rules governing the safe operation of the ride. These reinspections are required based on the size, complexity, nature of the ride, and the number of days the ride is in operation during the year. Reinspection fees range from \$5 to \$1,200 depending on the ride being inspecting.

The bill also allows the Department of Agriculture to charge a fee for a supplemental reinspection of a temporary amusement ride when the inspection is required by rules governing the safe operation of a ride.

Agricultural commodity handlers

(R.C. 926.18)

Background

The law governing agricultural commodities provides for the licensure and regulation of agricultural commodity handlers (commonly known as grain elevators) in Ohio. All licensed handlers must remit fees established by the Director on each bushel of an agricultural commodity deposited with the handler. The Director must deposit these fees in the Agricultural Commodities Fund. The fund is used to pay claims made by agricultural commodity depositors when the handler, for a variety of reasons, is unable to pay the depositor for the deposited commodity. Under current law, an agricultural commodity is corn, soybeans, or wheat, and the Director may add additional commodities by rule.¹⁸

Claims

The bill revises several of the circumstances under which claims must be paid from the fund to a depositor who has not received payment from an agricultural commodity handler. Current law establishes circumstances under which a depositor receives 100% of the depositor's loss from the fund. Losses incurred outside of those circumstances are paid at 100% of the first \$10,000 of loss and 80% of the remaining dollar value of that loss.

The bill first revises the circumstances under which a depositor is paid 100% of the depositor's loss by doing the following:

1. If the commodity handler's license is suspended and the handler failed to pay for the commodities by the date on which the suspension occurred, increasing the number of days by which the commodities had to be priced prior to the suspension from 30 days to 45 days;

2. If the commodity handler's license is suspended and there is a deferred payment agreement between the depositor and the commodity handler, doing all of the following:

¹⁸ R.C. 926.01, 926.16, and 926.17, not in the bill. According to the Department of Agriculture, licensed agricultural commodity handlers must meet certain net worth requirements that are verified by financial statements annually submitted to the Department. Licensed agricultural commodity handlers also must have insurance coverage equal to full-market value on grain in their facilities to protect all or part of their losses in case of fire or other disasters. See R.C. Chapter 926.

a. Increasing the number of days by which the commodities had to be priced prior to the suspension from 90 days to 365 days;

b. Increasing the number of days by which payment for the commodity must be made pursuant to the deferred payment agreement from 90 days to 365 days following the date of delivery; and

c. Requiring that the deferred payment agreement between the handler and depositor be signed.

3. Adding a new circumstance that requires payment of 100% of the depositor's loss when the commodities were delivered and marketed under a delayed price agreement up to two years prior to the commodity handler's license suspension. The delivery date as marked on the receipt tickets are used to determine the two-year period. The bill stipulates that the fund has no liability if the delayed price agreement was entered into more than two years prior to the commodity handler's license suspension.

The bill retains two additional circumstances in which a depositor is required to receive 100% of the depositor's loss from the fund. The first circumstance is when the commodities deposited by the depositor were stored under a bailment agreement. The second circumstance is when payment for the commodities was tendered, but the payment was subsequently denied (e.g., a check written on an account with insufficient funds).

If a commodity depositor's loss involves circumstances other than those when 100% payment for the loss is required, the bill decreases the fund's liability to 75% of the loss, rather than 100% of the first \$10,000 of the loss and 80% of the remaining dollar value of that loss as provided in current law.

Internet sales exemption from auction laws

(R.C. 4707.02)

The bill revises an exemption from the auction law for internet auction sales made via an auction mediation company by doing all of the following:

1. Eliminating the \$10,000 annual sales cap that applies to a person's sales of personal property via the auction mediation company;

2. Eliminating the requirement that the person is either selling the property of another and does not receive any compensation for that sale, or the person is selling the person's own personal property; and

3. Applying the exemption to real property in addition to personal property as under current law.

Thus, as a result of the changes, the bill exempts a person from the auction law when selling any real or personal property via an auction mediation company, provided the company provides fraud protection or a money-back guarantee to the buyer.

Legume inoculators

(R.C. 907.27 and 907.32; repealed R.C. 907.30)

The bill eliminates the legume inoculator's annual license, which authorizes a person to apply legume inoculants to seed for sale. Current law requires an applicant for a license to include specified information with an application (along with a \$5 application fee), including the brand name of the legume inoculant to be used.