
DEPARTMENT OF COMMERCE

U.S. savings bonds as unclaimed funds

- Creates a presumption that a U.S. savings bond constitutes unclaimed funds under the Unclaimed Funds Law.

Securities Law

- Exempts certain persons from the dealer license requirement.
- Modifies the definition of "institutional investor."

Small government fire services loans

- Creates the Small Government Fire Department Services Revolving Loan Fund.
- Permits the State Fire Marshal to loan money from the Fund for purposes of the ongoing Small Government Fire Department Services Revolving Loan Program.

Liquor provisions

State Liquor Regulatory Fund

- Generally requires all money collected under the Liquor Control Law to be credited to the continuing State Liquor Regulatory Fund, rather than the Liquor Control Fund, as required under prior law.

Liquor permitting provisions

- Expands the affirmative defense for a violation of the law prohibiting the sale of alcohol to an underage person by allowing a liquor permit holder to claim the defense after acceptance of an out-of-state identification card or a U.S. or foreign passport.
- Alters the required population range of one type of municipal corporation where a D-5j liquor permit may be issued in a community entertainment district by specifying that the municipal corporation must have a population between 7,000 and 20,000, rather than between 10,000 and 20,000 as under prior law.
- Authorizes the Division of Liquor Control to issue a D-5l liquor permit (for sales of beer and intoxicating liquor in a revitalization district) to a premises that is located in a township with a population density of less than 450 people per square mile.



- Requires the D-6 liquor permit (Sunday sales of beer and intoxicating liquor) to be issued to a D liquor permit holder that is a retail food establishment or food service operation and is located in a state park that has a working farm on its property.
- Establishes requirements and procedures to allow specified liquor permit holders to serve beer or intoxicating liquor until 4 a.m. during a major event, rather than until 1 a.m. or 2:30 a.m. as is generally provided under continuing law.
- Describes a major event as an event that meets certain conditions, including it is scheduled to occur in a municipal corporation with a population of 350,000 or more on or after September 29, 2015.

Sale of tasting samples, growlers

- Allows the holder of both a C-1 and C-2 liquor permit, or the holder of a C-2x liquor permit, that is the owner of a retail store within a municipal corporation or township with a specified population to obtain a D-8 liquor permit for purposes of the sale of tasting samples of beer, wine, and mixed beverages and the sale of growlers of beer.

Merchandise as gift with purchase of alcoholic beverage

- Allows a manufacturer, supplier, or solicitor of alcoholic beverages to give merchandise or another thing of value to a personal consumer in connection with the purchase of an alcoholic beverage under specified circumstances.

Real estate licenses

- Increases, from \$10,000 per year to \$25,000 per fiscal year, the amount of loans the Real Estate Education and Research Fund may advance annually to applicants for salesperson licenses.
- Permits a licensed real estate broker or salesperson whose license is on deposit as an armed serviceperson to take up to the longer of 12 months after the licensee's first birthday after discharge or the amount of time the licensee spent on active duty to complete continuing education requirements.
- Permits a licensee who is the spouse of a member of the armed forces an extended time period to renew the license and to complete continuing education requirements.
- Specifies that "armed forces" in the context of the licensure of real estate brokers and salespersons includes the Ohio National Guard and any other state's national guard.



Real estate appraiser assistants

- Requires that, in accordance with federal law, real estate appraiser assistants complete 14 classroom hours of continuing education instruction annually, without former law's two-year grace period.
- Exempts real estate appraisers who have obtained a temporary certification or license from continuing law's continuing education requirements.

Fireworks

- Extends a moratorium on issuing new fireworks manufacturer licenses, new fireworks wholesaler licenses, and the geographic transfer of either of these license types, from December 15, 2015, to December 15, 2017.
- Permits individuals to purchase and possess fireworks without completing a purchaser's form that contains an acknowledgement of responsibility and identifying information.

School door barricade devices

- Requires the Board of Building Standards to adopt rules for a staff member of a public or private school or institution of higher education to use a device that prevents both ingress and egress through a door in a school building, for a finite period of time and in an emergency situation.
- Requires each public and private school and institution of higher education to train its staff members on the use of the barricade device and to maintain a record verifying this training.
- Prohibits the State Fire Code from containing any provision that prohibits the use of a barricade device that is operated in accordance with the Board's rules.

U.S. savings bonds as unclaimed funds

(R.C. 169.051)

The act creates a presumption that a U.S. savings bond constitutes unclaimed funds under the Unclaimed Funds Law if all of the following apply:

(1) The bonds are held or owing in Ohio by any person, or issued or owed in the course of a holder's business, or by a governmental entity;



(2) The bond owner's last known address is in Ohio;

(3) The bond has remained unclaimed and unredeemed for three years after final maturity.

Bonds that are presumed abandoned and constitute unclaimed funds escheat to the state (that is, become property of the state) three years after becoming abandoned and unclaimed property. The Director of Commerce must commence a civil action for a determination that the bond escheats and for title to the bond. After that judicial determination, the Director must redeem the bonds. After paying the costs of collection, the remaining proceeds are disposed of in the same manner as other unclaimed funds.

The act also creates a procedure by which persons claiming the escheated bond, or the proceeds from the bond, may seek payment. In the Director's discretion, the Director may pay the claim less expenses and costs the state incurred in securing full title to the bond.

Securities Law – "institutional investors" and dealer license exemption

(R.C. 1707.01 and 1707.14)

The act exempts from the dealer license requirement persons who have no Ohio place of business, are federally registered, and effect transactions in Ohio only with institutional investors.

The act also modifies the definition of "institutional investor" under the Ohio Securities Law to more specifically identify the types of entities included and, for many institutional investors, create an asset threshold of \$10 million.

Under prior law, "institutional investor" meant:	Under the act, "institutional investor" means any of the following, whether acting for itself or for others in a fiduciary capacity:
A bank.	A bank or international banking institution.
An insurance company.	An insurance company. A separate account of an insurance company.
Pension fund or pension fund trust, employees' profit-sharing fund, or employees' profit-sharing trust.	An employee pension, profit-sharing, or benefit plan if the plan has total assets in excess of \$10 million or its investment decisions are made by certain types of fiduciaries. Certain plans established and maintained by a state or local government for the benefit of its employees, if the plan has



Under prior law, "institutional investor" meant:	Under the act, "institutional investor" means any of the following, whether acting for itself or for others in a fiduciary capacity:
	total assets in excess of \$10 million or its investment decisions are made by a duly designated public official or by a certain type of fiduciary.
Any trust in respect of which a bank is trustee or cotrustee.	A trust, if it has total assets in excess of \$10 million, its trustee is a bank, and its participants are exclusively plans of the types described in the cell above, regardless of the size of their assets, except a trust that includes as participants certain similar self-directed plans.
Any association engaged, as a substantial part of its business or operations, in purchasing or holding securities.	An investment company as defined in the federal Investment Company Act.
	A federally registered broker-dealer or a state licensed dealer.
	A 501(c)(3) organization or specified type of business form with total assets in excess of \$10 million.
	A licensed small business investment company with total assets in excess of \$10 million.
	A private business development company with total assets in excess of \$10 million.
	A federal covered investment adviser acting for its own account.
	A "qualified institutional buyer."
	A "major U.S. institutional investor."
A corporation. "Institutional investor" does not include any business entity formed for the primary purpose of evading the Ohio Securities Law.	Any other person, other than an individual, of institutional character with total assets in excess of \$10 million not organized for the specific purpose of evading the Ohio Securities Law.
	Any other person specified by rule adopted or order issued under the Ohio Securities Law.



Small government fire services loans

(R.C. 3737.17)

The act creates the Small Government Fire Department Services Revolving Loan Fund and permits the State Fire Marshal to loan moneys from the Fund for the purposes of the Small Government Fire Department Services Revolving Loan Program. Under continuing law, the Program administers loans to qualifying small governments to expedite purchases of major equipment for fire fighting, ambulance, emergency medical, or rescue services, and to expedite projects for the construction or renovation of fire department buildings.

The Fund will consist of moneys from repaid loans under the Program, investment earnings on money in the Fund, and moneys appropriated to the Fund.

Liquor provisions

State Liquor Regulatory Fund

(R.C. 4301.12)

The act generally requires all money collected under the Liquor Control Law to be credited to the continuing State Liquor Regulatory Fund rather than the Liquor Control Fund as provided under prior law. The act also removes a provision regarding the use of money in the Liquor Control Fund for paying the operating expenses of the Liquor Control Commission.

Liquor permitting provisions

Affirmative defense to sale of alcohol to a minor

(R.C. 4301.61 and 4301.639)

The act expands the affirmative defense to a violation of the Liquor Control Law for which age is an element of the offense. Under continuing law, no liquor permit holder, agent or employee of a liquor permit holder, or any other person may be found guilty of a violation of the Liquor Control Law for which age is an element of the offense if the Commission or a court finds all of the following:

(1) That the person buying the alcohol exhibited to the permit holder, the agent or employee of the permit holder, or the other person a driver's or commercial driver's license, an identification card issued by the Registrar of Motor Vehicles, or a military identification card issued by the U.S. Department of Defense that displays a picture of the individual for whom the license or card was issued and shows that the person buying was then at least 21 years of age if the person was buying beer or intoxicating



liquor, or that the person was then at least 18 years of age if the person was buying any low-alcohol beverage;

(2) That the permit holder, the agent or employee of the permit holder, or the other person made a bona fide effort to ascertain the true age of the person buying the alcohol by checking the identification presented, at the time of the purchase, to ascertain that the description on the identification compared with the appearance of the buyer and that the identification presented had not been altered in any way;

(3) That the permit holder, the agent or employee of the permit holder, or the other person had reason to believe that the person buying was of legal age.

The act expands the types of identification that may be checked for purposes of claiming the affirmative defense above to include an identification card issued by another state and a U.S. or foreign passport.

D-5j liquor permit population requirements

(R.C. 4303.181)

The act alters the population requirements for one type of municipal corporation in which a D-5j liquor permit may be issued. Under continuing law, a D-5j permit generally authorizes the permit holder to sell beer, wine, mixed beverages, and spirituous liquor by the individual glass or container for consumption on the permit premises and sell beer, wine, and mixed beverages for off-premises consumption. Under law revised in part by the act, the Division of Liquor Control may issue a D-5j permit in certain municipal corporations or townships in which a community entertainment district has been established and that meet certain criteria. Under one set of criteria, a D-5j permit may be issued in a municipal corporation to which all of the following apply:

(1) The municipal corporation was incorporated as a village prior to calendar year 1860 and currently has a historic downtown business district;

(2) The municipal corporation is located in the same county as another municipal corporation with at least one community entertainment district; and

(3) The municipal corporation has a specified population.

Under former law, the municipal corporation was required to have a population between 10,000 and 20,000. The act requires the municipal corporation to have a population between 7,000 and 20,000.



D-5l liquor permit population requirements

(R.C. 4303.181)

The act modifies the population requirements for issuance of a D-5l liquor permit. A D-5l permit generally authorizes the holder to sell beer and intoxicating liquor at retail by the individual drink for on-premises consumption and to sell certain types of beer and intoxicating liquor for off-premises consumption in specified quantities. Under law revised in part by the act, a D-5l permit may be issued to a premises to which all of the following apply:

(1) The premises has gross annual receipts from the sale of food and meals that constitute not less than 75% of its total gross annual receipts;

(2) The premises is located within a revitalization district;

(3) The premises is located in a municipal corporation or township in which the number of D-5 liquor permits issued equals or exceeds the quota limit for those permits that may be issued in the municipal corporation or township; and

(4) The premises meets any of the following qualifications:

--It is located in a county with a population of 125,000 or less according to the population estimates certified by the Development Services Agency (DSA) for calendar year 2006.

--It is located in the municipal corporation that has the largest population in a county, if the municipal corporation is wholly located in a county and if the county has a population between 215,000 and 225,000 according to the population estimates certified by the DSA for calendar year 2006.

--It is located in the municipal corporation that has the largest population in a county, if the municipal corporation is wholly located in a county and the county has a population between 140,000 and 141,000 according to the population estimates certified by the DSA for calendar year 2006.

The act modifies the fourth requirement by allowing a permit also to be issued to a premises that is located within a township with a population density of less than 450 people per square mile.



D-6 liquor permit for certain state parks

(R.C. 4303.182)

The act requires the Division to issue a D-6 liquor permit to the holder of any D liquor permit for a premises that is:

- (1) Licensed as a retail food establishment or food service operation; and
- (2) Located in a state park that is established or dedicated under state law and has a working farm on its property.

Under the act, the D-6 permit authorizes Sunday sales of beer or intoxicating liquor at the D permit premises between 10 a.m. and midnight regardless of whether the sales have been authorized by a local option election.

Under continuing law, the Division must issue a D-6 permit to certain A (manufacturers of beer, wine, mixed beverages, or spirituous liquor), C (retailers of beer or intoxicating liquor for off-premises consumption), and D liquor permit holders. Those liquor permit holders may sell beer, wine, mixed beverages, or spirituous liquor, as applicable, on Sunday under the D-6 permit. Sales must take place on Sunday between the hours of 10 a.m. to midnight or 11 a.m. to midnight depending on the local option held to authorize Sunday sales.

Service of beer or intoxicating liquor until 4 a.m. during major event

(R.C. 4301.83)

The act authorizes a qualified permit holder, upon issuance of a waiver by the Division, to serve beer, intoxicating liquor, or both between 5:30 a.m. and 4 a.m. the following day during a major event. A qualified permit holder is a person to which both of the following apply: (1) the person is the holder of an A-1, A-1-A, A-1c, A-2, or D liquor permit and (2) the location of the premises for which the person has been issued a liquor permit is in a county in which a major event will occur or in a county contiguous to the county in which a major event will occur. A major event is an event that meets all of the following conditions:

- (1) It is scheduled to occur in a municipal corporation with a population of 350,000 or more on or after September 29, 2015;
- (2) It is expected to attract not less than 3,000 visitors;
- (3) It is scheduled to have a duration of not less than one day and not more than ten days.



Not later than 120 days prior to the commencement of a major event, a qualified permit holder may file an application for a waiver with the chief executive officer of the municipal corporation in which the permit holder's premises is located or the fiscal officer of the township in which the permit holder's premises is located. The Division must establish the form of the application and make it available for use by qualified permit holders. The qualified permit holder must include in the application both of the following:

- (1) The name and address of the qualified permit holder;
- (2) The name and address of the premises that is the subject of the application.

Not later than 90 days prior to the commencement of the major event, the chief executive officer or the fiscal officer that receives an application from a qualified permit holder must review all applications received and compile a list of the applicants. In compiling the list, the chief executive officer or fiscal officer must consult with the chief law enforcement officer of the municipal corporation or township to determine whether to retain each applicant on the list.

Not later than 60 days prior to the commencement of the major event, the chief executive officer or the fiscal officer that compiles a list of qualified permit holders must submit the list to the Division. The Division must review the list and determine whether to retain each qualified permit holder on the list. The Division may remove the name of a permit holder from the list for good cause. After review, the Division must certify the list.

Not later than 30 days prior to the commencement of the major event, the Division must do both of the following:

- (1) Return the certified list to the chief executive officer or the fiscal officer that submitted the original list;
- (2) Issue a waiver to each permit holder on the list that allows the permit holder to serve beer, intoxicating liquor, or both between 5:30 a.m. and 4 a.m. the following day during the major event.

When the provisions specified above regarding a major event do not apply, continuing law prohibits the sale of beer, wine, mixed beverages, and spirituous liquor from Monday to Saturday between either 1 a.m. and 5:30 a.m. or 2:30 a.m. and 5:30 a.m., depending on the type of liquor permit involved. Additional restricted hours apply to Sunday sales of beer, wine, mixed beverages, and spirituous liquor.



Sale of tasting samples, growlers

(R.C. 4303.184)

The act allows the holder of both a C-1 and C-2 liquor permit, or the holder of a C-2x liquor permit, that is the owner of a retail store within a municipal corporation or township with a population of 15,000 or less to obtain a D-8 liquor permit. Thus, as the holder of a D-8 permit, the C-1 and C-2 permit holder or C-2x permit holder may sell both of the following:

(1) Tasting samples of beer, wine, or mixed beverages for on-premises consumption under specified circumstances;

(2) Beer that is dispensed only in glass containers whose capacity does not exceed one gallon (growler) for off-premises consumption, provided the containers are sealed, marked, and transported in accordance with continuing law.

Under continuing law, the C-1 permit authorizes the sale of beer for off-premises consumption and the C-2 permit authorizes the sale of wine and mixed beverages for off-premises consumption. The C-2x permit allows the sale of beer, wine, and mixed beverages for off-premises consumption.

Merchandise as gift with purchase of alcoholic beverage

(R.C. 4301.243)

The act allows a manufacturer, supplier, or solicitor of alcoholic beverages, or an agent or employee of a manufacturer or supplier, that is registered with the Division under ongoing law to give merchandise or another thing of value to a personal consumer in connection with the purchase of an alcoholic beverage provided that both of the following apply:

(1) The value of the merchandise or other thing of value does not meet or exceed the retail price of the alcoholic beverage purchased by the personal consumer;

(2) The merchandise or other thing of value is not made by or awarded through a liquor distributor or retail liquor permit holder.

The act excludes a liquor distributor and a retail liquor permit holder from the authorization established above. Further, the act defines, a "personal consumer" as an individual who is at least 21 years of age, does not hold a liquor permit issued under the Liquor Control Law, and intends to use a purchased alcoholic beverage for personal consumption only and not for resale or other commercial purposes.



Real estate licenses

Real Estate Education and Research Fund

(R.C. 4735.06)

The act increases, from \$10,000 per year to \$25,000 per fiscal year, the overall limit of the amount of loans the Real Estate Education and Research Fund is permitted to lend to applicants for salesperson licenses. Under continuing law, these individual loans, not exceeding \$2,000, may be used by applicants to complete education requirements for licensure.

Real estate broker and salesperson licenses – military

(R.C. 4735.13 and 4735.141)

The act changes the time period within which a licensed real estate broker or salesperson who is a member of the armed forces must complete continuing education requirements. Specifically, the act permits a broker or salesperson whose license is on deposit as an armed serviceperson to take up to the longer of 12 months after the broker's or salesperson's first birthday after discharge (continuing law) or the amount of time equal to the total number of months the licensee spent on active duty (added by the act). The act states that this extension must not exceed the total number of months that the licensee served in active duty. The broker or salesperson must submit proper documentation of active duty service and the length of that service to the Superintendent of the Division of Real Estate and Professional Licensing.

Similarly, the act permits a licensee, who is the spouse of a member of the armed forces whose service results in the licensee's absence from Ohio (or in the case of a licensee who holds a license through a reciprocity agreement, the spouse's service results in the licensee's absence from the licensee's state of residence), to take up to the same amount of time as described in the paragraph above to complete continuing education requirements. The act requires the licensee to submit proper documentation of the spouse's active duty service and the length of that service. The act also extends the time period within which such a licensee must renew the license to the renewal date that follows the date of the spouse's discharge from the armed forces.

The act specifies that "armed forces" means the U.S. armed forces, a reserve component of the U.S. armed forces, the Ohio National Guard, and the national guard of any other state.



Real estate appraiser assistants – continuing education

(R.C. 4763.01 and 4763.07)

The act requires, in accordance with federal law, that each state-registered real estate appraiser assistant annually complete, and submit proof of successfully completing, a minimum of 14 classroom hours of continuing education instruction in courses or seminars approved by the Real Estate Appraiser Board. Prior law exempted an appraiser assistant from these requirements for the first two years of being classified as an appraiser assistant. The act removes this grace period.

Continuing law requires the completion of 14 hours of continuing education instruction for state-certified general real estate appraisers, state-certified residential real estate appraisers, and state-licensed residential real estate appraisers. The act exempts appraisers with a certification or license from another state that is temporarily recognized in Ohio.

The act removes "appraisal consulting" and "appraisal consulting service" from the Real Estate Appraiser Law, as these terms appear to no longer be used in the industry.

Fireworks

(R.C. 3743.07, 3743.20, 3743.44, 3743.45, 3743.63, 3743.65, and 3743.75)

The act extends a moratorium on issuing new fireworks manufacturer licenses, new fireworks wholesaler licenses, and the geographic transfer of either of these license types, from December 15, 2015, to December 15, 2017.

The act enables individuals to purchase and possess fireworks without completing a purchaser's form that contains an acknowledgement of responsibility and identifying information. The act does not change any other requirements relating to the purchase and possession of fireworks.

School door barricade devices

Board of Building Standards rules

(R.C. 3781.106; Section 737.20)

The act requires the Board of Building Standards to adopt rules under the Administrative Procedure Act for the use of a device by a staff member of a public or



private school²² or institution of higher education²³ that prevents both ingress and egress through a door in a school building, for a finite period of time, in an emergency situation, and during active shooter drills. These rules must be adopted by March 27, 2016. The rules must provide that (1) the use of a device is permissible only if the device requires minimal steps to remove it after it is engaged, and (2) the administrative authority of a building must notify the police chief, or equivalent, of the law enforcement agency that has jurisdiction over the building, and the fire chief, or equivalent, of the fire department that serves the political subdivision in which the building is located, prior to the use of the device in a building. Also, the rules may require that the device be visible from the exterior of the door. The act requires that the Board of Building Standards, in consultation with the State Board of Education and the Chancellor of Higher Education, determine and include in the rules a definition of "emergency situation." These rules must apply to both existing and new school buildings.

The act prohibits mounting a device permanently to a door.

The act requires that each public and private school and institution of higher education provide its staff members in-service training on the use of the device, and maintain a record on file verifying this training.

State Fire Code

(R.C. 3737.84; Section 737.30)

The act prohibits the State Fire Code from containing a provision that prohibits the use of a device described above that is used in accordance with rules adopted by the Board of Building Standards. Furthermore, the act states that any provision of the State Fire Code that is in conflict with this provision is unenforceable.

²² "Public school" means a school operated by a school district, a community school, a STEM school, or a public college-preparatory boarding school. "Private school" means a chartered or nonchartered nonpublic school.

²³ "Institution of higher education" means a state institution of higher education, a private nonprofit college or university that possesses a certificate of authorization issued by the Department of Higher Education, or a school that possesses a certificate of registration and one or more program authorizations issued by the State Board of Career Colleges and Schools.

