
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, reduces 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 former law.

Internet sales exemption from auction laws (VETOED)

- Would have revised an exemption from the auction law so that a person who sold any real or personal property via an auction mediation company on the internet was exempt, if the company provided fraud protection or a money-back guarantee to the buyer.

Auctioneer continuing education exemption (VETOED)

- Would have stipulated that the continuing education requirements for licensed auctioneers established under continuing law did not apply to a licensed auctioneer who:
 - Was licensed as an apprentice auctioneer under law repealed by H.B. 321 of the 134th General Assembly on September 13, 2022; and
 - Completed the apprenticeship prior to that date.

Legume inoculators

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

Amusement ride reinspections

(R.C. 993.04)

The act 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 safe operation of the ride. Under continuing law, the Director also may require an amusement ride owner to pay a reinspection fee 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 the amusement ride is unsafe and in violation of the law governing safe operations of rides.

Under continuing law, ride 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. However, under prior law, the Director was not authorized to charge a fee for a reinspection when the reinspection was conducted in accordance with rules governing the safe operation of the ride.

The act 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). 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. An agricultural commodity is corn, soybeans, or wheat, and the Director may add additional commodities by rule.¹⁶

Claims

The act 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. Ohio law establishes circumstances under which a depositor receives 100% of the depositor's loss. 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 act first revises the circumstances under which a depositor is paid 100% of the depositor's loss by doing the following:

¹⁶ R.C. 926.01, 926.16, and 926.17, not in the act.

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 handler, doing all of the following:

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 is used to determine the two-year period. The act stipulates that the fund has no liability if the delayed price agreement was entered more than two years prior to the commodity handler's license suspension.

The act retains two additional circumstances in which a depositor must receive 100% of the depositor's loss from the fund. The first circumstance is when the deposited commodities 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 is required, the act decreases the fund's liability to 75% of the loss, rather than 100% of the first \$10,000 and 80% of the remaining dollar value.

Internet sales exemption from auction laws (VETOED)

(R.C. 4707.02)

The Governor vetoed a provision that would have revised 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 continuing law.

The effect of these changes would have been to exempt a person from the auction law when selling any real or personal property via an auction mediation company, without any conditions other than requiring the auction mediation company to provide fraud protection or a money-back guarantee to the buyer.

Auctioneer continuing education exemption (VETOED)

(R.C. 4707.101)

The Governor vetoed a provision that would have provided that the continuing education requirements for licensed auctioneers do not apply to a licensed auctioneer who:

1. Was licensed as an apprentice auctioneer under law repealed by H.B. 321 of the 134th General Assembly on September 13, 2022; and
2. Completed the apprenticeship prior to that date.

H.B. 321, which took effect September 13, 2022, eliminated the apprentice auctioneer license. It also required licensed auctioneers and auction firm managers of licensed auction firms to complete eight hours of continuing education every two years.

Legume inoculators

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

The act eliminates the legume inoculator's annual license. The license authorized a person to apply legume inoculants to seed for sale. Former law required 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.