

# Commerce

## H.B. 184

**Primary Sponsors:** Reps. Brennan and Bird

**Effective date:** March 20, 2025

- Applies the Ohio Charitable Solicitation Law to operators of receptacles used to collect donations of clothing, books, and certain personal items, household items, or other goods.
- Requires the operator of a collection receptacle to display a conspicuous and permanent sign or label on every side of the receptacle providing identifying and contact information for the charitable organization and, if applicable, the professional solicitor.
- Requires a professional solicitor to pay a \$200 fee to the Attorney General at the commencement of a solicitation campaign.
- Allows the Attorney General to publish certain information collected from a professional solicitor at the outset of a solicitation campaign.
- Requires the solicitation notice filed by a professional solicitor at the commencement of a solicitation campaign to include the location of any collection receptacle to be used as part of the campaign.
- Limits the duration of solicitation campaigns conducted by professional solicitors to four years.
- Requires professional solicitors to periodically report the total weight of items collected in collection receptacles and the value received for the items' sale.
- Permits the contract between a professional solicitor and a charitable organization to express the benefit the organization will receive based on an amount of dollars per pound of goods collected rather than as a percentage of gross revenue.
- Requires a professional solicitor to make and maintain audio recordings of each telephone solicitation the solicitor makes.
- Prohibits a charitable solicitation or charitable sales promotion from initiating an outbound telephone call that delivers a prerecorded message in violation of the federal Telemarketing Sales Rule.
- Permits the Attorney General to examine a professional solicitor's pitch sheets, solicitation scripts, and recordings when investigating any alleged violation of the Ohio Charitable Solicitation Law.

## H.B. 301

**Primary Sponsor:** Rep. Swearingen

**Effective Date:** October 24, 2024

### **Nonprofit corporation changes**

- Requires nonprofit corporation directors to be natural persons (i.e., individuals rather than business entities).
- Authorizes a committee consisting of one or more directors of a nonprofit corporation to create a subcommittee, unless otherwise provided in the articles, regulations, or resolution of the original committee.
- Specifies the fiduciary duty required of an officer of a nonprofit corporation.
- Expands the circumstances in which provisional directors may be appointed.
- Revises the standards for determining liability of directors when nonprofit corporations make loans and the interest rate relating to that liability.
- Establishes that a loan made in violation of the law governing nonprofit corporations does not affect the borrower's liability on the loan.
- Authorizes a majority of the incorporators of a nonprofit corporation to amend the articles of incorporation when (1) the articles do not name initial directors, (2) a meeting of voting members has not yet occurred, and (3) the incorporators have not yet elected directors.
- Establishes that a certificate issued by the Secretary of State confirming that a nonprofit corporation is in good standing is conclusive evidence of certain facts.
- Limits the liability of those who provide goods to, or perform services for, nonprofit corporations or their members to only the person or entity to whom the goods or services were provided.
- Permits religious organizations to opt into the Unincorporated Nonprofit Association Law.
- Allows a dissolving corporation to provide certain tax-related information as an alternative to securing a certificate from the Department of Taxation confirming that all state taxes have been paid.

### **Final appealable orders**

- Classifies the following as a final order that may be reviewed on appeal: an order that restrains or restricts enforcement of a state statute or regulation, whether on a temporary, preliminary, or permanent basis, in whole or in part, facially or as applied.

### **Conciliation for custody disputes between unmarried parents**

- Allows a court to order unmarried parents who are in a custody dispute to undergo conciliation with a magistrate.

- Requires a magistrate to resolve disputes through conciliation procedures and, upon resolution, to issue an order regarding the allocation of parental rights and responsibilities, parenting time, or companionship or visitation.
- Specifies that conciliation procedures may include use of family counselors and service agencies, community health services, physicians, licensed psychologists, and clergy.

### **Ashtabula County courts**

- Replaces the two part-time judgeships of the Ashtabula County County Court with one full-time judge and provides that the part-time judgeships cease on January 1, 2031.
- Provides that the part-time judge of the Ashtabula County County Court to be elected in 2028 must be elected for a two-year term commencing January 1, 2029, and ending December 31, 2030, and that one full-time judge must be elected in 2030 for a six-year term to commence January 1, 2031.
- Beginning January 1, 2025, expands the territorial jurisdiction of the Conneaut Municipal Court to include the municipal corporation of North Kingsville, and Kingsville, Monroe, and Sheffield townships, in Ashtabula County.
- Requires that all cases arising in North Kingsville and in Kingsville, Monroe, and Sheffield townships that are pending in the Eastern County Court in Ashtabula County on January 1, 2025, be adjudicated by the Ashtabula County County Court.
- Requires that all cases arising in North Kingsville and in Kingsville, Monroe, and Sheffield townships on or after January 1, 2025, be brought before the Conneaut Municipal Court.

### **Ohio Criminal Sentencing Commission**

- Requires the Ohio Criminal Sentencing Commission to re-establish a standing juvenile committee.
- Re-establishes requirements for the Commission to review and develop a juvenile justice policy for the state, as well as assisting policymakers with legislation related to juvenile justice issues.

### **Political subdivision soldiers' memorial**

- Expands the authority of a board of trustees of a political subdivision soldiers' memorial.

### **Public depositories**

- Eliminates the prohibition against financial institutions that are subject to a cease-and-desist order from serving as a public depository.
- Requires public depositories to notify the governing board if the depository becomes party to an active prompt corrective action directive.
- Specifies that institutions are ineligible to serve as public depositories while under a prompt corrective action directive unless authorized by a governing board.

- Relieves certain public officials from liability for loss of public moneys deposited in a failed public depository.

## **Cemeteries**

- Modifies the laws governing the repair or replacement of a mausoleum or columbarium.
- Allows the disinterment of the cremated remains of a decedent who died of a contagious or infectious disease, without a permit issued by the local board of health.

## **Judicial release and transitional control**

- Reiterates that amendments to the judicial release and transitional control processes made in S.B. 288 of the 134<sup>th</sup> General Assembly apply only to prisoners serving prison terms on or after April 4, 2023, the effective date of S.B. 288.

# **S.B. 98**

**Primary Sponsor:** Sen. Rulli

**Effective date:** October 24, 2024

## **Fraudulent business filings**

- Prohibits filings under the Commercial Transactions Law or the Corporations and Partnerships Law that include the name or address of another person without their consent or that are submitted by a person that lacks authority to make the filing (i.e., “fraudulent filings”).
- Authorizes any person who believes the person has been impacted by a fraudulent filing to file a complaint with the Secretary of State (SOS).
- Requires the SOS to review each complaint and allows the SOS to forward any likely violations to a county prosecutor for criminal investigation.
- Requires the SOS, upon determining that a complaint indicates a likely violation and meets the act’s content-related requirements, to send a notice and demand to the alleged fraudulent filer.
- Requires a person that receives a notice and demand to respond to the allegations within 21 days.
- Requires the SOS to cancel or invalidate filings that are determined to be fraudulent or unauthorized.
- Allows aggrieved parties to appeal the SOS’s determinations or actions under the Administrative Procedure Act.

## **Statutory agents**

- Requires a statutory agent appointment to include the address of the agent’s primary residence or usual place of business in Ohio.

- Specifies that a post office box does not qualify as a valid address for a statutory agent.

## **Reinstating business entities**

- Limits the period in which corporations, associations, and limited liability companies can be reinstated to two years from the date on which the entity was abolished.

## **Solicitations related to public records**

- Requires a person, who is not a government entity, that solicits a filing or copy retrieval fee for a public record to include certain disclosures with the solicitation.

## **Property tax exemptions and abatements**

- Extends an exemption available to political subdivisions and charitable and educational institutions that use or lease property exclusively for charitable, educational, or public purposes to religious institutions and for the purpose of public worship.
- Modifies an exemption for a convention center owned by the largest city in a county with a population of between 235,000 and 300,000, i.e., the City of Mason in Warren County.
- Provides a temporary period for a county, metropolitan park district, municipality, or community improvement corporation to apply for an exemption from property taxation and abatement of unpaid taxes, penalties, and interest on certain property.

## **Fire investigator firearms training**

- Permits fire investigators to attend approved peace officer training schools to receive firearms training that would qualify them to carry firearms while on duty.
- Requires the Attorney General to adopt rules governing the training.
- Permits fire investigators to carry firearms on duty if both of the following apply:
  - They are authorized to do so by their superiors;
  - They either (1) have received a certificate from the Ohio Peace Officer Training Commission certifying satisfactory completion of basic training, or (2) before or during employment as a fire investigator, and before October 24, 2024, successfully completed another firearms training program approved by the Commission.
- Protects a fire investigator who is authorized to carry firearms from potential civil or criminal liability for any conduct that occurs while carrying firearms to the same extent as law enforcement.
- Adds fire investigators to persons required to complete a firearms requalification program.
- Provides that a fire investigator who is qualified to carry firearms while on duty has the same right to carry a concealed handgun in Ohio as a person who was issued a concealed handgun license.

## **Reimbursement deadline**

- Creates a one-year deadline for counties to submit reimbursement requests to the state for the per diem compensation paid to acting/assigned county or municipal court judges.

## **Motor vehicle inspections**

- Adds a clerk of a court of common pleas to the entities that, under certain circumstances, are authorized to conduct a physical inspection of a motor vehicle, off-highway motorcycle, or all-purpose vehicle when the owner applies for an Ohio certificate of title.
- Authorizes the clerk to collect a \$5 service fee for the physical inspection.

## **Numbering of state ballot issues**

- Requires that, beginning with the general election on November 5, 2024, a state issue appearing at the top of the ballot must be designated as Issue 1 and any state issue placed below that must be consecutively numbered.
- Requires that, for elections after November 5, 2024, a state issue appearing at the top of the ballot must be designated by the next number after the number of the last state issue, instead of starting over at Issue 1.
- Requires that the numbers reset to state issue 1 after state Issue 500 appears on the ballot.

## **Equestrian event facilities**

- Exempts an equestrian event facility from recreational vehicle park and camp operation license requirements under specified circumstances.