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UPDATED VERSION*

SUMMARY

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.

* This version updates the effective date.

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.

Limitation on 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 (the act's effective date), 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.

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DETAILED ANALYSIS

Fraudulent business filings

Prohibitions

The act prohibits all of the following:

- Including the name of another person on a document filed with the Secretary of State (SOS) under the Commercial Transactions Law or the Corporations and Partnerships Law without that person’s consent, if the named person is included in the filing as:
 - A statutory agent;
 - The individual causing the document to be delivered for filing;
 - The person incorporating, forming, registering, or organizing an entity or name registration;
 - Any other person required to be identified in the document.
- Including an address in a document filed with the SOS under the Commercial Transactions Law or the Corporations and Partnerships Law without the consent of either the owner or occupant of that address;
- Delivering a document to the SOS required by the Commercial Transactions Law or the Corporations and Partnerships Law concerning another person, without the necessary consent or authority to do so.¹

¹ R.C. 111.243(A).

Complaints

The act allows a person named in, or affected by a potential fraudulent filing to submit a complaint to the SOS. The complaint must be on a form prescribed by the SOS, and must include at least the following information:

- A description of the alleged violation;
- The name and contact information of the person making the complaint;
- The name and contact information of any third party authorized to submit the complaint on behalf of the person that is named in, or affected by, the fraudulent filing;
- The document identification number assigned by the SOS to each alleged fraudulent filing;
- If known, an identification number assigned by the SOS for each person associated with the complaint and the filing;
- Information, if known, identifying each person involved in the filing, including names, street addresses, telephone numbers, websites, and email addresses;
- Information, if known, identifying the nature of any business or personal relationship between the person making the complaint and each person involved in the filing;
- A statement by the person making the complaint, under penalty of perjury, that the person believes in good faith that the facts stated in the complaint are true;
- Any additional information that the person making the complaint believes may assist the investigation.²

Review and evaluation

The SOS must review all complaints received under the act and evaluate whether the complaint indicates a fraudulent filing and satisfies the content-related requirements described above. If so, the SOS must investigate and also may refer the complaint to the prosecuting attorney of the county where the person alleged to have made the fraudulent filing resides, or is believed to reside based on the best available information, for any potential criminal investigation.

If the SOS determines that the information provided in a fraudulent filing complaint does not indicate a fraudulently filed document, or does not satisfy the relevant complaint requirements, the SOS must notify the person that submitted the complaint and explain any deficiencies.

The SOS also may ask a person who submits a complaint to submit additional information concerning the alleged violation or the person's failure to submit the required complaint information. Regardless of the outcome, the SOS must notify the person who submitted a

² R.C. 111.243(B).

complaint of the outcome of the SOS's review of the complaint. If the SOS rejects a complaint for failure meet the relevant complaint requirements, the complaint may be resubmitted.³

Commencement of investigation

After determining that a complaint indicates a fraudulent filing and meets the act's content-related requirements, the SOS must send a notice and demand to the person that is the subject of the complaint. The SOS must send the notice and demand by mail, email, and telephone, if the person's address, email address, or telephone number is known by, or readily available to, the SOS. The SOS also may provide written or verbal notice and demand to any other person that the SOS determines, through investigation, is a means by which to reach the person who is the subject of the complaint.⁴

Content of notice and demand, and the response

The SOS's notice and demand must describe the allegations in the complaint and demand that the person respond within 21 days after the notice and demand was mailed. The response must include all of the following information:

- The name and contact information of the person responding to the notice and demand;
- If the responding person is an agent of the person that is the subject of the complaint, any supporting documents that establish the agent's authority to act on the person's behalf;
- The name of the entity at issue in the complaint;
- Information, if known, identifying each person involved in the alleged violation, including names, street addresses, telephone numbers, websites, and email addresses;
- Information identifying the nature of any business or personal relationship between the person that submitted the complaint and each person involved in the alleged violation, excepting any privileged communications or information;
- A statement that affirms or denies having knowledge of or information about the alleged violation;
- Any material evidence that is reasonably attainable to the person responding to the notice and demand of written consent to use the name or address in the filing at issue in the complaint.⁵

³ R.C. 111.243(C) through (F) and (L).

⁴ R.C. 111.243(G)(1) and (2).

⁵ R.C. 111.243(G)(3) and (H).

Concession by lack of response

If the SOS does not receive a response within 21 days after mailing a notice and demand, the person that is the subject of the complaint is deemed to have conceded to the allegations.⁶

Resolving fraudulent filings

Upon a prima facie showing that an entity was created without authorization or for fraudulent purposes, the SOS must do all of the following:

- Cancel the business record in question with a notice that the entity is unauthorized or fraudulent;
- Redact each address and name that was used without authorization from the entity's filing and from any other relevant filings;
- Disable additional filing functionality on the entity's records.

Upon a prima facie showing of an unauthorized filing made for a legitimate entity, the SOS must do both of the following:

- Cancel each unauthorized filing for the entity with a notice that the filing is unauthorized;
- Redact each address and name that was used without authorization from the entity's filing and from the relevant filings.⁷

The act specifies that either of the following constitute a prima facie showing of a violation:

- A concession to the allegations either directly, or constructively by failing to timely respond to the notice and demand;
- A determination by the SOS that the violation occurred, based on the merits of the complaint and any responses to the notice and demand.⁸

The SOS's determination on, and resolution of, a complaint are subject to appeal under the Administrative Procedure Act.⁹

Notice of outcome

The act requires the SOS to communicate the outcome of the complaint to the person who submitted it and each person at issue in the complaint. The notice may be made by email or, if no email address is provided, by mail.¹⁰

⁶ R.C. 111.243(I).

⁷ R.C. 111.243(J).

⁸ R.C. 111.243(K).

⁹ R.C. 111.243(M).

¹⁰ R.C. 111.243(L).

Statutory agents

The act makes changes to the law related to statutory agents. Statutory agents are the persons designated by a corporation or other legal entity to receive processes, notices, or demands required or permitted by law. Many legal entities are required to designate a statutory agent.

Continuing law requires an appointment of a statutory agent to set forth the name and Ohio address of the agent. The act expands this requirement by also requiring the appointment to include the address of the agent's primary residence in Ohio or, if the agent is not a natural person, the agent's usual place of business in Ohio. The act defines "usual place of business" as a place in Ohio that is customarily open during normal business hours and where an individual is generally present who is authorized to perform the services of a registered agent, including accepting service of process and other notifications for the person serving as a statutory agent. The act specifies that a post office box does not qualify as a "usual place of business," regardless of whether that post office box has an associated street address. The act makes this change for statutory agent requirements for for-profit and nonprofit corporations, associations, limited liability companies, business trusts, real estate investment trusts, partnerships, and limited liability partnerships.¹¹

Limitation on reinstating certain business entities

Continuing law allows corporations, associations, and limited liability companies that have been abolished to be reinstated if the entity files an application with the SOS and pays a filing fee or reinstatement fee, depending upon the reason the entity was abolished. The act limits the period an entity can be reinstated to two years from the date on which the entity was abolished.¹²

Solicitations related to public records

The act establishes new regulations for commercial solicitations related to filing or retrieving public records. For the purposes of these changes, the act defines "solicit" or "solicitations" as meaning the act of directly advertising to a person. However, these terms do not include either of the following:

- Communication initiated by a consumer;
- Advertising or marketing to a person with whom the solicitor has a current or former commercial relationship.

Under the act, any person, other than the federal government, the state, a state agency, or a local government, that solicits a fee for filing a document, or retrieving a copy or certified copy of a certificate or public record, must do all of the following:

¹¹ R.C. 1701.07, 1702.06, 1703.041, 1706.09, 1746.04, 1747.03, 1776.07, and 1782.04.

¹² R.C. 1701.07, 1702.06, 1702.59, 1703.15, 1703.29, 1706.09, 1729.11, and 1785.06.

- Include a statement in the solicitation, in the same language as the solicitation, that is identical or substantially similar to the following: “This is an advertisement. This offer is not being made by, or on behalf of, any government agency. You are not required to make any payment or take any other action in response to this offer.”
- Ensure, if the solicitation is in writing, that the statement is in at least 24-point type and located at the top of the physical document or the beginning of the electronic communication.
- Include, in the case of mailed solicitation, the words “THIS IS NOT A GOVERNMENT DOCUMENT” in 24-point type and all capital letters on the envelope, outside cover, or wrapper in which the solicitation is mailed;
- Include information on where the person can file a document directly with the SOS or retrieve a copy or certified copy of a certificate or public record;
- Include the name of the person making the solicitation and the person’s physical address, which cannot be a post office box.

The act prohibits public records solicitations in a form, or that use deadline dates or other language, that makes them appear to be issued by the federal government, the state, a state agency, or a local government, or that appears to impose a legal duty on the person being solicited.

A violation of the act's solicitation requirements constitutes a deceptive act or practice in connection with a consumer transaction in violation of the Consumer Sales Practice Act (“CSPA”) and is subject to any applicable penalties. The CSPA authorizes both the Attorney General and consumers to sue alleged violators. Suits brought by the Attorney General could result in civil penalties of up to \$25,000 and suits brought by consumers could result in treble damages plus up to \$5,000 in noneconomic damages.¹³

Property tax exemption for religious institutions

The act expands a property tax exemption available to political subdivisions and charitable and educational institutions that use or lease property exclusively for charitable, educational, or public purposes. Under continuing law, such property qualifies for the charitable use exemption if the state, a subdivision, or a charitable or educational institution uses the real property or tangible personal property for its own charitable, educational, or public purposes or leases the property to another institution for those uses. Property used exclusively by religious organizations for public worship generally are entitled to a separate exemption, but the leasing of property between these different institutions could leave the property qualifying for neither exemption under prior law.¹⁴ The act applies the charitable use exemption if the property’s owner or lessee is a religious institution or if the property is used by the owner or lessee for public

¹³ R.C. 111.242 and 1345.02; R.C. 1345.07(D) and 1345.09, not in the act.

¹⁴ R.C. 5709.07 and 5709.12, not in the act.

worship. The act's expanded exemption applies to tax years ending on or after October 24, 2024.¹⁵

Convention center property tax exemption

The act expands a property tax exemption for a convention center or arena owned by the largest city in a county with a population of between 235,000 and 300,000. These parameters currently only apply to the City of Mason, in Warren County.

Previously, the exemption applied only to a convention center or arena that was constructed by the city. The act allows the exemption for a convention center or arena that is either constructed or acquired by the city. The expanded exemption applies to tax years ending on or after October 24, 2024.

Continuing law exempts certain convention centers and arenas from property taxes, with the exemption depending on the population of the county or city in which it is located and whether it is owned or leased by a city, county, or convention facilities authority.¹⁶

Temporary property tax abatements

The act establishes a temporary procedure by which a metropolitan park district, municipal corporation, or community improvement corporation (CIC) that acquired property during certain periods may apply for a tax exemption for the property and abatement of any unpaid taxes, penalties, and interest attributable to the property from before the municipality or CIC acquired it. The act's temporary procedure also applies to property owned by a county regardless of when that property was acquired.

There are three types of properties covered by the act that must have been acquired within specific time periods to qualify for the abatement. First, an abatement applies to parcels that were acquired by a metropolitan park district from a charitable organization in 2023. The second abatement applies to parcels acquired by a municipality or CIC between certain dates in February 2000, January 2006, January 2008, and April 2013. The third category of covered parcels are those that were created by subdividing, between certain dates in August 2004 and January 2008, an existing parcel that was previously acquired by a municipality between certain dates in December 1999, March 2002, and January 2008.

In all cases, the application for exemption and abatement must be filed with the Tax Commissioner by October 24, 2025.

Continuing law generally only allows a tax exemption if the property in question is exempt from taxation on the tax lien date, which is January 1 each year, and all taxes, penalties, and interest have been paid in full before the property was acquired by the exempt user.¹⁷

¹⁵ R.C. 5709.121; Section 4.

¹⁶ R.C. 5709.084; Section 3.

¹⁷ Sections 5 (metropolitan park district property), 6 (municipal or CIC property), and 7 (county property); R.C. 5713.08, not in the act.

Fire investigator firearms training

The act requires the Ohio Peace Officer Training Academy (OPOTA) to recommend to the Attorney General (1) rules with respect to permitting fire investigators to attend approved peace officer training schools, including OPOTA, to receive training qualifying them to carry firearms while on duty, as well as (2) rules relating to the requirements for training programs that fire investigators must complete to qualify them to carry firearms while on duty.¹⁸

Rules

The Attorney General must adopt rules governing the training of fire investigators to qualify them to carry firearms while on duty. The rules must specify the amount of training necessary for the satisfactory completion of training programs at approved peace officer training schools other than OPOTA.¹⁹ The rules must include both of the following:

- That all fire investigators must receive firearms training through a program approved by the Ohio Peace Officer Training Commission as well as training in additional subjects that the Commission believes is necessary;²⁰
- If a fire investigator is seeking certification to carry a rifle or carbine while on duty, the investigator must receive proper training specific to the use of rifles and carbines approved by the Commission.²¹

The Attorney General also must adopt rules that authorize and govern the attendance of fire investigators at approved peace officer training schools, including OPOTA, where they receive training to qualify them to carry firearms on duty, as well as their certification upon satisfactory completion of the training programs.²² The act also gives the executive director of the Commission the power to certify fire investigators who satisfactorily complete approved training programs that qualify them to carry firearms while on duty and issue appropriate certificates to those investigators.²³

Fire investigators requirements for carrying firearms

Under the act, a fire investigator may only carry firearms while on duty if certain requirements are met. First, they must be authorized to do so by their superiors:

- If the fire investigator is employed by the state, the fire investigator must be authorized by the State Fire Marshal to carry firearms on duty.

¹⁸ R.C. 109.73(A)(18) and (19).

¹⁹ R.C. 109.7481(A).

²⁰ R.C. 109.7481(A)(1).

²¹ R.C. 109.7481(A)(2).

²² R.C. 109.7481(B).

²³ R.C. 109.75(O).

- If the investigator is employed by a municipal fire department, the investigator must be authorized by the legislative authority of the municipal corporation.
- If the investigator is employed by a township, the investigator must be authorized by the chief of the township's fire department or of the fire department of the joint fire district.
- If the investigator is employed by a township or village where no fire department is established, the fire prevention officer of that township or village where the investigator serves must specifically authorize the investigator to carry firearms on duty.²⁴

Second, a fire investigator must have a certificate awarded by the executive director of the Ohio Peace Officer Training Commission. The certificate represents satisfactory completion of an approved state, county, or municipal basic training program or an OPOTA program. The certificate must conform to the rules adopted by the Attorney General. A fire investigator who, before or during employment as a fire investigator and, before October 24, 2024 (the act's effective date), successfully completed a firearms training program approved by the Commission will be qualified to carry firearms while on duty.²⁵

The act also provides that a fire investigator who carries one or more firearms on duty after being authorized, has protection from civil or criminal liability. The protection applies to any conduct occurring while carrying firearms to the same extent as a law enforcement officer of a law enforcement agency has protection.²⁶

Fire investigators firearms training courses

The act requires OPOTA to permit fire investigators, along with tactical medical professionals under continuing law, to attend training courses at OPOTA that are designed to qualify them to carry firearms while on duty. The courses are comparable to training received from programs at approved peace officer training schools. After satisfactory completion of the courses, the executive director of the Commission may certify fire investigators to carry firearms while on duty. The political subdivision served by a fire investigator who attends OPOTA may pay the tuition costs.²⁷

Firearms requalification and license to carry firearms

The act adds fire investigators to the persons required to complete a firearms requalification program. A fire investigator who is authorized to carry firearms in the course of official duties must successfully complete a firearms requalification program approved by the executive director of the Commission. The act also provides that a fire investigator who is

²⁴ R.C. 109.774(A)(1).

²⁵ R.C. 109.774(A)(2)(b).

²⁶ R.C. 109.774(B).

²⁷ R.C. 109.79(A).

qualified to carry firearms while on duty has the same right to carry a concealed handgun in Ohio as person who was issued a concealed handgun license.²⁸

Definitions

The act defines the following terms:²⁹

“Fire investigator” means a fire department employee charged with investigating fires and explosions who has been authorized to perform the duties of investigating the origin and cause of fires and explosions using the scientific method to investigate elements of the event, including the circumstances, actions, persons, means, and motives that resulted in the fire or explosion or the report of a fire or explosion within Ohio.

“Fire investigator” does not include a person who is acting as a fire investigator on behalf of an insurance company or any other privately owned or operated enterprise.

“Fire department” means a fire department of the state or an instrumentality of the state or of a municipal corporation, township, joint fire district, or other political subdivision.

Reimbursement deadline

Continuing law requires a county to pay the compensation of an acting/assigned county or municipal court judge, then submit quarterly reimbursement requests to the Ohio Supreme Court. The act creates a one-year deadline for counties to submit the reimbursement requests to the state. The Ohio Supreme Court must refuse to reimburse requests sent more than one year after the county paid the judge’s per diem.³⁰

Motor vehicle inspections

The act adds a clerk of a court of common pleas to the entities that are authorized to conduct a physical inspection of the following:

1. A motor vehicle most recently registered in another state when the owner applies for an Ohio certificate of title;³¹
2. An off-highway motorcycle or all-purpose vehicle that contains a manufacturer’s permanent identification number (“VIN number”), but that does not have an Ohio certificate of title (unless the motorcycle or vehicle is new and sold by a licensed dealer accompanied by a manufacturer’s or importer’s certificate of origin);³² and

²⁸ R.C. 109.801(A)(1) and 2923.126(E)(4).

²⁹ R.C. 109.71(J) and (K).

³⁰ R.C. 1901.123 and 1907.143.

³¹ R.C. 4505.061(B).

³² R.C. 4519.56(B).

3. An off-highway motorcycle or all-purpose vehicle most recently registered in another state when the owner applies for an Ohio certificate of title.³³

The act permits the clerk to offer physical inspections. If the clerk offers the inspections, the inspections must take place at the office of the clerk. When conducting an inspection, the clerk must verify the make, body type, model, mileage, and VIN number of any motor vehicle and the make, year, series or model (if any), body type, and VIN number of any off-highway motorcycle or all-purpose vehicle.

Previously, only a deputy registrar's office or a licensed Ohio motor vehicle dealer could perform these physical inspections. The deputy registrar or dealer may charge a \$5 service fee for the inspection. Accordingly, the act extends the authority to charge the \$5 service fee to a clerk that conducts an inspection. The act retains law that requires the clerk to process a physical inspection certificate and issue the title, regardless of the entity that conducts the physical inspection.³⁴

Numbering of state ballot issues

Under the act, beginning with the 2024 general election, state issues appearing on the ballot must be designated beginning with Issue 1, and at future elections, state issues must be numbered beginning with the next available numeral, instead of starting over at Issue 1. For example, if only one state issue appears on the ballot in November 2024, it will be "Issue 1." The state issue that appears at the top of the ballot at the next election will be "Issue 2," and no state issue will ever have a repeating number from the previous election. Once state Issue 500 appears on the ballot, the next state issue must be designated as Issue 1.

The act permits the existing numbering process to continue for local questions and issues. It is not clear whether, under the act, the local issues in a county would be labeled for each election beginning with a local Issue 1, beginning with the next available number after the state issues that appear on the ballot, or using some other indicator, such as letters. The Secretary of State currently provides detailed instructions to the boards of elections regarding ballot issues and might institute a standardized method for labeling local issues under the act.³⁵

Issues that appear on a ballot are grouped together, with state issues appearing at the top of the ballot and local issues following in a rotating order prescribed by law.

Equestrian event facilities

The act exempts an equestrian event facility from recreational vehicle park and camp operation license requirements if the facility does both of the following:

³³ R.C. 4519.69.

³⁴ R.C. 4505.061(E), 4519.56(B), and 4519.69.

³⁵ R.C. 3505.06 and Ohio Secretary of State, [Ohio Ballot Questions and Issues Handbook \(PDF\)](#) (2023), available at ohiosos.gov under "Publications."

1. Holds at least one annual event sanctioned by the International Professional Rodeo Association or the American Professional Rodeo Association during an equestrian event; and
2. Provides parking for recreational vehicles, dependent recreational vehicles, and portable camping units that belong to participants in that event.

The exemption applies to participant-only areas during the time of preparing for and operating the event.³⁶

Continuing law requires every camp operator to obtain a license from a local board of health. If the camp is a temporary park-camp, the operator must obtain the license at any time before the operator begins operation of the camp. If the camp is a recreational vehicle park, recreation camp, or combined park-camp, the operator must apply for the license annually. Prior to issuing a license, a board of health must inspect a camp and the operator must pay a fee. Continuing law includes several exemptions from the licensure requirement, including motorsports parks.³⁷

HISTORY

Action	Date
Introduced	03-28-23
Reported, S. Judiciary	12-13-23
Passed Senate (32-0)	12-13-23
Reported, H. State and Local Government	06-25-24
Passed House (95-2)	06-26-24
Senate concurred in House amendments (31-0)	06-26-24

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³⁶ R.C. 3729.05(H).

³⁷ R.C. 3729.05.