



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Dan DeSantis

H.B. 238

132nd General Assembly
(As Introduced)

Reps. Retherford and Brenner, Lanese, Vitale, Goodman, Boccieri, Koehler

BILL SUMMARY

- Establishes the Veterans Fee Wavier Program under which veterans are exempt from paying certain fees.
- Requires the Department of Veterans Services to establish and maintain the program.
- Specifies eligibility criteria for an individual to receive a fee waiver under the program.
- Requires the Secretary of State to prescribe a form on which an individual may claim a fee waiver under the program.
- Requires a licensing agency to provide an opportunity for an individual, when applying for a license, to claim a fee waiver under the program.
- Requires the Secretary or licensing agency to request the Department to verify whether an individual is eligible to receive a fee waiver under the program.
- Requires the Department, within 30 days after receiving a request, to verify whether the individual is eligible to receive a fee waiver under the program.
- Requires the Secretary of State to waive certain filing fees, in an amount not to exceed \$125, for eligible veterans.
- Requires a licensing agency to waive the fee for an initial license when the individual is an eligible veteran who is the owner of a business and is applying for a license to operate that business.

- Requires the Department of Veterans Affairs to provide information on its website about the program.
- Requires the Secretary of State and each licensing agency to provide information on its website about the program, and to include a list of the licenses or documents for which a fee waiver may be used under the program.

CONTENT AND OPERATION

Veterans Fee Waiver Program

The bill requires the Department of Veterans Services to establish and maintain the Veterans Fee Waiver Program.¹ The program allows eligible veterans to receive a fee waiver when filing certain documents with the Secretary of State or when applying to a licensing agency for certain initial licenses. To be eligible to receive a fee waiver under the program, an individual must satisfy the following: (1) the individual is an Ohio resident, (2) the individual is a veteran and provides documents to the Secretary or licensing agency indicating the individual is a veteran, (3) the individual has not previously received a fee waiver under the program, (4) if applying for a license, the individual is applying for an initial license, and (5) if applying for a license, the individual is an owner of a business and is applying for a license to operate that business.²

The Secretary must prescribe a form on which an individual who is charged a fee for certain documents³ may claim a fee waiver under the program.⁴ The documents for which a fee may be waived are described in the bill's definition of "documents" (see "**Definitions**," below). Similarly, a licensing agency must provide, on its license application or applications, an opportunity for an individual to claim the individual is eligible to receive a fee waiver under the program.⁵ Under the program, a licensing agency must waive the fee for an initial license only when the individual is an eligible

¹ R.C. 5903.22.

² R.C. 111.17 and 5903.23.

³ The specific fees that may be waived are those prescribed under R.C. 111.16(A), (F), (G), or (S). See also R.C. 1703.31, 1729.12, 1746.06, and 1782.63.

⁴ R.C. 5903.24(A).

⁵ R.C. 5903.24(B) and 4743.04(E).



veteran who is the owner of a business and is applying for a license to operate that business.⁶

After receiving a form claiming eligibility for a fee waiver, the Secretary or a licensing agency must request the Department to verify whether the individual is eligible for a fee waiver under the program. The Secretary or licensing agency must provide to the Department the documentation that indicates the individual is a veteran.⁷ The Department must, within 30 days after receiving a request, verify for the Secretary or licensing agency whether an individual is eligible to receive the fee waiver.⁸ If the Department verifies the individual is eligible for a fee waiver, the Secretary or licensing agency must waive the fee for the document or license. The bill specifies that the amount the Secretary waives cannot exceed \$125.⁹ The bill does not specify a limit for the amount that a licensing agency may waive.

Online information

The bill requires the Department of Veterans Services to provide information on its website about the program. The website must include a list of the documents and licenses eligible for a fee waiver. The website must state which licensing agency to contact to receive a fee waiver for a license. For a document, the website must direct the user to the Secretary of State.

Additionally, the Secretary, and each licensing agency, must provide information on its website about the program, and must include a list of the documents or licenses that are eligible for a fee waiver.¹⁰

Technical correction

The bill amends R.C. 2305.10 to correct an obsolete cross reference. This existing section contains a cross reference to R.C. 5903.21 with respect to definitions for several terms including "agent orange," "causative agent," and "veteran." R.C. 5903.21 was repealed by previous legislation, and so does not exist in current law. But, since that

⁶ R.C. 5903.23.

⁷ R.C. 5903.24(A) and (B).

⁸ R.C. 5903.22.

⁹ R.C. 5903.24(A) and (B).

¹⁰ R.C. 5903.25.



section number is being reused (enacted) in this bill, the obsolete cross reference is being corrected.¹¹

Definitions

The following definitions apply to the bill:¹²

"Armed Forces" means the Armed Forces of the United States, including the Army, Navy, Air Force, Marine Corps, Coast Guard, or any reserve components of those forces; the national guard of any state; the Commissioned Corps of the United States Public Health Service; the merchant marine service during wartime; such other service as may be designated by Congress; or the Ohio organized militia when engaged in full-time national guard duty for a period of more than 30 days.

"Document" means articles of incorporation of a domestic corporation, including designation of agent; articles of organization of a limited liability company; a registration application to become a domestic limited liability partnership; a certificate of limited partnership; an application for the exclusive right to use a name; an application to reserve a name for future use; and a trade name or fictitious name registration report.

"License" means a license, certificate, permit, or other authorization issued or conferred by a licensing agency under which a recipient may operate a business within a profession or occupation.

"Licensing agency" means any state department, division, board, commission, agency, or other state governmental unit authorized by the Revised Code to issue a license.

"Merchant marine" includes the United States Army Transport Service and the United States Naval Transport Service.

"Veteran" means any person who has completed service in the Armed Forces, including the national guard of any state, or a reserve component of the Armed Forces, who has been discharged under honorable conditions from the Armed Forces or who has been transferred to the reserve with evidence of satisfactory service.

¹¹ R.C. 2305.10(F)(1).

¹² R.C. 5903.21.



HISTORY

ACTION

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Introduced

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