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Synopsis of Senate Committee Amendments

(This synopsis does not address amendments that may have been adopted on the Senate Floor.)

H.B. 263 of the 133rd General Assembly

Senate Transportation, Commerce and Workforce

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Consideration of disqualifying offenses

Allows a state licensing authority to consider a listed offense when deciding whether an individual is disqualified from receiving an initial license, provided the state licensing authority considers the offense in light of specific factors supported by a preponderance of the evidence, rather than by clear and convincing evidence as required under the House-passed version.

Allows a state licensing authority to consider a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense that involved a breach of fiduciary duty and that is not an offense of violence or a sexually oriented offense when deciding whether an individual is disqualified from receiving an initial license, ten years from the applicable event under the bill, rather than five years from the event under the House-passed version.

Adds community control sanction, parole, or post-release control sanction, to the bill's events that determine the period during which a licensing authority may consider a listed disqualifying offense that is not an offense of violence or a sexually oriented offense when deciding whether an individual is disqualified from receiving an initial occupational license.

Specifies, in addition to other time periods in the House-passed version, that a state licensing authority may consider a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense that is not an offense of violence or a sexually oriented offense during the following time periods:

- For an offense that does not involve a breach of fiduciary duty, the period of a community control sanction, parole, or post-release control sanction or that period plus the number of years necessary to make five years if the sanction or parole was for a period of less than five years.
- For an offense that involves a breach of fiduciary duty, the period of a community control sanction, parole, or post-release control sanction or that period plus the number of years necessary to make ten years if the sanction or parole was for a period of less than ten years.

Renewals

Prohibits a licensing authority from refusing to renew an individual's license based on a conviction of, judicial finding of guilt of, or plea of guilty to an offense if the licensing authority issued the individual the license after considering the conviction, judicial finding of guilt, or plea of guilty under the bill.

Annual report

Specifies that each licensing authority must submit the annual report required under the House-passed version to the Director of Administrative Services by June 30 of each year.

Requires that the first annual report under the bill include information from January 1, 2016, to December 31, 2020, if available.

Requires each licensing authority to submit in the required annual report the number of licenses issued and the number of licenses denied to individuals who were convicted of, found guilty pursuant to a judicial finding of, or pleaded guilty to a disqualifying offense for each disqualifying offense.

Exceptions

Exempts the following license types from the bill:

- Community-based long-term care services certificates or community-based long-term care services contracts or grants;
- Certifications of a provider to provide community-based long-term care services;
- Certificates of authority to a health insuring corporation;
- Licenses to operate a home or residential care facility;
- Certificates of authority to make contracts of indemnity.

Name of Act

Changes the proposed name of the act, from the "Fresh Start Act of 2019," to the "Fresh Start Act."