

#### **4101:6-1-03 License requirements. AMEND**

(A) Any person who engages in manufacturing or wholesaling bedding or upholstered furniture that is to be sold or offered for sale in this state; a person remaking, repairing, or renovating bedding or upholstered furniture for return to an owner in this state; a person delivering for sale any article of bedding, upholstered furniture, or stuffed toy; or any person holding for sale any article of secondhand bedding; or a person manufacturing, wholesaling, making or importing stuffed toys which are sold, consigned, delivered for sale or offered for sale, or leased in this state must register with the division of industrial compliance. All registrants shall make application to the superintendent for license which the superintendent shall issue.

(B) Each such license application shall be accompanied by an annual license privilege fee of fifty dollars, payable in one amount prior to the annual issuance. Except the following classes of licensees shall pay a licensure fee as delineated below and shall be excluded from the ~~semi-annual~~ annual report requirement and the charges related thereto: secondhand dealers at fifty dollars, renovators at thirty-five dollars, mobile home and recreational vehicle dealers at fifty dollars, and auction houses at fifty dollars. A license will not be issued for a period of less than one year, and no refunds will be made for unused portions thereof. Licenses are not transferable. Each license shall expire one year from the date of issuance and is renewable annually unless revoked.

(1) Each licensee, with the exception of wholesalers having a business establishment in the state of Ohio, shall make a report to the director every ~~six~~ twelve months. Such reports shall show the exact number of articles manufactured or wholesaled for sale, consigned or delivered for sale, or held for sale, in this state, or renovated for return to an owner in this state, by such licensee, which articles are included in Chapter 3713. of the Revised Code, known as "Inspection of Bedding Materials," and in this chapter.

(2) At the same time the report is submitted, each person required to submit a report shall also pay to the superintendent ~~one-four~~ four cents for each article of bedding or stuffed ~~stey~~ toy that was manufactured or wholesaled for sale, consigned or delivered for sale, or held for sale, in this state, or that was remade, repaired, or renovated for and returned to an owner in this state.

Reports shall be made under oath that they are true to the best of knowledge and belief of the person making affidavit. Whenever any licensee fails to make such report and payment, or whenever it is advisable at the discretion of the superintendent, the superintendent or the superintendent agents shall examine the books and records of the licensee for the purpose of determining the correct amount due from such licensee. In case of default in the payment of the amount so found to be due or in default of the payment of the reasonable expenses incurred in making such examination, the license shall be forfeited.

(C) No organization described in section 501(c)(3) of the Internal Revenue Code of 1954, and exempt from income tax under section 501(a) of the code and that is operated exclusively to provide recreation or social services for persons who are fifty-five years of age or over, shall be required to pay an annual license privilege fee in order to be registered with the division.

(1) The organization shall submit with its application for registration number, an affidavit signed by the executive officer or director of the organization to the effect that the organization qualifies for an

exemption from license privilege fee under this section and a copy of the "Internal Revenue Code form" 1023.

(2) Such organizations shall comply with all other requirements of Chapter 3713. of the Revised Code and the rules of the department adopted thereafter.

(D) Any person who is required to register with the division of industrial compliance under paragraph (A) of this rule may apply to the superintendent for an exemption from the annual license privilege fee and/or ~~semi-annual~~ annual report requirements of paragraph (B) of this rule and the charges related thereto upon the showing of good cause and that the filing of such would result in undue hardship. The superintendent shall rule on each application for exemption individually as the superintendent sees fit.

(1) If an exemption is granted, the superintendent shall at the same time determine a fixed annual license privilege fee to be applied in that specific case, not to exceed one hundred dollars.

(2) Such exemption shall not preclude compliance with all other requirements of Chapter 3713. of the Revised Code and the rules of the department adopted thereunder.

Eff 11-29-76; 7-15-77; 10-1-78; 12-28-79; 5-14-82; 9-7-98

Rule promulgated under: RC 119.03

Rule authorized by: RC 3713.04

Rule amplifies: RC Chapter 3713.

119.032 rule review date: 8/1/98, 9/7/03