

**As Introduced**

**126th General Assembly  
Regular Session  
2005-2006**

**S. B. No. 185**

**Senators Padgett, Schuring**

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**A BILL**

To amend section 1345.01 of the Revised Code to 1  
expand the Consumer Sales Practices Act to cover 2  
transactions between two businesses. 3

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 1345.01 of the Revised Code be 4  
amended to read as follows: 5

**Sec. 1345.01.** As used in sections 1345.01 to 1345.13 of the 6  
Revised Code: 7

(A) "Consumer transaction" means a sale, lease, assignment, 8  
award by chance, or other transfer of an item of goods, a service, 9  
a franchise, or an intangible, to an individual for purposes that 10  
are primarily personal, family, or household, or solicitation to 11  
supply any of these things. A consumer transaction also includes 12  
business transactions between persons for goods or services not 13  
for resale in the ordinary course of a person's trade or business 14  
but for the use or benefit of a person's business or in connection 15  
with the operation of a person's business. "Consumer transaction" 16  
does not include transactions between persons, defined in ~~sections~~ 17  
section 4905.03 and 5725.01 divisions (A), (C), (D), and (E) of 18  
section 5725.01 of the Revised Code, and their customers; 19  
transactions between certified public accountants or public 20

accountants and their clients; transactions between attorneys, 21  
physicians, or dentists and their clients or patients; and 22  
transactions between veterinarians and their patients that pertain 23  
to medical treatment but not ancillary services. 24

(B) "Person" includes an individual, corporation, government, 25  
governmental subdivision or agency, business trust, estate, trust, 26  
partnership, association, cooperative, or other legal entity. 27

(C) "Supplier" means a seller, lessor, assignor, franchisor, 28  
or other person engaged in the business of effecting or soliciting 29  
consumer transactions, whether or not the person deals directly 30  
with the consumer. 31

(D) "Consumer" means a person who engages in a consumer 32  
transaction with a supplier. 33

(E) "Knowledge" means actual awareness, but such actual 34  
awareness may be inferred where objective manifestations indicate 35  
that the individual involved acted with such awareness. 36

(F) "Natural gas service" means the sale of natural gas, 37  
exclusive of any distribution or ancillary service. 38

(G) "Public telecommunications service" means the 39  
transmission by electromagnetic or other means, other than by a 40  
telephone company as defined in section 4927.01 of the Revised 41  
Code, of signs, signals, writings, images, sounds, messages, or 42  
data originating in this state regardless of actual call routing. 43  
"Public telecommunications service" excludes a system, including 44  
its construction, maintenance, or operation, for the provision of 45  
telecommunications service, or any portion of such service, by any 46  
entity for the sole and exclusive use of that entity, its parent, 47  
a subsidiary, or an affiliated entity, and not for resale, 48  
directly or indirectly; the provision of terminal equipment used 49  
to originate telecommunications service; broadcast transmission by 50  
radio, television, or satellite broadcast stations regulated by 51

the federal government; or cable television service.

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**Section 2.** That existing section 1345.01 of the Revised Code  
is hereby repealed.

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