

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**H. B. No. 545**

**Representative Widener**

—

**A BILL**

To amend sections 109.572, 135.63, 1109.20, 1151.29, 1  
1181.05, 1181.21, 1181.25, 1315.99, 1321.02, 2  
1321.21, 1321.99, 1345.01, 1349.71, 1349.72, 3  
1733.25, and 2307.61, to enact sections 121.085, 4  
135.68, 135.69, 135.70, 1321.35, 1321.36, 1321.37, 5  
1321.38, 1321.39, 1321.40, 1321.41, 1321.42, 6  
1321.43, 1321.44, 1321.45, 1321.46, 1321.47, and 7  
1321.48, and to repeal sections 1315.35, 1315.36, 8  
1315.37, 1315.38, 1315.39, 1315.40, 1315.41, 9  
1315.42, 1315.43, and 1315.44 of the Revised Code 10  
to repeal the Check-Cashing Lender Law, to 11  
establish the short-term lender law, to authorize 12  
depository financial institutions to make 13  
short-term loans with special terms, to create a 14  
short-term installment loan linked deposit 15  
program, and to expand the responsibilities of the 16  
Consumer Finance Education Board. 17  
18

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

**Section 1.** That sections 109.572, 135.63, 1109.20, 1151.29, 19  
1181.05, 1181.21, 1181.25, 1315.99, 1321.02, 1321.21, 1321.99, 20  
1345.01, 1349.71, 1349.72, 1733.25, and 2307.61 be amended, and 21

sections 121.085, 135.68, 135.69, 135.70, 1321.35, 1321.36, 22  
1321.37, 1321.38, 1321.39, 1321.40, 1321.41, 1321.42, 1321.43, 23  
1321.44, 1321.45, 1321.46, 1321.47, and 1321.48 of the Revised 24  
Code be enacted to read as follows: 25

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 26  
section 121.08, 3301.32, 3301.541, 3319.39, 5104.012, or 5104.013 27  
of the Revised Code, a completed form prescribed pursuant to 28  
division (C)(1) of this section, and a set of fingerprint 29  
impressions obtained in the manner described in division (C)(2) of 30  
this section, the superintendent of the bureau of criminal 31  
identification and investigation shall conduct a criminal records 32  
check in the manner described in division (B) of this section to 33  
determine whether any information exists that indicates that the 34  
person who is the subject of the request previously has been 35  
convicted of or pleaded guilty to any of the following: 36

(a) A violation of section 2903.01, 2903.02, 2903.03, 37  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 38  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 39  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 40  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 41  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 42  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 43  
2925.06, or 3716.11 of the Revised Code, felonious sexual 44  
penetration in violation of former section 2907.12 of the Revised 45  
Code, a violation of section 2905.04 of the Revised Code as it 46  
existed prior to July 1, 1996, a violation of section 2919.23 of 47  
the Revised Code that would have been a violation of section 48  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 49  
had the violation been committed prior to that date, or a 50  
violation of section 2925.11 of the Revised Code that is not a 51  
minor drug possession offense; 52

(b) A violation of an existing or former law of this state, 53  
any other state, or the United States that is substantially 54  
equivalent to any of the offenses listed in division (A)(1)(a) of 55  
this section. 56

(2) On receipt of a request pursuant to section 5123.081 of 57  
the Revised Code with respect to an applicant for employment in 58  
any position with the department of mental retardation and 59  
developmental disabilities, pursuant to section 5126.28 of the 60  
Revised Code with respect to an applicant for employment in any 61  
position with a county board of mental retardation and 62  
developmental disabilities, or pursuant to section 5126.281 of the 63  
Revised Code with respect to an applicant for employment in a 64  
direct services position with an entity contracting with a county 65  
board for employment, a completed form prescribed pursuant to 66  
division (C)(1) of this section, and a set of fingerprint 67  
impressions obtained in the manner described in division (C)(2) of 68  
this section, the superintendent of the bureau of criminal 69  
identification and investigation shall conduct a criminal records 70  
check. The superintendent shall conduct the criminal records check 71  
in the manner described in division (B) of this section to 72  
determine whether any information exists that indicates that the 73  
person who is the subject of the request has been convicted of or 74  
pleaded guilty to any of the following: 75

(a) A violation of section 2903.01, 2903.02, 2903.03, 76  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 77  
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 78  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 79  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 80  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 81  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 82  
2925.03, or 3716.11 of the Revised Code; 83

(b) An existing or former municipal ordinance or law of this 84

state, any other state, or the United States that is substantially  
equivalent to any of the offenses listed in division (A)(2)(a) of  
this section.

(3) On receipt of a request pursuant to section 173.27,  
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a  
completed form prescribed pursuant to division (C)(1) of this  
section, and a set of fingerprint impressions obtained in the  
manner described in division (C)(2) of this section, the  
superintendent of the bureau of criminal identification and  
investigation shall conduct a criminal records check with respect  
to any person who has applied for employment in a position for  
which a criminal records check is required by those sections. The  
superintendent shall conduct the criminal records check in the  
manner described in division (B) of this section to determine  
whether any information exists that indicates that the person who  
is the subject of the request previously has been convicted of or  
pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03,  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05,  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31,  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11,  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21,  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36,  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13,  
2925.22, 2925.23, or 3716.11 of the Revised Code;

(b) An existing or former law of this state, any other state,  
or the United States that is substantially equivalent to any of  
the offenses listed in division (A)(3)(a) of this section.

(4) On receipt of a request pursuant to section 3701.881 of  
the Revised Code with respect to an applicant for employment with  
a home health agency as a person responsible for the care,

custody, or control of a child, a completed form prescribed 117  
pursuant to division (C)(1) of this section, and a set of 118  
fingerprint impressions obtained in the manner described in 119  
division (C)(2) of this section, the superintendent of the bureau 120  
of criminal identification and investigation shall conduct a 121  
criminal records check. The superintendent shall conduct the 122  
criminal records check in the manner described in division (B) of 123  
this section to determine whether any information exists that 124  
indicates that the person who is the subject of the request 125  
previously has been convicted of or pleaded guilty to any of the 126  
following: 127

(a) A violation of section 2903.01, 2903.02, 2903.03, 128  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 129  
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 130  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 131  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 132  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 133  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 134  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 135  
violation of section 2925.11 of the Revised Code that is not a 136  
minor drug possession offense; 137

(b) An existing or former law of this state, any other state, 138  
or the United States that is substantially equivalent to any of 139  
the offenses listed in division (A)(4)(a) of this section. 140

(5) On receipt of a request pursuant to section 5111.032, 141  
5111.033, or 5111.034 of the Revised Code, a completed form 142  
prescribed pursuant to division (C)(1) of this section, and a set 143  
of fingerprint impressions obtained in the manner described in 144  
division (C)(2) of this section, the superintendent of the bureau 145  
of criminal identification and investigation shall conduct a 146  
criminal records check. The superintendent shall conduct the 147  
criminal records check in the manner described in division (B) of 148

this section to determine whether any information exists that 149  
indicates that the person who is the subject of the request 150  
previously has been convicted of, has pleaded guilty to, or has 151  
been found eligible for intervention in lieu of conviction for any 152  
of the following: 153

(a) A violation of section 2903.01, 2903.02, 2903.03, 154  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 155  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 156  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 157  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 158  
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 159  
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 160  
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 161  
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 162  
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 163  
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 164  
3716.11 of the Revised Code, felonious sexual penetration in 165  
violation of former section 2907.12 of the Revised Code, a 166  
violation of section 2905.04 of the Revised Code as it existed 167  
prior to July 1, 1996, a violation of section 2919.23 of the 168  
Revised Code that would have been a violation of section 2905.04 169  
of the Revised Code as it existed prior to July 1, 1996, had the 170  
violation been committed prior to that date; 171

(b) An existing or former law of this state, any other state, 172  
or the United States that is substantially equivalent to any of 173  
the offenses listed in division (A)(5)(a) of this section. 174

(6) On receipt of a request pursuant to section 3701.881 of 175  
the Revised Code with respect to an applicant for employment with 176  
a home health agency in a position that involves providing direct 177  
care to an older adult, a completed form prescribed pursuant to 178  
division (C)(1) of this section, and a set of fingerprint 179  
impressions obtained in the manner described in division (C)(2) of 180

this section, the superintendent of the bureau of criminal 181  
identification and investigation shall conduct a criminal records 182  
check. The superintendent shall conduct the criminal records check 183  
in the manner described in division (B) of this section to 184  
determine whether any information exists that indicates that the 185  
person who is the subject of the request previously has been 186  
convicted of or pleaded guilty to any of the following: 187

(a) A violation of section 2903.01, 2903.02, 2903.03, 188  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 189  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 190  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 191  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 192  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 193  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 194  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 195  
2925.22, 2925.23, or 3716.11 of the Revised Code; 196

(b) An existing or former law of this state, any other state, 197  
or the United States that is substantially equivalent to any of 198  
the offenses listed in division (A)(6)(a) of this section. 199

(7) When conducting a criminal records check upon a request 200  
pursuant to section 3319.39 of the Revised Code for an applicant 201  
who is a teacher, in addition to the determination made under 202  
division (A)(1) of this section, the superintendent shall 203  
determine whether any information exists that indicates that the 204  
person who is the subject of the request previously has been 205  
convicted of or pleaded guilty to any offense specified in section 206  
3319.31 of the Revised Code. 207

(8) On receipt of a request pursuant to section 2151.86 of 208  
the Revised Code, a completed form prescribed pursuant to division 209  
(C)(1) of this section, and a set of fingerprint impressions 210  
obtained in the manner described in division (C)(2) of this 211  
section, the superintendent of the bureau of criminal 212

identification and investigation shall conduct a criminal records 213  
check in the manner described in division (B) of this section to 214  
determine whether any information exists that indicates that the 215  
person who is the subject of the request previously has been 216  
convicted of or pleaded guilty to any of the following: 217

(a) A violation of section 2903.01, 2903.02, 2903.03, 218  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 219  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 220  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 221  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 222  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 223  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 224  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 225  
violation of section 2905.04 of the Revised Code as it existed 226  
prior to July 1, 1996, a violation of section 2919.23 of the 227  
Revised Code that would have been a violation of section 2905.04 228  
of the Revised Code as it existed prior to July 1, 1996, had the 229  
violation been committed prior to that date, a violation of 230  
section 2925.11 of the Revised Code that is not a minor drug 231  
possession offense, or felonious sexual penetration in violation 232  
of former section 2907.12 of the Revised Code; 233

(b) A violation of an existing or former law of this state, 234  
any other state, or the United States that is substantially 235  
equivalent to any of the offenses listed in division (A)(8)(a) of 236  
this section. 237

(9) When conducting a criminal records check on a request 238  
pursuant to section 5104.013 of the Revised Code for a person who 239  
is an owner, licensee, or administrator of a child day-care center 240  
or type A family day-care home, an authorized provider of a 241  
certified type B family day-care home, or an adult residing in a 242  
type A or certified type B home, or when conducting a criminal 243  
records check or a request pursuant to section 5104.012 of the 244



Revised Code for a person who is an applicant for employment in a center, type A home, or certified type B home, the superintendent, in addition to the determination made under division (A)(1) of this section, shall determine whether any information exists that indicates that the person has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 2921.13, or 2923.01 of the Revised Code, a violation of section 2923.02 or 2923.03 of the Revised Code that relates to a crime specified in this division or division (A)(1)(a) of this section, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in division (A)(9)(a) of this section.

(10) Upon receipt of a request pursuant to section 5153.111 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,

2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 277  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 278  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 279  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 280  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 281  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 282  
felonious sexual penetration in violation of former section 283  
2907.12 of the Revised Code, a violation of section 2905.04 of the 284  
Revised Code as it existed prior to July 1, 1996, a violation of 285  
section 2919.23 of the Revised Code that would have been a 286  
violation of section 2905.04 of the Revised Code as it existed 287  
prior to July 1, 1996, had the violation been committed prior to 288  
that date, or a violation of section 2925.11 of the Revised Code 289  
that is not a minor drug possession offense; 290

(b) A violation of an existing or former law of this state, 291  
any other state, or the United States that is substantially 292  
equivalent to any of the offenses listed in division (A)(10)(a) of 293  
this section. 294

(11) On receipt of a request for a criminal records check 295  
from an individual pursuant to section 4749.03 or 4749.06 of the 296  
Revised Code, accompanied by a completed copy of the form 297  
prescribed in division (C)(1) of this section and a set of 298  
fingerprint impressions obtained in a manner described in division 299  
(C)(2) of this section, the superintendent of the bureau of 300  
criminal identification and investigation shall conduct a criminal 301  
records check in the manner described in division (B) of this 302  
section to determine whether any information exists indicating 303  
that the person who is the subject of the request has been 304  
convicted of or pleaded guilty to a felony in this state or in any 305  
other state. If the individual indicates that a firearm will be 306  
carried in the course of business, the superintendent shall 307  
require information from the federal bureau of investigation as 308

described in division (B)(2) of this section. The superintendent 309  
shall report the findings of the criminal records check and any 310  
information the federal bureau of investigation provides to the 311  
director of public safety. 312

(12) On receipt of a request pursuant to section 1321.37, 313  
1322.03, 1322.031, or 4763.05 of the Revised Code, a completed 314  
form prescribed pursuant to division (C)(1) of this section, and a 315  
set of fingerprint impressions obtained in the manner described in 316  
division (C)(2) of this section, the superintendent of the bureau 317  
of criminal identification and investigation shall conduct a 318  
criminal records check with respect to any person who has applied 319  
for a license, permit, or certification from the department of 320  
commerce or a division in the department. The superintendent shall 321  
conduct the criminal records check in the manner described in 322  
division (B) of this section to determine whether any information 323  
exists that indicates that the person who is the subject of the 324  
request previously has been convicted of or pleaded guilty to any 325  
of the following: a violation of section 2913.02, 2913.11, 326  
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 327  
criminal offense involving theft, receiving stolen property, 328  
embezzlement, forgery, fraud, passing bad checks, money 329  
laundering, or drug trafficking, or any criminal offense involving 330  
money or securities, as set forth in Chapters 2909., 2911., 2913., 331  
2915., 2921., 2923., and 2925. of the Revised Code; or any 332  
existing or former law of this state, any other state, or the 333  
United States that is substantially equivalent to those offenses. 334

(13) On receipt of a request for a criminal records check 336  
from the treasurer of state under section 113.041 of the Revised 337  
Code or from an individual under section 4701.08, 4715.101, 338  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 339  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 340

4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 341  
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 342  
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 343  
a completed form prescribed under division (C)(1) of this section 344  
and a set of fingerprint impressions obtained in the manner 345  
described in division (C)(2) of this section, the superintendent 346  
of the bureau of criminal identification and investigation shall 347  
conduct a criminal records check in the manner described in 348  
division (B) of this section to determine whether any information 349  
exists that indicates that the person who is the subject of the 350  
request has been convicted of or pleaded guilty to any criminal 351  
offense in this state or any other state. The superintendent shall 352  
send the results of a check requested under section 113.041 of the 353  
Revised Code to the treasurer of state and shall send the results 354  
of a check requested under any of the other listed sections to the 355  
licensing board specified by the individual in the request. 356

357  
(14) Not later than thirty days after the date the 358  
superintendent receives a request of a type described in division 359  
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or 360  
(12) of this section, the completed form, and the fingerprint 361  
impressions, the superintendent shall send the person, board, or 362  
entity that made the request any information, other than 363  
information the dissemination of which is prohibited by federal 364  
law, the superintendent determines exists with respect to the 365  
person who is the subject of the request that indicates that the 366  
person previously has been convicted of or pleaded guilty to any 367  
offense listed or described in division (A)(1), (2), (3), (4), 368  
(5), (6), (7), (8), (9), (10), (11), or (12) of this section, as 369  
appropriate. The superintendent shall send the person, board, or 370  
entity that made the request a copy of the list of offenses 371  
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 372  
(9), (10), (11), or (12) of this section, as appropriate. If the 373

request was made under section 3701.881 of the Revised Code with 374  
regard to an applicant who may be both responsible for the care, 375  
custody, or control of a child and involved in providing direct 376  
care to an older adult, the superintendent shall provide a list of 377  
the offenses specified in divisions (A)(4) and (6) of this 378  
section. 379

Not later than thirty days after the superintendent receives 380  
a request for a criminal records check pursuant to section 113.041 381  
of the Revised Code, the completed form, and the fingerprint 382  
impressions, the superintendent shall send the treasurer of state 383  
any information, other than information the dissemination of which 384  
is prohibited by federal law, the superintendent determines exist 385  
with respect to the person who is the subject of the request that 386  
indicates that the person previously has been convicted of or 387  
pleaded guilty to any criminal offense in this state or any other 388  
state. 389

(B) The superintendent shall conduct any criminal records 390  
check requested under section 113.041, 121.08, 173.27, 173.394, 391  
1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 392  
3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 393  
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 394  
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 395  
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 396  
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 397  
4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 398  
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 399  
5153.111 of the Revised Code as follows: 400

(1) The superintendent shall review or cause to be reviewed 401  
any relevant information gathered and compiled by the bureau under 402  
division (A) of section 109.57 of the Revised Code that relates to 403  
the person who is the subject of the request, including any 404  
relevant information contained in records that have been sealed 405

under section 2953.32 of the Revised Code; 406

(2) If the request received by the superintendent asks for 407  
information from the federal bureau of investigation, the 408  
superintendent shall request from the federal bureau of 409  
investigation any information it has with respect to the person 410  
who is the subject of the request and shall review or cause to be 411  
reviewed any information the superintendent receives from that 412  
bureau. 413

(3) The superintendent or the superintendent's designee may 414  
request criminal history records from other states or the federal 415  
government pursuant to the national crime prevention and privacy 416  
compact set forth in section 109.571 of the Revised Code. 417

(C)(1) The superintendent shall prescribe a form to obtain 418  
the information necessary to conduct a criminal records check from 419  
any person for whom a criminal records check is requested under 420  
section 113.041 of the Revised Code or required by section 121.08, 421  
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 422  
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 423  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 424  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 425  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 426  
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 427  
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 428  
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 429  
5126.281, or 5153.111 of the Revised Code. The form that the 430  
superintendent prescribes pursuant to this division may be in a 431  
tangible format, in an electronic format, or in both tangible and 432  
electronic formats. 433

(2) The superintendent shall prescribe standard impression 434  
sheets to obtain the fingerprint impressions of any person for 435  
whom a criminal records check is requested under section 113.041 436  
of the Revised Code or required by section 121.08, 173.27, 437

173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 438  
3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 439  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 440  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 441  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 442  
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 443  
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 444  
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 445  
5126.281, or 5153.111 of the Revised Code. Any person for whom a 446  
records check is requested under or required by any of those 447  
sections shall obtain the fingerprint impressions at a county 448  
sheriff's office, municipal police department, or any other entity 449  
with the ability to make fingerprint impressions on the standard 450  
impression sheets prescribed by the superintendent. The office, 451  
department, or entity may charge the person a reasonable fee for 452  
making the impressions. The standard impression sheets the 453  
superintendent prescribes pursuant to this division may be in a 454  
tangible format, in an electronic format, or in both tangible and 455  
electronic formats. 456

(3) Subject to division (D) of this section, the 457  
superintendent shall prescribe and charge a reasonable fee for 458  
providing a criminal records check requested under section 459  
113.041, 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 460  
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 461  
4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 462  
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 463  
4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 464  
4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 465  
4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 466  
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 467  
5126.281, or 5153.111 of the Revised Code. The person making a 468  
criminal records request under section 113.041, 121.08, 173.27, 469  
173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 470

3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 471  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 472  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 473  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 474  
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 475  
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 476  
5104.013, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 477  
5153.111 of the Revised Code shall pay the fee prescribed pursuant 478  
to this division. A person making a request under section 3701.881 479  
of the Revised Code for a criminal records check for an applicant 480  
who may be both responsible for the care, custody, or control of a 481  
child and involved in providing direct care to an older adult 482  
shall pay one fee for the request. In the case of a request under 483  
section 5111.032 of the Revised Code, the fee shall be paid in the 484  
manner specified in that section. 485

(4) The superintendent of the bureau of criminal 486  
identification and investigation may prescribe methods of 487  
forwarding fingerprint impressions and information necessary to 488  
conduct a criminal records check, which methods shall include, but 489  
not be limited to, an electronic method. 490  
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(D) A determination whether any information exists that 492  
indicates that a person previously has been convicted of or 493  
pleaded guilty to any offense listed or described in division 494  
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 495  
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 496  
(A)(9)(a) or (b), (A)(10)(a) or (b), or (A)(12) of this section, 497  
or that indicates that a person previously has been convicted of 498  
or pleaded guilty to any criminal offense in this state or any 499  
other state regarding a criminal records check of a type described 500  
in division (A)(13) of this section, and that is made by the 501  
superintendent with respect to information considered in a 502



criminal records check in accordance with this section is valid 503  
for the person who is the subject of the criminal records check 504  
for a period of one year from the date upon which the 505  
superintendent makes the determination. During the period in which 506  
the determination in regard to a person is valid, if another 507  
request under this section is made for a criminal records check 508  
for that person, the superintendent shall provide the information 509  
that is the basis for the superintendent's initial determination 510  
at a lower fee than the fee prescribed for the initial criminal 511  
records check. 512

(E) As used in this section: 513

(1) "Criminal records check" means any criminal records check 514  
conducted by the superintendent of the bureau of criminal 515  
identification and investigation in accordance with division (B) 516  
of this section. 517

(2) "Minor drug possession offense" has the same meaning as 518  
in section 2925.01 of the Revised Code. 519

(3) "Older adult" means a person age sixty or older. 520

**Sec. 121.085.** The financial literacy education fund is hereby 521  
created in the state treasury. The fund shall consist of funds 522  
transferred to it from the consumer finance fund pursuant to 523  
section 1321.21 of the Revised Code. The fund shall be used to 524  
support various adult financial literacy education programs 525  
developed or implemented by the director of commerce. The fund 526  
shall be administered by the director of commerce who shall adopt 527  
rules for the distribution of fund moneys. The director of 528  
commerce shall adopt a rule to require that at least one-half of 529  
the financial literacy education programs developed or implemented 530  
pursuant to this section, and offered to the public, be presented 531  
by or available at public community colleges or state institutions 532  
throughout the state. The director of commerce shall deliver to 533

the president of the senate, the speaker of the house of 534  
representatives, the minority leader of the senate, the minority 535  
leader of the house of representatives, and the governor an annual 536  
report that includes an outline of each adult financial literacy 537  
education program developed or implemented, the number of 538  
individuals who were educated by each program, and an accounting 539  
for all funds distributed. 540

541

**Sec. 135.63.** The treasurer of state may invest in linked 542  
deposits under sections 135.61 to 135.67, short-term installment 543  
loan linked deposits under sections 135.68 to 135.70, agricultural 544  
linked deposits under sections 135.71 to 135.76, housing linked 545  
deposits under sections 135.81 to 135.87, and assistive technology 546  
device linked deposits under sections 135.91 to 135.97 of the 547  
Revised Code, provided that at the time of placement of any linked 548  
deposit under sections 135.61 to 135.67 of the Revised Code, 549  
short-term installment loan linked deposit, agricultural linked 550  
deposit, housing linked deposit, or assistive technology device 551  
linked deposit, the combined amount of investments in the linked 552  
deposits, short-term installment loan linked deposits, 553  
agricultural linked deposits, housing linked deposits, and 554  
assistive technology device linked deposits is not more than 555  
twelve per cent of the state's total average investment portfolio 556  
as determined by the treasurer of state. When deciding whether to 557  
invest in the linked deposits, short-term installment loan linked 558  
deposits, agricultural linked deposits, housing linked deposits, 559  
or assistive technology device linked deposits, the treasurer of 560  
state shall give priority to the investment, liquidity, and cash 561  
flow needs of the state. 562

**Sec. 135.68.** As used in sections 135.68 to 135.70 of the 563  
Revised Code: 564

(A) "Eligible individual" means a person in this state. 565

(B) "Eligible lending institution" means a financial institution that is eligible to make loans, is a public depository of state funds under section 135.03 of the Revised Code, and agrees to participate in the short-term installment loan linked deposit program. 566  
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(C) "Short-term installment loan" means an extension of credit that does not exceed eight hundred dollars, the duration of which is not less than ninety days and six installments, and the interest on the loan is calculated in compliance with 15 U.S.C. 1606 and does not exceed an annual percentage rate of twenty-eight per cent. For the purpose of this section, interest and annual percentage rate have the same meaning as in section 1321.35 of the Revised Code. 571  
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(D) "Short-term installment loan linked deposit" means a certificate of deposit placed by the treasurer of state with an eligible lending institution at up to three per cent below current market rates, as determined and calculated by the treasurer of state, provided the institution agrees to lend the value of such deposit, according to the deposit agreement provided for section 135.69 of the Revised Code, to eligible individuals in the form of short-term installment loans. 579  
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**Sec. 135.69.** (A) An eligible lending institution shall enter into a deposit agreement with the treasurer of state, which agreement shall include requirements necessary to carry out the purposes of sections 135.68 to 135.70 of the Revised Code. These requirements shall reflect the market conditions prevailing in the eligible lending institution's lending area. 587  
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(B)(1) The deposit agreement required by division (A) of this section shall include provisions for certificates of deposit to be placed for any maturity considered appropriate by the treasurer of 593  
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595

state not to exceed two years, but may be renewed for up to an 596  
additional two years at the option of the treasurer of state. 597  
Interest shall be paid at the times determined by the treasurer of 598  
state. 599

(2) The deposit agreement required by division (A) of this 600  
section may include a specification of the period of time in which 601  
the lending institution is to lend funds upon the placement of a 602  
short-term installment loan linked deposit. 603

(C) Eligible lending institutions shall comply fully with 604  
this chapter. 605

(D) An eligible lending institution that desires to receive a 606  
short-term installment loan linked deposit shall forward to the 607  
treasurer of state a short-term installment loan linked deposit 608  
loan package, in the form and manner as prescribed by the 609  
treasurer of state. The package required by this section shall 610  
include such information as required by the treasurer of state, 611  
including the amount of the loan requested. 612

(E) Upon the placement of a short-term installment loan 613  
linked deposit with an eligible lending institution, the 614  
institution shall make short-term installment loans, as defined in 615  
section 135.68 of the Revised Code, to eligible individuals in 616  
accordance with the deposit agreement required by section 135.69 617  
of the Revised Code. 618

(F) An eligible lending institution shall certify compliance 619  
with this section in the form and manner prescribed by the 620  
treasurer of state. 621

**Sec. 135.70.** (A) The treasurer of state may accept or reject 622  
a short-term installment loan linked deposit loan package or any 623  
portion of the package required by section 135.69 of the Revised 624  
Code, based on the treasurer's evaluation of the package and the 625

amount of state funds to be deposited. 626

(B) Upon acceptance of the short-term installment loan linked 627  
deposit loan package or any portion of the package, the treasurer 628  
of state may place certificates of deposit with the eligible 629  
lending institution at three per cent below current market rates, 630  
as determined and calculated by the treasurer of state. However, 631  
when necessary, the treasurer of state may place certificates of 632  
deposit prior to acceptance of a short-term installment loan 633  
linked deposit loan package. 634

(C) The treasurer of state shall take all steps, including 635  
the development of guidelines, necessary to implement the 636  
short-term installment loan linked deposit program established 637  
under sections 135.68 to 135.70 of the Revised Code and monitor 638  
compliance of eligible lending institutions. 639

(D)(1) Annually, by the first day of February, the treasurer 640  
of state shall report on the short-term installment loan linked 641  
deposit program established under sections 135.68 to 135.70 of the 642  
Revised Code for the preceding calendar year to the governor, the 643  
speaker of the house of representatives, and the president of the 644  
senate. 645

(2) The report required by division (D)(1) of this section 646  
shall set forth the short-term installment loan linked deposits 647  
made by the treasurer of state under the program during the year 648  
and shall include the following information: 649

(a) The number of short-term installment loans made by each 650  
eligible lending institution pursuant to a short-term installment 651  
loan linked deposit, categorized by United States postal zip code; 652  
653

(b) A representation of the number or percentage of loans, 654  
pursuant to each short-term installment loan linked deposit, that 655  
were paid late or in default. 656

(3) The speaker of the house of representatives shall 657  
transmit copies of the report required by division (D)(1) of this 658  
section to the chairperson of the standing house of 659  
representatives committee that customarily considers legislation 660  
regarding financial institutions, and the president of the senate 661  
shall transmit copies of the report to the chairperson of the 662  
standing senate committee that customarily considers legislation 663  
regarding financial institutions. 664

(E) The state and the treasurer of state are not liable to 665  
any eligible lending institution in any manner for payment of the 666  
principal or interest on a loan made under sections 135.68 to 667  
135.70 of the Revised Code to an eligible individual. 668

(F) Any delay in payments or default on the part of an 669  
eligible individual with respect to a loan made under sections 670  
135.68 to 135.70 of the Revised Code does not in any manner affect 671  
the deposit agreement between the eligible lending institution and 672  
the treasurer of state. 673

**Sec. 1109.20.** (A) A (1) Except as authorized under divisions 674  
(A)(2) and (3) of this section, a bank may contract for and 675  
receive interest or finance charges at any rate or rates agreed 676  
upon or consented to by the parties to the loan contract, 677  
extension of credit, or revolving credit agreement, but not 678  
exceeding an annual percentage rate of twenty-five per cent. In 679  
addition, a bank may charge, collect, and receive, as interest, 680  
other fees and charges that are agreed upon by the bank and the 681  
borrower, including, but not limited to, periodic membership fees, 682  
cash advance fees, charges for exceeding a designated credit 683  
limit, charges for late payments, charges for the return of a 684  
dishonored check or other payment instrument, guarantee fees, 685  
origination fees, processing fees, application fees, and 686  
prepayment fees. Any fees and charges charged, collected, or 687

received by a bank in accordance with this division shall not be 688  
included in the computation of the annual percentage rate or the 689  
rates of interest or finance charges for purposes of applying the 690  
twenty-five per cent limitation. 691

The computation of the loan balance on which interest and 692  
finance charges are assessed and the method of compounding 693  
interest on the balance shall be as agreed upon by the bank and 694  
the borrower. 695

(2) A bank may make unsecured loans that meet the conditions 696  
set forth in sections 1321.39, 1321.40, and 1321.41 of the Revised 697  
Code. 698

(3) A bank may make loans pursuant to sections 135.68, 699  
135.69, and 135.70 of the Revised Code according to the terms 700  
specified in those sections. 701

(B) For the purposes of section 85 of the "National Bank 702  
Act," 48 Stat. 191 (1933), 12 U.S.C.A. 85, and section 521 of the 703  
"Depository Institutions Deregulation and Monetary Control Act of 704  
1980," 94 Stat. 132, 12 U.S.C.A. 1831d, both of the following 705  
apply: 706

(1) All the interest and finance charges and other fees and 707  
charges authorized under division (A) of this section are deemed 708  
to be interest and may be charged, collected, and received as 709  
interest by a bank. 710

(2) All terms, conditions, and other provisions authorized by 711  
this section and other provisions contained in any agreement with 712  
the borrower, including, but not limited to, terms, conditions, 713  
and other provisions relating to the method of determining the 714  
balance upon which interest or finance charges are applied, time 715  
periods within which fees and charges may be avoided, reasons for 716  
default and rights to cure any default, rights to accelerate 717  
payments, account cancellation, choice of law, and change-in-terms 718

requirements, are deemed to be material to the determination of 719  
the interest rate. 720

(C) Any agreement between a bank and a borrower, wherever the 721  
borrower's place of residence, shall be governed solely by the 722  
laws of this state and federal law, unless otherwise provided for 723  
in the agreement. 724

(D) Subject to any requirements under applicable federal law, 725  
a bank and a borrower may specify in their agreement any terms and 726  
conditions for modifying or amending the agreement. 727

(E) Except as provided in section 1343.011 of the Revised 728  
Code, the charging, collection, or receipt of the interest and 729  
finance charges, and other fees and charges authorized under this 730  
section are deemed not to violate any provision of the Revised 731  
Code that prescribes, regulates, or limits any fee, charge, rate 732  
of interest, or finance charges. 733

**Sec. 1151.29.** A savings and loan association may make, invest 734  
in, sell, purchase, participate, or otherwise deal in loans to 735  
members and others on such terms as are provided by the 736  
association, subject to the provisions of this section and section 737  
1151.292 of the Revised Code. 738

(A) Loans may be made upon the security of real estate which 739  
is improved residential property, a combination of residential and 740  
business property, or a farm under cultivation, as follows: 741

(1) The amount loaned upon any one such property shall not 742  
exceed ninety per cent of the appraised value, except as otherwise 743  
provided in divisions (A)(2) and (3) of this section. 744

(2) The maximum amount loaned upon any one such property 745  
shall be ninety-five per cent of the appraised value of the 746  
security property if all of the following criteria are met: 747

(a) The loan contract requires that, in addition to principal 748



and interest payments on the loan, one-twelfth of the estimated 749  
annual taxes and assessments on the security property be paid 750  
monthly in advance; 751

(b) The borrower shall have executed a certificate stating 752  
that the borrower occupies or in good faith intends to occupy the 753  
property or one dwelling on the property as ~~his~~ the borrower's 754  
principal residence. 755

(3) The maximum loan to value ratios under divisions (A)(1) 756  
and (2) of this section shall not be applicable if one or more of 757  
the following criteria apply: 758

(a) That portion of the loan in excess of ninety-five per 759  
cent is insured or guaranteed by a mortgage insurance company 760  
acceptable to the superintendent of savings and loan associations, 761  
or the association establishes and maintains a specific reserve of 762  
one per cent of the original principal balance until reduced to 763  
ninety per cent of the value of the security property; 764

(b) The loan is secured by a single-family dwelling or a 765  
one-family condominium unit and it is: 766

(i) Made under regulations for the housing opportunity 767  
allowance program authorized by the "Emergency Home Finance Act of 768  
1970," 47 Stat. 736, 12 U.S.C. 1437, and amendments thereto; 769

(ii) Insured or guaranteed by an agency or instrumentality of 770  
this state. 771

(4) For purposes of this section, "value" means market value. 772  
Loans made pursuant to divisions (A)(1), (2), and (3) of this 773  
section shall be payable in weekly, monthly, quarterly, 774  
semiannual, or annual installments sufficient to retire the loan 775  
within forty years or less. For purposes of this section, 776  
"installments" means regular periodic payments, equal or unequal, 777  
sufficient to retire the debt, interest and principal, within the 778  
contract period. Such contracts may be granted without provision 779

for amortization or may provide for periods of negative 780  
amortization. Payments on all installment loans, except 781  
construction loans, shall begin not later than ninety days after 782  
the advance of the loan; on installment construction loans, such 783  
payments shall begin not later than thirty-six months after the 784  
date of the first advance for construction. 785

(B) Loans may be made on the security of building lots and 786  
sites which, by reason of off-site or other improvements as are 787  
available and common to the area, are ready for the construction 788  
on each such building lot or site of a structure designed 789  
primarily for residential use. Such loans shall comply with the 790  
following requirements: 791

(1) Single-family-dwelling loans for a borrower's principal 792  
residence, as evidenced by a borrower's certification of intention 793  
executed at the time the loan is made, shall not exceed 794  
seventy-five per cent of the value of the security property and 795  
shall be repayable within fifteen years, with interest payable at 796  
least semiannually. The loan contract shall provide for monthly 797  
payments sufficient to amortize at least thirty per cent of the 798  
original principal amount before the end of the loan term. 799

(2) Loans other than for a borrower's principal residence 800  
shall not exceed seventy-five per cent of the value of the 801  
security property and shall be repayable within five years, with 802  
interest payable at least semiannually beginning not more than one 803  
year after the initial disbursement. 804

(C) Loans may be made on the security of unimproved real 805  
estate but such loans shall not exceed sixty-six and two-thirds 806  
per cent of the value of the security property, and shall be 807  
repayable within three years with interest payable at least 808  
semiannually. 809

(D) An association may make a collateral loan to the extent 810

that it could, under applicable law and regulations, make or 811  
purchase the underlying assigned loans. For purposes of this 812  
division, a "collateral loan" means a loan which is secured by an 813  
assignment of loans. 814

(E) Notwithstanding the limitations set forth in any other 815  
section of the Revised Code, an association may impose a 816  
prepayment penalty. On a loan secured by a lien upon a home 817  
occupied or to be occupied by the borrower, the prepayment penalty 818  
shall comply with the following: 819

(1) The loan contract shall expressly provide for a 820  
prepayment penalty. 821

(2) If the loan contract provides that the interest rate may 822  
be adjusted periodically, no prepayment penalty may be imposed 823  
within ninety days following notice of an adjustment to the 824  
borrower. 825

(3) If the association gives written notice to the borrower 826  
that the loan is due pursuant to a due-on-sale clause, or 827  
commences a foreclosure proceeding to enforce a due-on-sale clause 828  
or to seek payment in full as a result of invoking such clause, no 829  
prepayment penalty may be imposed. 830

(F) A savings and loan association may make unsecured loans 831  
that meet the conditions set forth in sections 1321.39, 1321.40,  
and 1321.41 of the Revised Code. 832  
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**Sec. 1181.05.** (A) As used in this section, "consumer finance 834  
company" means any person required to be licensed or registered 835  
under Chapter 1321., 1322., 4712., 4727., or 4728.7 or sections 836  
1315.21 to 1315.30, ~~or sections 1315.35 to 1315.44~~ of the Revised 837  
Code. 838

(B) Neither the superintendent of financial institutions nor 839  
any other employee of the division of financial institutions shall 840

do any of the following: be interested, directly or indirectly, in 841  
any bank, savings and loan association, savings bank, credit 842  
union, or consumer finance company, that is under the supervision 843  
of the superintendent of financial institutions; directly or 844  
indirectly borrow money from any such financial institution or 845  
company; serve as a director or officer of or be employed by any 846  
such financial institution or company; or own an equity interest 847  
in any such financial institution or company. For purposes of this 848  
section, an equity interest does not include the ownership of an 849  
account in a mutual savings and loan association or in a savings 850  
bank that does not have permanent stock or the ownership of a 851  
share account in a credit union. 852

(C) Subject to division (G) of this section, an employee of 853  
the division of financial institutions may retain any extension of 854  
credit that otherwise would be prohibited by division (B) of this 855  
section if both of the following apply: 856

(1) The employee obtained the extension of credit prior to 857  
October 29, 1995, or the commencement of the employee's employment 858  
with the division, or as a result of a change in the employee's 859  
marital status, the consummation of a merger, acquisition, 860  
transfer of assets, or other change in corporate ownership beyond 861  
the employee's control, or the sale of the extension of credit in 862  
the secondary market or other business transaction beyond the 863  
employee's control. 864

(2) The employee liquidates the extension of credit under its 865  
original terms and without renegotiation. 866

If the employee chooses to retain the extension of credit, 867  
the employee shall immediately provide written notice of the 868  
retention to the employee's supervisor. Thereafter, the employee 869  
shall be disqualified from participating in any decision, 870  
examination, audit, or other action that may affect that 871  
particular creditor. 872

(D) Subject to division (G) of this section, an employee of 873  
the division of financial institutions may retain any ownership of 874  
or beneficial interest in the securities of a financial 875  
institution or consumer finance company that is under the 876  
supervision of the division of financial institutions, or of a 877  
holding company or subsidiary of such a financial institution or 878  
company, which ownership or beneficial interest otherwise would be 879  
prohibited by division (B) of this section, if the ownership or 880  
beneficial interest is acquired by the employee through 881  
inheritance or gift, prior to October 29, 1995, or the 882  
commencement of the employee's employment with the division, or as 883  
a result of a change in the employee's marital status or the 884  
consummation of a merger, acquisition, transfer of assets, or 885  
other change in corporate ownership beyond the employee's control. 886

If the employee chooses to retain the ownership or beneficial 887  
interest, the employee shall immediately provide written notice of 888  
the retention to the employee's supervisor. Thereafter, the 889  
employee shall be disqualified from participating in any decision, 890  
examination, audit, or other action that may affect the issuer of 891  
the securities. However, if the ownership of or beneficial 892  
interest in the securities and the subsequent disqualification 893  
required by this division impair the employee's ability to perform 894  
the employee's duties, the employee may be ordered to divest self 895  
of the ownership of or beneficial interest in the securities. 896

(E) Notwithstanding division (B) of this section, an employee 897  
of the division of financial institutions may have an indirect 898  
interest in the securities of a financial institution or consumer 899  
finance company that is under the supervision of the division of 900  
financial institutions, which interest arises through ownership of 901  
or beneficial interest in the securities of a publicly held mutual 902  
fund or investment trust, if the employee owns or has a beneficial 903  
interest in less than five per cent of the securities of the 904

mutual fund or investment trust, and the mutual fund or investment 905  
trust is not advised or sponsored by a financial institution or 906  
consumer finance company that is under the supervision of the 907  
division of financial institutions. If the mutual fund or 908  
investment trust is subsequently advised or sponsored by a 909  
financial institution or consumer finance company that is under 910  
the supervision of the division of financial institutions, the 911  
employee shall immediately provide written notice of the ownership 912  
of or beneficial interest in the securities to the employee's 913  
supervisor. Thereafter, the employee shall be disqualified from 914  
participating in any decision, examination, audit, or other action 915  
that may affect the financial institution or consumer finance 916  
company. However, if the ownership of or beneficial interest in 917  
the securities and the subsequent disqualification required by 918  
this division impair the employee's ability to perform the 919  
employee's duties, the employee may be ordered to divest self of 920  
the ownership of or beneficial interest in the securities. 921

(F)(1) For purposes of this section, the interests of an 922  
employee's spouse or dependent child arising through the ownership 923  
or control of securities shall be considered the interests of the 924  
employee, unless the interests are solely the financial interest 925  
and responsibility of the spouse or dependent child, the interests 926  
are not in any way derived from the income, assets, or activity of 927  
the employee, and any financial or economic benefit from the 928  
interests is for the personal use of the spouse or dependent 929  
child. 930

(2) If an employee's spouse or dependent child obtains 931  
interests arising through the ownership or control of securities 932  
and, pursuant to division (F)(1) of this section, the interests 933  
are not considered the interests of the employee, the employee 934  
shall immediately provide written notice of the interests to the 935  
employee's supervisor. Thereafter, the employee shall be 936

disqualified from participating in any decision, examination, 937  
audit, or other action that may affect the issuer of the 938  
securities. 939

(G) For purposes of divisions (C) and (D) of this section, 940  
both of the following apply: 941

(1) With respect to any employee of the former division of 942  
consumer finance who, on the first day of the first pay period 943  
commencing after the effective date of this section, becomes an 944  
employee of the division of financial institutions, the employee's 945  
employment with the division of financial institutions is deemed 946  
to commence on the first day of the first pay period commencing 947  
after the effective date of this section. 948

(2) With respect to any employee who, on October 29, 1995, 949  
became an employee of the division of financial institutions, the 950  
employee may, notwithstanding divisions (C) and (D) of this 951  
section, retain any extension of credit by a consumer finance 952  
company that was obtained at any time prior to the first day of 953  
the first pay period commencing after the effective date of this 954  
section, or retain any ownership of or beneficial interest in the 955  
securities of a consumer finance company, or of a holding company 956  
or subsidiary of such a company, that was acquired at any time 957  
prior to the first day of the first pay period commencing after 958  
the effective date of this section. If the employee chooses to 959  
retain the extension of credit or the ownership or beneficial 960  
interest, the employee shall comply with divisions (C) and (D) of 961  
this section. 962

**Sec. 1181.21.** (A) As used in this section, "consumer finance 963  
company" has the same meaning as in section 1181.05 of the Revised 964  
Code. 965

(B) The superintendent of financial institutions shall see 966  
that the laws relating to consumer finance companies are executed 967

and enforced. 968

(C) The deputy superintendent for consumer finance shall be 969  
the principal supervisor of consumer finance companies. In that 970  
position the deputy superintendent for consumer finance shall, 971  
notwithstanding division ~~(C)~~(E) of section ~~1315.42~~ 1321.42, 972  
division (A) of section 1321.76, and sections 1321.07, 1321.55, 973  
1322.06, 4727.05, and 4728.05 of the Revised Code, be responsible 974  
for conducting examinations and preparing examination reports 975  
under those sections. In addition, the deputy superintendent for 976  
consumer finance shall, notwithstanding sections 1315.27, ~~1315.43~~, 977  
1321.10, 1321.43, 1321.54, 1321.77, 1322.12, 4712.14, 4727.13, and 978  
4728.10 of the Revised Code, have the authority to adopt rules and 979  
standards in accordance with those sections. In performing or 980  
exercising any of the examination, rule-making, or other 981  
regulatory functions, powers, or duties vested by this division in 982  
the deputy superintendent for consumer finance, the deputy 983  
superintendent for consumer finance shall be subject to the 984  
control of the superintendent of financial institutions and the 985  
director of commerce. 986

**Sec. 1181.25.** The superintendent of financial institutions 987  
may introduce into evidence or disclose, or authorize to be 988  
introduced into evidence or disclosed, information that, under 989  
sections 1121.18, 1155.16, 1163.20, 1315.122, 1321.09, 1321.48, 990  
1321.55, 1321.76, 1322.06, 1322.061, 1733.32, 1733.327, and 991  
4727.18 of the Revised Code, is privileged, confidential, or 992  
otherwise not public information or a public record, provided that 993  
the superintendent acts only as provided in those sections or in 994  
the following circumstances: 995

(A) When in the opinion of the superintendent, it is 996  
appropriate with regard to any enforcement actions taken and 997  
decisions made by the superintendent under Chapters 1315., 1321., 998



1322., 1733., 4712., 4727., and 4728. of the Revised Code or Title 999  
XI of the Revised Code; 1000

(B) When litigation has been initiated by the superintendent 1001  
in furtherance of the powers, duties, and obligations imposed upon 1002  
the superintendent by Chapters 1315., 1321., 1322., 1733., 4712., 1003  
4727., and 4728. of the Revised Code or Title XI of the Revised 1004  
Code; 1005

(C) When in the opinion of the superintendent, it is 1006  
appropriate with regard to enforcement actions taken or decisions 1007  
made by other financial institution regulatory authorities to whom 1008  
the superintendent has provided the information pursuant to 1009  
authority in Chapters 1315., 1321., 1322., 1733., 4712., 4727., 1010  
and 4728. of the Revised Code or Title XI of the Revised Code. 1011

**Sec. 1315.99.** (A) Whoever violates division (A) or (B) of 1012  
section 1315.28, ~~section 1315.41~~, or division (E)(2) of section 1013  
1315.53 of the Revised Code is guilty of a misdemeanor of the 1014  
first degree. 1015

(B) Whoever violates division (F)(1) of section 1315.53 or 1016  
division (B) of section 1315.54 of the Revised Code is guilty of a 1017  
felony of the fourth degree. 1018

(C) Whoever violates division (A) of section 1315.55 of the 1019  
Revised Code is guilty of money laundering. A violation of 1020  
division (A)(1), (2), (3), (4), or (5) of that section is a felony 1021  
of the third degree, and, in addition, the court may impose a fine 1022  
of seven thousand five hundred dollars or twice the value of the 1023  
property involved, whichever is greater. 1024

(D) Whoever knowingly violates division (A) of section 1025  
1315.02, or intentionally violates division (B)(1) of section 1026  
1315.081, of the Revised Code is guilty of a felony of the fourth 1027  
degree. 1028

**Sec. 1321.02.** No person shall engage in the business of 1029  
lending money, credit, or choses in action in amounts of five 1030  
thousand dollars or less, or exact, contract for, or receive, 1031  
directly or indirectly, on or in connection with any such loan, 1032  
any interest and charges that in the aggregate are greater than 1033  
the interest and charges that the lender would be permitted to 1034  
charge for a loan of money if the lender were not a licensee, 1035  
without first having obtained a license from the division of 1036  
financial institutions under sections 1321.01 to 1321.19 of the 1037  
Revised Code. 1038

Sections 1321.01 to 1321.19 of the Revised Code do not apply 1039  
to any person doing business under and as permitted by any law of 1040  
this state, another state, or the United States relating to banks, 1041  
savings banks, savings societies, trust companies, credit unions, 1042  
savings and loan associations substantially all the business of 1043  
which is confined to loans on real estate mortgages and evidences 1044  
of their own indebtedness; to registrants conducting business 1045  
pursuant to sections 1321.51 to 1321.60 of the Revised Code; to 1046  
licensees conducting business pursuant to sections 1321.71 to 1047  
1321.83 of the Revised Code; to licensees doing business pursuant 1048  
to sections ~~1315.35 to 1315.44~~ 1321.35 to 1321.48 of the Revised 1049  
Code; or to any entity who is licensed pursuant to Title XXXIX of 1050  
the Revised Code, who makes advances or loans to any person who is 1051  
licensed to sell insurance pursuant to that Title, and who is 1052  
authorized in writing by that entity to sell insurance. No person 1053  
engaged in the business of selling tangible goods or services 1054  
related thereto may receive or retain a license under sections 1055  
1321.01 to 1321.19 of the Revised Code for such place of business. 1056

The first paragraph of this section applies to any person, 1057  
who by any device, subterfuge, or pretense, charges, contracts 1058  
for, or receives greater interest, consideration, or charges than 1059  
that authorized by this section for any such loan or use of money 1060

or for any such loan, use, or sale of credit, or who for a fee or 1061  
any manner of compensation arranges or offers to find or arrange 1062  
for another person to make any such loan, use, or sale of credit. 1063  
This section does not preclude the acquiring, directly or 1064  
indirectly, by purchase or discount, of a bona fide obligation for 1065  
goods or services when such obligation is payable directly to the 1066  
person who provided the goods or services. 1067

Any contract of loan in the making or collection of which an 1068  
act is done by the lender that violates this section is void and 1069  
the lender has no right to collect, receive, or retain any 1070  
principal, interest, or charges. 1071

**Sec. 1321.21.** All fees, charges, penalties, and forfeitures 1072  
collected under Chapters 1321., 1322., 4712., 4727., and 4728., 1073  
sections 1315.21 to 1315.30, ~~sections 1315.35 to 1315.44,~~ and 1074  
sections 1349.25 to 1349.37 of the Revised Code shall be paid to 1075  
the superintendent of financial institutions and shall be 1076  
deposited by the superintendent into the state treasury to the 1077  
credit of the consumer finance fund, which is hereby created. The 1078  
fund may be expended or obligated by the superintendent for the 1079  
defrayment of the costs of administration of Chapters 1321., 1080  
1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, 1081  
~~sections 1315.35 to 1315.44,~~ and sections 1349.25 to 1349.37 of 1082  
the Revised Code by the division of financial institutions. All 1083  
actual and necessary expenses incurred by the superintendent, 1084  
including any services rendered by the department of commerce for 1085  
the division's administration of Chapters 1321., 1322., 4712., 1086  
4727., and 4728., sections 1315.21 to 1315.30, ~~sections 1315.35 to~~ 1087  
~~1315.44,~~ and sections 1349.25 to 1349.37 of the Revised Code, 1088  
shall be paid from the fund. The fund shall be assessed a 1089  
proportionate share of the administrative costs of the department 1090  
and the division. The proportionate share of the administrative 1091  
costs of the division of financial institutions shall be 1092

determined in accordance with procedures prescribed by the 1093  
superintendent and approved by the director of budget and 1094  
management. Such assessment shall be paid from the consumer 1095  
finance fund to the division of administration fund or the 1096  
financial institutions fund. 1097

Periodically, in accordance with a schedule the director 1098  
establishes by rule, but at least once every three months, the 1099  
director of budget and management shall transfer five per cent of 1100  
all charges, penalties, and forfeitures received into the consumer 1101  
finance fund to the financial literacy education fund created 1102  
under section 121.085 of the Revised Code. 1103

Sec. 1321.35. As used in sections 1321.35 to 1321.48 of the 1104  
Revised Code: 1105

(A) "Short-term loan" means a loan made pursuant to sections 1106  
1321.35 to 1321.48 of the Revised Code. 1107

(B) "Superintendent of financial institutions" includes the 1108  
deputy superintendent for consumer finance as provided in section 1109  
1181.21 of the Revised Code. 1110

(C) "Interest" means all charges payable directly or 1111  
indirectly by a borrower to a licensee as a condition to a loan, 1112  
including fees, loan origination charges, service charges, renewal 1113  
charges, credit insurance premiums, and any ancillary product sold 1114  
in connection with a loan made pursuant to sections 1321.35 to 1115  
1321.48 of the Revised Code. 1116

(D) "Annual percentage rate" has the same meaning as in the 1117  
"Truth in Lending Act," 82 Stat. 149 (1980), 15 U.S.C. 1606, as 1118  
implemented by regulations of the board of governors of the 1119  
federal reserve system. All fees and charges shall be included in 1120  
the computation of the annual percentage rate. Fees and charges 1121  
for single premium credit insurance and other ancillary products 1122

sold in connection with the credit transaction shall be included 1123  
in the calculation of the annual percentage rate. 1124

**Sec. 1321.36.** (A) No person shall engage in the business of 1125  
making short-term loans to a borrower in Ohio, or, in whole or in 1126  
part, make, offer, or broker a loan, or assist a borrower in Ohio 1127  
to obtain such a loan, without first having obtained a license 1128  
from the superintendent of financial institutions under sections 1129  
1321.35 to 1321.48 of the Revised Code. No licensee shall make, 1130  
offer, or broker a loan, or assist a borrower to obtain such a 1131  
loan, when the borrower is not physically present in the 1132  
licensee's business location. 1133

(B) No person not located in Ohio shall make a short-term 1134  
loan to a borrower in Ohio from an office not located in Ohio. 1135  
Nothing in this section prohibits a business not located or 1136  
licensed in Ohio from lending funds to Ohio borrowers who 1137  
physically visit the out-of-state office of the business and 1138  
obtain the disbursement of loan funds at that location. No person 1139  
shall make, offer, or broker a loan, or assist a borrower to 1140  
obtain a loan, via the telephone, mail, or internet. 1141

**Sec. 1321.37.** (A) Application for an original or renewal 1142  
license to make short-term loans shall be in writing, under oath, 1143  
and in the form prescribed by the superintendent of financial 1144  
institutions, and shall contain the name and address of the 1145  
applicant, the approximate location where the business of making 1146  
loans is to be conducted, and any further information as the 1147  
superintendent requires. At the time of making an application for 1148  
an original license, the applicant shall pay to the superintendent 1149  
a nonrefundable investigation fee of two hundred dollars. No 1150  
investigation fee or any portion thereof shall be refunded after 1151  
an original license has been issued. The application for an 1152  
original or renewal license shall be accompanied by an original or 1153

renewal license fee, for each business location of one thousand 1154  
dollars, except that applications for original licenses issued on 1155  
or after the first day of July for any year shall be accompanied 1156  
by an original license fee of five hundred dollars, and except 1157  
that an application for an original or renewal license, for a 1158  
nonprofit corporation that is incorporated under Chapter 1702. of 1159  
the Revised Code, shall be accompanied by an original or renewal 1160  
license fee, for each business location, that is one-half of the 1161  
fee otherwise required. All fees paid to the superintendent 1162  
pursuant to this division shall be deposited into the state 1163  
treasury to the credit of the consumer finance fund. 1164

(B) Upon the filing of an application for an original or 1166  
renewal license and the payment of fees in accordance with 1167  
division (A) of this section, the superintendent shall investigate 1168  
the facts concerning the applicant and the requirements provided 1169  
by this division. The superintendent shall request the 1170  
superintendent of the bureau of criminal identification and 1171  
investigation, or a vendor approved by the bureau, to conduct a 1172  
criminal records check based on the applicant's fingerprints in 1173  
accordance with division (A)(12) of section 109.572 of the Revised 1174  
Code. Notwithstanding division (K) of section 121.08 of the 1175  
Revised Code, the superintendent of financial institutions shall 1176  
request that criminal record information from the federal bureau 1177  
of investigation be obtained as part of the criminal records 1178  
check. The superintendent of financial institutions shall conduct 1179  
a civil records check. The superintendent shall approve an 1180  
application and issue an original or renewal license to the 1181  
applicant if the superintendent finds all of the following: 1182

(1) The financial responsibility, experience, reputation, and 1183  
general fitness of the applicant are such as to warrant the belief 1184  
that the business of making loans will be operated lawfully, 1185

honestly, and fairly under sections 1321.35 to 1321.48 of the 1186  
Revised Code and within the purposes of those sections; that the 1187  
applicant has fully complied with those sections and any rule or 1188  
order adopted or issued pursuant to section 1321.43 of the Revised 1189  
Code; and that the applicant is qualified to engage in the 1190  
business of making loans under sections 1321.35 to 1321.48 of the 1191  
Revised Code. 1192

(2) The applicant is financially sound and has a net worth of 1193  
not less than one hundred thousand dollars, or in the case of a 1194  
nonprofit corporation that is incorporated under Chapter 1702. of 1195  
the Revised Code, a net worth of not less than fifty thousand 1196  
dollars. The applicant's net worth shall be computed according to 1197  
generally accepted accounting principles. 1198

(3) The applicant has never had revoked a license to make 1199  
loans under sections 1321.35 to 1321.48 of the Revised Code, under 1200  
former sections 1315.35 to 1315.44 of the Revised Code, or to do 1201  
business under sections 1315.21 to 1315.30 of the Revised Code. 1202

(4) Neither the applicant nor any senior officer, or partner 1204  
of the applicant, has pleaded guilty to or been convicted of any 1205  
criminal offense involving theft, receiving stolen property, 1206  
embezzlement, forgery, fraud, passing bad checks, money 1207  
laundering, or drug trafficking, or any criminal offense involving 1208  
money or securities or any violation of an existing or former law 1209  
of this state, any other state, or the United States that 1210  
substantially is equivalent to a criminal offense described in 1211  
that division. However, if the applicant or any of those other 1212  
persons has pleaded guilty to or been convicted of any such 1213  
offense other than theft, the superintendent shall not consider 1214  
the offense if the applicant has proven to the superintendent, by 1215  
a preponderance of the evidence, that the applicant's or other 1216  
person's activities and employment record since the conviction 1217

show that the applicant or other person is honest, truthful, and 1218  
of good reputation, and there is no basis in fact for believing 1219  
that the applicant or other person will commit such an offense 1220  
again. 1221

(5) Neither the applicant nor any senior officer, or partner 1222  
of the applicant, has been subject to any adverse judgment for 1223  
conversion, embezzlement, misappropriation of funds, fraud, 1224  
misfeasance or malfeasance, or breach of fiduciary duty, or if the 1225  
applicant or any of those other persons has been subject to such a 1226  
judgment, the applicant has proven to the superintendent, by a 1227  
preponderance of the evidence, that the applicant's or other 1228  
person's activities and employment record since the judgment show 1229  
that the applicant or other person is honest, truthful, and of 1230  
good reputation, and there is no basis in fact for believing that 1231  
the applicant or other person will be subject to such a judgment 1232  
again. 1233

(C) If the superintendent finds that the applicant does not 1234  
meet the requirements of division (B) of this section, or the 1235  
superintendent finds that the applicant knowingly or repeatedly 1236  
contracts with or employs persons to directly engage in lending 1237  
activities who have been convicted of a felony crime listed in 1238  
division (B)(5) of this section, the superintendent shall issue an 1239  
order denying the application for an original or renewal license 1240  
and giving the applicant an opportunity for a hearing on the 1241  
denial in accordance with Chapter 119. of the Revised Code. The 1242  
superintendent shall notify the applicant of the denial, the 1243  
grounds for the denial, and the applicant's opportunity for a 1244  
hearing. If the application is denied, the superintendent shall 1245  
return the annual license fee but shall retain the investigation 1246  
fee. 1247

(D) No person licensed under sections 1321.35 to 1321.48 of 1248  
the Revised Code shall conduct business in this state unless the 1249



licensee has obtained and maintains in effect at all times a 1250  
corporate surety bond issued by a bonding company or insurance 1251  
company authorized to do business in this state. The bond shall be 1252  
in favor of the superintendent and in the penal sum of at least 1253  
one hundred thousand dollars, or in the case of a nonprofit 1254  
corporation that is incorporated under Chapter 1702. of the 1255  
Revised Code, in the amount of fifty thousand dollars. The term of 1256  
the bond shall coincide with the term of the license. The licensee 1257  
shall file a copy of the bond with the superintendent. The bond 1258  
shall be for the exclusive benefit of any borrower injured by a 1259  
violation by a licensee or any employee of a licensee, of any 1260  
provision of sections 1321.35 to 1321.48 of the Revised Code. 1261

**Sec. 1321.38.** (A) A license issued by the superintendent of 1262  
financial institutions pursuant to sections 1321.35 to 1321.48 of 1263  
the Revised Code shall state the address at which the business of 1264  
making loans is to be conducted and shall state the full name of 1265  
the business. Each license issued shall be conspicuously posted in 1266  
the place of business and is not transferable or assignable. 1267

(B)(1) Not more than one place of business shall be 1268  
maintained under the same license issued under sections 1321.35 to 1269  
1321.48 of the Revised Code, but the superintendent may issue 1270  
additional licenses to the same applicant upon compliance with 1271  
those sections. 1272

(2) No change in the place of business of a licensee to a 1273  
location outside the original municipal corporation shall be 1274  
permitted under the same license. When a licensee wishes to change 1275  
its place of business within the same municipal corporation, 1276  
written notice thereof shall be given in advance to the 1277  
superintendent who shall provide without cost a license pursuant 1278  
to sections 1321.35 to 1321.48 of the Revised Code for the new 1279  
address. 1280

Sec. 1321.39. A licensee under sections 1321.35 to 1321.48 of 1281  
the Revised Code may engage in the business of making loans 1282  
provided that each loan meets all of the following conditions: 1283

(A) The total amount of the loan does not exceed five hundred 1284  
dollars. 1285

(B) The duration of the loan, as specified in the loan 1286  
contract required under division (C) of this section, is not less 1287  
than thirty-one days. 1288

(C) The loan is made pursuant to a written loan contract that 1289  
sets forth the terms and conditions of the loan, and discloses in 1290  
a clear and concise manner all of the following: 1291

(1) The total amount of fees and charges the borrower will be 1292  
required to pay in connection with the loan pursuant to the loan 1293  
contract; 1294

(2) The total amount of each payment, when each payment is 1295  
due, and the total number of payments that the borrower will be 1296  
required to make under the loan contract; 1297

(3) A statement, printed in boldface type of the minimum size 1298  
of ten points, as follows: "WARNING: The cost of this loan is 1299  
higher than the average cost charged by financial institutions on 1300  
substantially similar loans." 1301

(4) A statement, printed in a minimum font size of ten 1302  
points, which informs the borrower that complaints regarding the 1303  
loan or lender may be submitted to the department of commerce 1304  
division of financial institutions and includes the correct 1305  
telephone number and mailing address for the department; 1306

(5) Any disclosures required under the "Truth in Lending 1307  
Act," 82 Stat. 146 (1974), 15 U.S.C. 1601, et seq.; 1308

(6) The rate of interest contracted for under the loan 1309  
contract as an annual percentage rate based on the sum of the 1310

principal of the loan and the loan origination fee, check 1311  
collection charge, and all other fees or charges contracted for 1312  
under the loan contract. 1313

(D) The loan contract includes a provision that offers the 1314  
borrower an optional extended payment plan that may be invoked by 1315  
the borrower at any time before the maturity date of the loan. To 1316  
invoke the extended payment plan, the borrower shall return to the 1317  
office where the loan was made and sign an amendment to the 1318  
original loan agreement reflecting the extended terms of the loan. 1319  
The extended payment plan shall allow the borrower to repay the 1320  
balance by not less than sixty days from the original maturity 1321  
date. No additional fees or charges may be applied to the loan 1322  
upon the borrower entering the extended payment plan. The person 1323  
originating the loan for the licensee shall identify verbally to 1324  
the borrower the contract provision regarding the extended payment 1325  
plan, and the borrower shall verify that the provision has been 1326  
identified by initialing the contract adjacent to the provision. 1327

1328

Sec. 1321.40. A person licensed pursuant to sections 1321.35 1329  
to 1321.48 of the Revised Code may charge, collect, and receive 1330  
the following fees and charges in connection with a short-term 1331  
loan: 1332

(A) Interest calculated in compliance with 15 U.S.C. 1606, 1333  
and not exceeding an annual percentage rate greater than 1334  
twenty-eight per cent; 1335

(B) One check collection charge per loan not exceeding an 1336  
amount equal to twenty dollars plus any amount passed on from 1337  
other financial institutions for each check, negotiable order of 1338  
withdrawal, share draft, or other negotiable instrument returned 1339  
or dishonored for any reason, provided that the terms and 1340  
conditions upon which check collection charges will be charged to 1341

the borrower are set forth in the written loan contract described 1342  
in division (C) of section 1321.39 of the Revised Code; 1343

(C) Damages, costs, and disbursements to which the licensee 1344  
may become entitled to by law in connection with any civil action 1345  
to collect a loan after default. 1346

**Sec. 1321.41.** No person licensed pursuant to sections 1321.35 1347  
to 1321.48 of the Revised Code shall do any of the following: 1348  
1349

(A) Violate section 1321.36 of the Revised Code; 1350

(B) Make a loan that does not comply with section 1321.39 of 1351  
the Revised Code; 1352

(C) Charge, collect, or receive, directly or indirectly, any 1353  
additional fees, interest, or charges in connection with a loan, 1354  
other than fees and charges permitted by section 1321.40 of the 1355  
Revised Code and costs or disbursements to which the licensee may 1356  
become entitled to by law in connection with any civil action to 1357  
collect a loan after default; 1358

(D) Collect treble damages pursuant to division (A)(1)(b)(ii) 1359  
of section 2307.61 of the Revised Code in connection with any 1360  
civil action to collect a loan after a default due to a check, 1361  
negotiable order of withdrawal, share draft, or other negotiable 1362  
instrument that was returned or dishonored for insufficient funds; 1363

(E) Make a short-term loan to a borrower if there exists an 1364  
outstanding loan between the licensee and that borrower, if a loan 1365  
between any licensee and that borrower was terminated on the same 1366  
business day, if the borrower has more than one outstanding loan, 1367  
if the loan would obligate the borrower to repay a total amount of 1368  
more than five hundred dollars to licensees, or indebt the 1369  
borrower, to licensees, for an amount that is more than 1370  
twenty-five per cent of the borrowers gross monthly salary not 1371

including bonus, overtime, or other such compensation, based on a 1372  
payroll verification statement presented by the borrower; 1373

(F) Bring or threaten to bring an action or complaint against 1374  
the borrower for the borrower's failure to comply with the terms 1375  
of the loan contract solely due to the check, negotiable order of 1376  
withdrawal, share draft, or negotiable instrument being returned 1377  
or dishonored for insufficient funds. Nothing herein prohibits 1378  
such conduct, action, or complaint if the borrower has 1379  
intentionally engaged in fraud by, including but not limited to, 1380  
closing or using any closed or false account to evade payment; 1381

(G) Make a short-term loan to a borrower for purposes of 1382  
retiring an existing short-term loan between any licensee and that 1383  
borrower; 1384

(H) Require the borrower to waive the borrower's right to 1385  
legal recourse under any otherwise applicable provision of state 1386  
or federal law; 1387

(I) Accept the title of a vehicle, real property, physical 1388  
assets, or other collateral as security for the obligation; 1389

(J) Engage in any device or subterfuge to evade the 1390  
requirements of sections 1321.35 to 1321.48 of the Revised Code 1391  
including assisting a borrower to obtain a loan on terms that 1392  
would be prohibited by sections 1321.35 to 1321.48 of the Revised 1393  
Code, making loans disguised as personal property sales and 1394  
leaseback transactions, or disguising loan proceeds as cash 1395  
rebates for the pretextual installment sale of goods or services; 1396

(K) Assess or charge a borrower a fee for prepaying the loan 1397  
in full prior to the maturity date; 1398

(L) Fail to comply with section 1321.45 of the Revised Code; 1399

(M) Recommend to a borrower that the borrower obtain a loan 1400  
for a dollar amount that is higher than the borrower has 1401

requested; 1402

(N) Make a loan to a borrower that has received two loans 1403  
within the previous ninety days from licensees, unless the 1404  
borrower has completed during that period a financial literacy 1405  
program approved by the superintendent; 1406

(O) Draft funds electronically from any depository financial 1407  
institution in this state, or bill any credit card issued by such 1408  
an institution. Nothing in this division shall prohibit the 1409  
conversion of a negotiable instrument into an electronic form for 1410  
processing through the automated clearing house system. 1411

(P) Make, publish, or otherwise disseminate, directly or 1412  
indirectly, any misleading or false advertisement, or engage in 1413  
any other deceptive trade practice; 1414

(Q) Offer any incentive to a borrower in exchange for the 1415  
borrower taking out multiple loans over any period of time, or 1416  
provide a short-term loan at no charge or at a discounted charge 1417  
as compensation for any previous or future business. 1418

(R) Make a loan to a borrower if the borrower has received a 1419  
total of four or more loans, from licensees, in the calendar year. 1420

(S) Present a check, negotiable order of withdrawal, share 1421  
draft, or other negotiable instrument, that has been previously 1422  
presented by the licensee and subsequently returned or dishonored 1423  
for any reason, without prior written approval from the borrower. 1424

(T) Change the check number, or in any other way alter a 1425  
check, negotiable order of withdrawal, or share draft, prior to 1426  
submitting such check, negotiable order of withdrawal, or share 1427  
draft for processing through the automated clearing house system, 1428  
or submit false information about any check, negotiable order of 1429  
withdrawal, or share draft to the automated clearing house system. 1430

**Sec. 1321.42.** (A) The superintendent of financial 1431

institutions shall, in accordance with Chapter 119. of the Revised 1432  
Code, suspend or revoke a license issued pursuant to sections 1433  
1321.35 to 1321.48 of the Revised Code, if the superintendent 1434  
determines that any of the following applies: 1435

(1) The licensee has failed to comply with any order issued 1436  
by the superintendent pursuant to section 1321.43 of the Revised 1437  
Code. 1438

(2) The licensee has continued to violate any provision of 1439  
sections 1321.35 to 1321.48 of the Revised Code or any rule 1440  
adopted under section 1321.43 of the Revised Code after receiving 1441  
notice of such violation or violations from the superintendent. 1442

(3) Any fact or condition exists that if it had existed or 1443  
had been known to exist at the time of original or renewal 1444  
licensure pursuant to sections 1321.35 to 1321.48 of the Revised 1445  
Code, the fact or condition clearly would have warranted the 1446  
superintendent to refuse to issue a license pursuant to those 1447  
sections. 1448

(B) The superintendent may make any investigation and conduct 1449  
any hearing the superintendent considers necessary to determine 1450  
whether any person has violated sections 1321.35 to 1321.48 of the 1451  
Revised Code, or any rule or order adopted or issued under section 1452  
1321.43 of the Revised Code, or has engaged in conduct that would 1453  
justify the suspension, revocation, or refusal of an original or 1454  
renewal license. 1455

(C) In making any investigation or conducting any hearing 1456  
pursuant to this section, the superintendent, or any person 1457  
designated by the superintendent, at any time may compel by 1458  
subpoena witnesses, may take depositions of witnesses residing 1459  
without the state in the manner provided for in civil actions, pay 1460  
any witnesses the fees and mileage for their attendance provided 1461  
for witnesses in civil actions, and administer oaths. The 1462

superintendent also may compel by order or subpoena duces tecum 1463  
the production of, and examine, all relevant books, records, 1464  
accounts, and other documents. If a person does not comply with a 1465  
subpoena or subpoena duces tecum, the superintendent may apply to 1466  
the court of common pleas of Franklin county for an order 1467  
compelling the person to comply with the subpoena or subpoena 1468  
duces tecum or, for failure to do so, an order to be held in 1469  
contempt of court. 1470

(D) In connection with any investigation under this section, 1471  
the superintendent may file an action in the court of common pleas 1472  
of Franklin county or the court of common pleas of the county in 1473  
which the person who is the subject of the investigation resides, 1474  
or is engaging in or proposing to engage in actions in violation 1475  
of sections 1321.35 to 1321.48 of the Revised Code, to obtain an 1476  
injunction, temporary restraining order, or other appropriate 1477  
relief. 1478

(E) As often as the superintendent considers it necessary, 1479  
the superintendent may examine the records of a licensee, but in 1480  
any case, the superintendent shall examine the records of a 1481  
licensee at least annually. 1482

**Sec. 1321.43.** The superintendent of financial institutions, 1483  
in accordance with Chapter 119. of the Revised Code, may adopt 1484  
rules and issue specific orders to enforce and carry out the 1485  
purposes of sections 1321.35 to 1321.48 of the Revised Code. The 1486  
superintendent shall issue a rule defining "senior officer" for 1487  
the purpose of section 1321.37 of the Revised Code. The 1488  
superintendent may adopt, amend, and repeal substantive rules 1489  
defining with reasonable specificity acts or practices that 1490  
violate section 1321.45 of the Revised Code. 1491

**Sec. 1321.44.** (A) A violation of section 1321.41 of the 1492



Revised Code is deemed an unfair or deceptive act or practice in 1493  
violation of section 1345.02 of the Revised Code. A borrower 1494  
injured by a violation of section 1321.41 of the Revised Code 1495  
shall have a cause of action and be entitled to the same relief 1496  
available to a consumer under section 1345.09 of the Revised Code, 1497  
and all powers and remedies available to the attorney general to 1498  
enforce sections 1345.01 to 1345.13 of the Revised Code are 1499  
available to the attorney general to enforce section 1321.41 of 1500  
the Revised Code. 1501

(B) The superintendent of financial institutions or a 1502  
borrower may bring directly an action to enjoin a violation of 1503  
sections 1321.35 to 1321.48 of the Revised Code. The prosecuting 1504  
attorney of the county in which the action may be brought may 1505  
bring an action to enjoin a violation of sections 1321.35 to 1506  
1321.48 of the Revised Code only if the prosecuting attorney first 1507  
presents any evidence of the violation to the attorney general 1508  
and, within a reasonable period of time, the attorney general has 1509  
not agreed to bring the action. 1510

(C) The superintendent may initiate criminal proceedings 1511  
under sections 1321.35 to 1321.48 of the Revised Code by 1512  
presenting any evidence of criminal violation to the prosecuting 1513  
attorney of the county in which the offense may be prosecuted. If 1514  
the prosecuting attorney does not prosecute the violations, or at 1515  
the request of the prosecuting attorney, the superintendent shall 1516  
present any evidence of criminal violations to the attorney 1517  
general, who may proceed in the prosecution with all the rights, 1518  
privileges, and powers conferred by law on prosecuting attorneys, 1519  
including the power to appear before grand juries and to 1520  
interrogate witnesses before such grand juries. These powers of 1521  
the attorney general are in addition to any other applicable 1522  
powers of the attorney general. 1523

(D) The prosecuting attorney of the county in which an 1524

alleged offense may be prosecuted may initiate criminal 1525  
proceedings under sections 1321.35 to 1321.48 of the Revised Code. 1526

(E) In order to initiate criminal proceedings under sections 1527  
1321.35 to 1321.48 of the Revised Code, the attorney general first 1528  
shall present any evidence of criminal violations to the 1529  
prosecuting attorney of the county in which the alleged offense 1530  
may be prosecuted. If, within a reasonable period of time, the 1531  
prosecuting attorney has not agreed to prosecute the violations, 1532  
the attorney general may proceed in the prosecution with all the 1533  
rights, privileges, and powers described in division (B) of this 1534  
section. 1535

(F) When a judgment under this section becomes final, the 1536  
clerk of court shall mail a copy of the judgment, including 1537  
supporting opinions, to the superintendent. 1538

**Sec. 1321.45. (A) As used in this section:** 1539

(1) "Debt collector" means a licensee, officer, employee, or 1540  
agent of a licensee, or any person acting as a debt collector for 1541  
a licensee, or any person while serving or attempting to serve 1542  
legal process on any other person in connection with the judicial 1543  
enforcement of any debt resulting from a short-term loan made by a 1544  
licensee. 1545

(2) "Borrower" means a person who has an outstanding or 1546  
delinquent short-term loan. For the purpose of this section, the 1547  
term "borrower" includes the borrower's spouse, parent, if the 1548  
borrower is a minor, guardian, executor, or administrator. 1549

(3) "Communication" means the conveying of information 1550  
regarding a debt directly or indirectly to any person through any 1551  
medium. 1552

(4) "Consumer reporting agency" means any person that, for 1553  
monetary fees, dues, or on a cooperative nonprofit basis, 1554

regularly engages in whole or in part in the practice of 1555  
assembling or evaluating consumer credit information or other 1556  
information on consumers for the purpose of furnishing consumer 1557  
reports to third parties and that uses any means or facility for 1558  
the purpose of preparing or furnishing consumer reports. 1559

(5) "Location information" means a consumer's residence, 1560  
telephone number, or place of employment. 1561

(B) When communicating with any person other than the 1562  
borrower for the purpose of acquiring location information about 1563  
the borrower, the debt collector shall identify self, state that 1564  
the purpose for the communication is to confirm or correct 1565  
location information concerning a person, and, only if expressly 1566  
requested, identify the debt collector's employer. The debt 1567  
collector shall not do any of the following: 1568

(1) State that the person for whom location information is 1569  
being sought is a borrower or owes any debt; 1570

(2) Communicate with any person more than once unless 1571  
requested to do so by such person or unless the debt collector 1572  
reasonably believes that the earlier response of such person is 1573  
erroneous or incomplete and that such person now has correct or 1574  
complete location information; 1575

(3) Communicate by post card; 1576

(4) Use any language or symbol on any envelope or in the 1577  
contents of any communication effected by the mails or telegram 1578  
that indicates that the communication relates to the collection of 1579  
a debt; 1580

(5) After the debt collector knows the borrower is 1581  
represented by an attorney with regard to the subject debt and has 1582  
knowledge of, or can readily ascertain, such attorney's name and 1583  
address, not communicate with any person other than that attorney, 1584  
unless the attorney fails to respond within a reasonable period of 1585

time to communication from the debt collector. 1586

(C) A debt collector, without the prior consent of the 1587  
borrower given directly to the debt collector or without the 1588  
express permission of a court of competent jurisdiction, may not 1589  
communicate with a borrower in connection with the collection of 1590  
any debt: 1591

(1) At any unusual time or place or a time or place known or 1592  
which should be known to be inconvenient to the borrower. In the 1593  
absence of knowledge of circumstances to the contrary, a debt 1594  
collector shall assume that the convenient time for communicating 1595  
with a borrower is after eight a.m. eastern standard time and 1596  
before nine p.m. eastern standard time at the borrower's location. 1597

(2) If the debt collector knows the borrower is represented 1598  
by an attorney with respect to such debt and has knowledge of, or 1599  
can readily ascertain, such attorney's name and address, unless 1600  
the attorney fails to respond within a reasonable period of time 1601  
to a communication from the debt collector or unless the attorney 1602  
consents to direct communication with the borrower; 1603

(3) At the borrower's place of employment if the debt 1604  
collector knows or has reason to know that the borrower's employer 1605  
prohibits the borrower from receiving such communication. 1606

(D) A debt collector, when communicating with a third party 1607  
without the prior consent of the borrower given directly to the 1608  
debt collector, or without the express permission of a court of 1609  
competent jurisdiction, or as reasonably necessary to effectuate a 1610  
postjudgment judicial remedy, may not communicate, in connection 1611  
with the collection of any debt, with any person other than the 1612  
borrower, the borrower's attorney, a consumer reporting agency if 1613  
otherwise permitted by law, or the attorney of the debt collector. 1614

(E) If a borrower provides written notification, to a person 1615  
licensed under section 1321.35 to 1321.48 of the Revised Code or a 1616

debt collector, that the borrower refuses to pay a debt or that 1617  
the borrower wishes the debt collector to cease further 1618  
communication with the borrower, the debt collector shall not 1619  
communicate further with the borrower with respect to such debt, 1620  
except: 1621

(1) To advise the borrower that the debt collector's further 1622  
efforts are being terminated; 1623

(2) To notify the borrower that the debt collector or 1624  
licensee may invoke specified remedies that are ordinarily invoked 1625  
by such debt collector or licensee; 1626

(3) Where applicable, to notify the borrower that the debt 1627  
collector or licensee intends to invoke a specified remedy. If 1628  
such notice from the borrower is made by mail, notification shall 1629  
be complete upon receipt. 1630

(F) A debt collector may not engage in any conduct the 1631  
natural consequence of which is to harass, oppress, or abuse any 1632  
person in connection with the collection of a debt, including, but 1633  
not limited to, any of the following: 1634

(1) Using or threatening to use violence or other criminal 1635  
means to harm the physical person, reputation, or property of any 1636  
person; 1637

(2) Using obscene or profane language or language the natural 1638  
consequence of which is to abuse the hearer or reader; 1639

(3) Publication of a list of borrowers who allegedly refuse 1640  
to pay debts, except to a consumer-reporting agency; 1641

(4) Causing a telephone to ring or engaging any person in 1642  
telephone conversation repeatedly or continuously with intent to 1643  
annoy, abuse, or harass any person at the called number. 1644

(G) A debt collector may not use any false, deceptive, or 1645  
misleading representation or means in connection with the 1646

collection of any debt, including, but not limited to, any of the 1647  
following: 1648

(1) Falsely representing or implying that the debt collector 1649  
is vouched for, bonded by, or affiliated with the United States or 1650  
any state, including the use of any badge, uniform, or facsimile 1651  
thereof; 1652

(2) Falsely representing the character, amount, or legal 1653  
status of any debt, or any services rendered, or compensation 1654  
which may be lawfully received by any debt collector for the 1655  
collection of a debt; 1656

(3) Falsely representing or implying that any individual is 1657  
an attorney or that any communication is from an attorney; 1658

(4) Representing or implying that nonpayment of any debt will 1659  
result in the arrest or imprisonment of any person or the seizure, 1660  
garnishment, attachment, or sale of any property or wages of any 1661  
person unless such action is lawful and the debt collector intends 1662  
to take such action; 1663

(5) Threatening to take any action that cannot legally be 1664  
taken or that is not intended to be taken; 1665

(6) Falsely representing or implying that a sale, referral, 1666  
or other transfer of any interest in a debt shall cause the 1667  
borrower to lose any claim or defense to payment of the debt; 1668

(7) Falsely representing or implying that the borrower 1669  
committed any crime or other conduct in order to disgrace the 1670  
borrower; 1671

(8) Communicating or threatening to communicate to any person 1672  
credit information that is known or that should be known to be 1673  
false, including the failure to communicate that a disputed debt 1674  
is disputed; 1675

(9) Using or distributing any written communication that 1676

simulates or is falsely represented to be a document authorized, 1677  
issued, or approved by any court, official, or agency of the 1678  
United States or any state, or that creates a false impression as 1679  
to its source, authorization, or approval; 1680

(10) Using any false representation or deceptive means to 1681  
collect or attempt to collect any debt or to obtain information 1682  
concerning a borrower; 1683

(11) Failing to disclose in the initial written communication 1684  
with the borrower, and in addition, if the initial communication 1685  
with the borrower is oral, in that initial oral communication, 1686  
that the debt collector is attempting to collect a debt and that 1687  
any information obtained will be used for that purpose, and the 1688  
failure to disclose in subsequent communications that the 1689  
communication is from a debt collector, except that division 1690  
(G)(11) of this section shall not apply to a formal pleading made 1691  
in connection with a legal action; 1692

(12) Falsely representing or implying that accounts have been 1693  
turned over to innocent purchasers for value; 1694

(13) Falsely representing or implying that documents are 1695  
legal process; 1696

(14) Using any business, company, or organization name other 1697  
than the true name of the debt collector's business, company, or 1698  
organization; 1699

(15) Falsely representing or implying that documents are not 1700  
legal process forms or do not require action by the consumer; 1701

(16) Falsely representing or implying that a debt collector 1702  
operates or is employed by a consumer reporting agency. 1703

(H) A debt collector may not use unfair or unconscionable 1704  
means to collect or attempt to collect any debt, including, but 1705  
not limited to, any of the following: 1706

(1) Collecting any amount, including any interest, fee, charge, or expense incidental to the principal obligation, unless the amount is expressly authorized by the agreement creating the debt or permitted by law; 1707  
1708  
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1710

(2) Accepting from any person a check or other payment instrument postdated by more than five days unless the person is notified in writing of the debt collector's intent to deposit the check or instrument not more than ten nor less than three business days prior to deposit; 1711  
1712  
1713  
1714  
1715

(3) Soliciting any postdated check or other postdated payment instrument for the purpose of threatening or instituting criminal prosecution; 1716  
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1718

(4) Depositing or threatening to deposit any postdated check or other postdated payment instrument prior to the date on the check or instrument; 1719  
1720  
1721

(5) Causing charges to be made to any person for communications by concealment of the true purpose of the communication. The charges include, but are not limited to, collect telephone calls and telegram fees; 1722  
1723  
1724  
1725

(6) Taking or threatening to take any nonjudicial action to effect dispossession or disablement of property if there is no present right to possession of the property claimed as collateral through an enforceable security interest, there is no present intention to take possession of the property, or the property is exempt by law from dispossession or disablement; 1726  
1727  
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(7) Communicating with a borrower regarding a debt by post card; 1732  
1733

(8) Using any language or symbol, other than the debt collector's address, on any envelope when communicating with a borrower by use of the mails or by telegram, except that a debt collector may use the collector's business name if the name does 1734  
1735  
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1737



not indicate that the collector is in the debt collection 1738  
business; 1739

(9) Designing, compiling, and furnishing any form knowing 1740  
that the form would be used to create the false belief in a 1741  
borrower that a person other than the licensee is participating in 1742  
the collection of or in an attempt to collect a debt the borrower 1743  
allegedly owes the creditor, when in fact the person is not so 1744  
participating. 1745

(I) In addition to the requirements of this section, a debt 1746  
collector shall follow the practices set forth in the federal 1747  
"Fair Debt Collection Practices Act," 91 Stat. 874 (1977), 1748  
sections 15 U.S.C. 1692b, 15 U.S.C. 1692c, 15 U.S.C. 1692d, 15 1749  
U.S.C. 1692e, and 15 U.S.C. 1692f, as those sections of federal 1750  
law exist on the effective date of this section. In the event of a 1751  
conflict between described practices in the federal act and 1752  
described practices in this section, this section shall prevail. 1753

**Sec. 1321.46.** (A) The superintendent of financial 1754  
institutions shall develop and make a statewide common database, 1755  
as implemented by the superintendent, accessible at all times to 1756  
persons licensed under sections 1321.35 to 1321.48 of the Revised 1757  
Code and to the superintendent through an internet connection. 1758  
Licensees shall use the database to determine if a borrower is 1759  
eligible for a loan. Licensees shall submit the required data in a 1760  
format as the superintendent prescribes by rule, and verify 1761  
eligibility before entering into each loan transaction. 1762

(B) The superintendent shall adopt rules to administer and 1763  
enforce this section and to ensure that the database is used by 1764  
licensees in accordance with this section, including: 1765

(1) A rule requiring that data are retained in the database 1766  
only as required to ensure licensee compliance with this section; 1767

(2) A rule requiring that identifying borrower information is deleted from the database on a regular and routine basis, twelve months after the transaction is closed; 1768  
1769  
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(3) A rule authorizing the archiving of deleted data, should the superintendent determine that archiving is necessary for the enforcement of this section; 1771  
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(4) A rule prohibiting the database from ranking the credit worthiness of a borrower and limiting the database so that it may only be used to determine a borrower's eligibility or ineligibility for a loan based on the provisions of this chapter; 1774  
1775  
1776  
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(5) A rule requiring that data collected pursuant to this section be used only as prescribed in this section and for no other purpose; 1778  
1779  
1780

(6) A rule authorizing the database operator to impose a per transaction fee to be paid by the licensee for data required to be submitted. 1781  
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1783

(C) The database operator, whether the superintendent or a third party selected by the superintendent pursuant to Chapter 125. of the Revised Code, shall do all of the following: 1784  
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(1) Establish and maintain a process for responding to transaction verification requests due to technical difficulties with the database that prevent the licensee from accessing the database through the internet; 1787  
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1790

(2) Provide accurate and secure receipt, transmission, and storage of borrower data; 1791  
1792

(3) Designate a transaction as closed within one business day of receiving notification from a licensee; 1793  
1794

(4) Take all reasonable measures to ensure the confidentiality of the database and to prevent identity theft. 1795  
1796

(D) A licensee may rely on the information contained in the 1797

database as accurate and is not subject to any administrative 1798  
penalty or civil liability as a result of relying on inaccurate 1799  
information contained in the database. 1800

(E) With respect to the database prescribed in division (A) 1801  
of this section, any information submitted for incorporation into 1802  
the database, information in the database itself, or archived 1803  
information as maintained by the superintendent pursuant to this 1804  
section is not a public record under section 149.43 of the Revised 1805  
Code. 1806

(F) If approved by the superintendent, the database operator 1807  
may impose a per transaction fee for the actual costs of entering, 1808  
accessing, and maintaining data in the database. The fee shall be 1809  
payable to the database operator in a manner prescribed by the 1810  
superintendent. A licensee may not charge a customer all or part 1811  
of the fee. 1812

**Sec. 1321.47.** (A) A person licensed, and any person required 1813  
to be licensed under sections 1321.35 to 1321.48 of the Revised 1814  
Code, in addition to duties imposed by other statutes or common 1815  
law, shall do all of the following: 1816

(1) Follow reasonable and lawful instructions from the 1817  
borrower; 1818

(2) Act with reasonable skill, care, and diligence; 1819

(3) Act in good faith and fair dealing in any transaction or 1820  
practice or course of business in connection with a short-term 1821  
loan. 1822

(B) The duties and standards of care created in this section 1823  
may not be waived or modified. 1824

(C) A borrower injured by a violation of this section may 1825  
bring an action for recovery of damages. Damages awarded shall not 1826  
be less than all compensation paid directly or indirectly to a 1827

licensee from any source, plus reasonable attorney's fees and 1828  
court costs. The borrower may be awarded punitive damages. 1829

Sec. 1321.48. (A) The superintendent of financial 1830  
institutions shall report semiannually to the governor and the 1831  
general assembly on the operations of the division of financial 1832  
institutions with respect to the following: 1833

(1) Enforcement actions instituted by the superintendent for 1834  
a violation of or failure to comply with any provision of sections 1835  
1321.35 to 1321.48 of the Revised Code, and the final dispositions 1836  
of each such enforcement action; 1837

(2) Suspensions, revocations, or refusals to issue or renew 1838  
licenses under sections 1321.35 to 1321.48 of the Revised Code. 1839

(B) The information required under divisions (A)(1) and (2) 1840  
of this section does not include information that, pursuant to 1841  
division (C) of this section, is confidential. 1842

(C) The following information is confidential: 1843

(1) Examination information, and any information leading to 1844  
or arising from an examination; 1845

(2) Investigation information, and any information arising 1846  
from or leading to an investigation. 1847

(D) The information described in division (A)(1) of this 1848  
section shall remain confidential for all purposes except when it 1849  
is necessary for the superintendent to take official action 1850  
regarding the affairs of a licensee, or in connection with 1851  
criminal or civil proceedings to be initiated by a prosecuting 1852  
attorney or the attorney general. This information also may be 1853  
introduced into evidence or disclosed when, and in the manner, 1854  
authorized by section 1181.25 of the Revised Code. 1855

(E) All application information, except social security 1856  
numbers, employer identification numbers, financial account 1857

numbers, the identity of the institution where financial accounts 1858  
are maintained, personal financial information, fingerprint cards 1859  
and the information contained on such cards, and criminal 1860  
background information, is a public record as defined in section 1861  
149.43 of the Revised Code. 1862

**Sec. 1321.99.** (A) Whoever violates section 1321.02 of the 1863  
Revised Code is guilty of a felony of the fifth degree. 1864

(B) Whoever violates section 1321.13 of the Revised Code 1865  
shall be fined not less than one hundred nor more than five 1866  
hundred dollars or imprisoned not more than six months, or both. 1867

(C) Whoever violates section 1321.14 of the Revised Code 1868  
shall be fined not less than fifty nor more than two hundred 1869  
dollars for a first offense; for a second offense such person 1870  
shall be fined not less than two hundred nor more than five 1871  
hundred dollars and imprisoned for not more than six months. 1872

(D) Whoever willfully violates section 1321.57, 1321.58, 1873  
1321.59, or 1321.60 of the Revised Code shall be fined not less 1874  
than one nor more than five hundred dollars. 1875

(E) Whoever violates section 1321.52 of the Revised Code is 1876  
guilty of a felony of the fifth degree. 1877

(F) Whoever violates division (A) of section 1321.73 of the 1878  
Revised Code shall be fined not more than five hundred dollars or 1879  
imprisoned not more than six months, or both. 1880

(G) Whoever violates section 1321.41 of the Revised Code is 1881  
guilty of a misdemeanor of the first degree. 1882

**Sec. 1345.01.** As used in sections 1345.01 to 1345.13 of the 1883  
Revised Code: 1884

(A) "Consumer transaction" means a sale, lease, assignment, 1885  
award by chance, or other transfer of an item of goods, a service, 1886

a franchise, or an intangible, to an individual for purposes that 1887  
are primarily personal, family, or household, or solicitation to 1888  
supply any of these things. "Consumer transaction" does not 1889  
include transactions between persons, defined in sections 4905.03 1890  
and 5725.01 of the Revised Code, and their customers, except for 1891  
transactions involving a loan made pursuant to sections 1321.35 to 1892  
1321.48 of the Revised Code; transactions in connection with 1893  
residential mortgages between loan officers, mortgage brokers, or 1894  
nonbank mortgage lenders and their customers; transactions between 1895  
certified public accountants or public accountants and their 1896  
clients; transactions between attorneys, physicians, or dentists 1897  
and their clients or patients; and transactions between 1898  
veterinarians and their patients that pertain to medical treatment 1899  
but not ancillary services. 1900

(B) "Person" includes an individual, corporation, government, 1901  
governmental subdivision or agency, business trust, estate, trust, 1902  
partnership, association, cooperative, or other legal entity. 1903

(C) "Supplier" means a seller, lessor, assignor, franchisor, 1904  
or other person engaged in the business of effecting or soliciting 1905  
consumer transactions, whether or not the person deals directly 1906  
with the consumer. If the consumer transaction is in connection 1907  
with a residential mortgage, "supplier" does not include an 1908  
assignee or purchaser of the loan for value, except as otherwise 1909  
provided in section 1345.091 of the Revised Code. For purposes of 1910  
this division, in a consumer transaction in connection with a 1911  
residential mortgage, "seller" means a loan officer, mortgage 1912  
broker, or nonbank mortgage lender. 1913

(D) "Consumer" means a person who engages in a consumer 1914  
transaction with a supplier. 1915

(E) "Knowledge" means actual awareness, but such actual 1916  
awareness may be inferred where objective manifestations indicate 1917  
that the individual involved acted with such awareness. 1918

(F) "Natural gas service" means the sale of natural gas, 1919  
exclusive of any distribution or ancillary service. 1920

(G) "Public telecommunications service" means the 1921  
transmission by electromagnetic or other means, other than by a 1922  
telephone company as defined in section 4927.01 of the Revised 1923  
Code, of signs, signals, writings, images, sounds, messages, or 1924  
data originating in this state regardless of actual call routing. 1925  
"Public telecommunications service" excludes a system, including 1926  
its construction, maintenance, or operation, for the provision of 1927  
telecommunications service, or any portion of such service, by any 1928  
entity for the sole and exclusive use of that entity, its parent, 1929  
a subsidiary, or an affiliated entity, and not for resale, 1930  
directly or indirectly; the provision of terminal equipment used 1931  
to originate telecommunications service; broadcast transmission by 1932  
radio, television, or satellite broadcast stations regulated by 1933  
the federal government; or cable television service. 1934

(H) "Loan officer" has the same meaning as in section 1322.01 1935  
of the Revised Code, except that it does not include an employee 1936  
of a bank, savings bank, savings and loan association, credit 1937  
union, or credit union service organization organized under the 1938  
laws of this state, another state, or the United States; an 1939  
employee of a subsidiary of such a bank, savings bank, savings and 1940  
loan association, or credit union; or an employee of an affiliate 1941  
that (1) controls, is controlled by, or is under common control 1942  
with, such a bank, savings bank, savings and loan association, or 1943  
credit union and (2) is subject to examination, supervision, and 1944  
regulation, including with respect to the affiliate's compliance 1945  
with applicable consumer protection requirements, by the board of 1946  
governors of the federal reserve system, the comptroller of the 1947  
currency, the office of thrift supervision, the federal deposit 1948  
insurance corporation, or the national credit union 1949  
administration. 1950

(I) "Residential mortgage" or "mortgage" means an obligation 1951  
to pay a sum of money evidenced by a note and secured by a lien 1952  
upon real property located within this state containing two or 1953  
fewer residential units or on which two or fewer residential units 1954  
are to be constructed and includes such an obligation on a 1955  
residential condominium or cooperative unit. 1956

(J) "Mortgage broker" has the same meaning as in section 1957  
1322.01 of the Revised Code, except that it does not include a 1958  
bank, savings bank, savings and loan association, credit union, or 1959  
credit union service organization organized under the laws of this 1960  
state, another state, or the United States; a subsidiary of such a 1961  
bank, savings bank, savings and loan association, or credit union; 1962  
an affiliate that (1) controls, is controlled by, or is under 1963  
common control with, such a bank, savings bank, savings and loan 1964  
association, or credit union and (2) is subject to examination, 1965  
supervision, and regulation, including with respect to the 1966  
affiliate's compliance with applicable consumer protection 1967  
requirements, by the board of governors of the federal reserve 1968  
system, the comptroller of the currency, the office of thrift 1969  
supervision, the federal deposit insurance corporation, or the 1970  
national credit union administration; or an employee of any such 1971  
entity. 1972

(K) "Nonbank mortgage lender" means any person that engages 1973  
in a consumer transaction in connection with a residential 1974  
mortgage, except for a bank, savings bank, savings and loan 1975  
association, credit union, or credit union service organization 1976  
organized under the laws of this state, another state, or the 1977  
United States; a subsidiary of such a bank, savings bank, savings 1978  
and loan association, or credit union; or an affiliate that (1) 1979  
controls, is controlled by, or is under common control with, such 1980  
a bank, savings bank, savings and loan association, or credit 1981  
union and (2) is subject to examination, supervision, and 1982



regulation, including with respect to the affiliate's compliance 1983  
with applicable consumer protection requirements, by the board of 1984  
governors of the federal reserve system, the comptroller of the 1985  
currency, the office of thrift supervision, the federal deposit 1986  
insurance corporation, or the national credit union 1987  
administration. 1988

(L) For purposes of divisions (H), (J), and (K) of this 1989  
section: 1990

(1) "Control" of another entity means ownership, control, or 1991  
power to vote twenty-five per cent or more of the outstanding 1992  
shares of any class of voting securities of the other entity, 1993  
directly or indirectly or acting through one or more other 1994  
persons. 1995

(2) "Credit union service organization" means a CUSO as 1996  
defined in 12 C.F.R. 702.2. 1997

**Sec. 1349.71.** (A) There is hereby created a consumer finance 1998  
education board, consisting of the following twelve members, 1999  
~~appointed jointly by the governor, the speaker of the house of~~ 2000  
~~representatives, and the president of the senate with the advice~~ 2001  
~~and consent of the house and senate. One member shall be appointed~~ 2002  
~~from, or as a representative of, each of the following:~~ 2003

(1) ~~The~~ An employee of the Ohio attorney general's office, 2004  
appointed by the governor; 2005

(2) ~~The~~ An employee of the department of commerce, appointed 2006  
by the governor; 2007

(3) ~~The~~ An employee of the Ohio housing finance agency, 2008  
appointed by the governor; 2009

(4) A representative of Ohio minority advocacy groups, 2010  
appointed by the governor; 2011

(5) ~~The~~ A member of the Ohio bankers league, appointed by the 2012

<u>speaker of the house of representatives;</u>	2013
(6) <u>The A member of the Ohio mortgage bankers association,</u>	2014
<u>appointed by the speaker of the house of representatives;</u>	2015
(7) <u>The A member of the Ohio credit union league, appointed</u>	2016
<u>by the speaker of the house of representatives;</u>	2017
(8) <u>A member of the Ohio community bankers association,</u>	2018
<u>appointed by the speaker of the house of representatives;</u>	2019
(9) <u>The A representative of the Ohio real estate industry,</u>	2020
<u>appointed by the president of the senate;</u>	2021
(10) <u>The A member of the Ohio mortgage brokers association,</u>	2022
<u>appointed by the president of the senate;</u>	2023
(11) <u>The A representative of the financial services industry,</u>	2024
<u>appointed by the president of the senate;</u>	2025
(12) <del>Consumer</del> <u>A representative of consumer</u> advocacy	2026
<u>organizations, appointed by the president of the senate.</u>	2027
(B) Geographically diverse representation of the state shall	2028
be considered in making appointments. Of the initial appointments	2029
to the board, four shall be for a term ending December 31, 2008,	2030
four shall be for a term ending December 31, 2009, and four shall	2031
be for a term ending December 31, 2010. Thereafter, terms of	2032
office are for three years, commencing on the first day of January	2033
and ending on the thirty-first day of December. Each member shall	2034
hold office from the date of the member's appointment until the	2035
end of the term for which the member is appointed. Prior to	2036
assuming the duties of office, each member shall subscribe to, and	2037
file with the secretary of state, the constitutional oath of	2038
office. Vacancies that occur on the board shall be filled in the	2039
manner prescribed for regular appointments to the board. A member	2040
appointed to fill a vacancy occurring prior to the expiration of	2041
the term for which the member's predecessor was appointed shall	2042

hold office for the remainder of that predecessor's term. A member 2043  
shall continue in office subsequent to the expiration date of the 2044  
member's term until the member's successor takes office or until 2045  
sixty days have elapsed, whichever occurs first. No person shall 2046  
serve as a member of the board for more than two consecutive 2047  
terms. The governor may remove a member pursuant to section 3.04 2048  
of the Revised Code. 2049

(C) Annually, upon the qualification of the members appointed 2050  
in that year, the board shall organize by selecting from its 2051  
members a chairperson. The board shall meet at least once each 2052  
calendar quarter to conduct its business with the place of future 2053  
meetings to be decided by a vote of its members. Each member shall 2054  
be provided with written notice of the time and place of each 2055  
board meeting at least ten days prior to the scheduled date of the 2056  
meeting. A majority of the members of the board constitutes a 2057  
quorum to transact and vote on all business coming before the 2058  
board. 2059

(D)(1) The governor shall call the first meeting of the 2060  
consumer finance education board. At that meeting, and annually 2061  
thereafter, the board shall elect a chairperson for a one-year 2062  
term and may elect members to other positions on the board as the 2063  
board considers necessary or appropriate. 2064

(2) Each member of the board shall receive an amount fixed 2065  
pursuant to division (J) of section 124.15 of the Revised Code for 2066  
each day employed in the discharge of the member's official 2067  
duties, and the member's actual and necessary expenses incurred in 2068  
the discharge of those duties. 2069

(E) The board may obtain services from any state agency, 2070  
including, but not limited to, the department of commerce or its 2071  
successor agency. 2072

(F) The board shall assemble an advisory committee of 2073

representatives from the following organizations or groups for the purpose of receiving recommendations on policy, rules, and activities of the board:

- (1) The department of aging;
- (2) The department of rehabilitation and correction;
- (3) The department of development;
- (4) The department of job and family services;
- (5) The Ohio treasurer of state's office;
- (6) The county treasurers association of Ohio;
- (7) Ohio college professors;
- (8) Ohio university professors;
- (9) The Ohio board of regents;
- (10) The Ohio community development corporations association;
- (11) The Ohio council for economic education;
- (12) The Ohio state university extension service.

**Sec. 1349.72.** (A) In addition to any other duties imposed on the consumer finance education board by section 1349.71 of the Revised Code, the board shall:

(1) Analyze and investigate, on its own initiative, the policies and practices of state agencies, nonprofit entities, and businesses, inasmuch as such policies and practices address financial literacy, access by state residents to financial information, education, and resources, prevention of foreclosures and bankruptcies, ~~and~~ prepurchase and postpurchase counseling and education for homebuyers, and small loan counseling and education for borrowers;

(2) Provide an annual report and consultation and recommendations to the governor, the general assembly, state

agencies, nonprofit entities, and businesses based on the board's findings; 2102  
2103

(3) Coordinate and provide resources and assistance to state agencies, nonprofit entities, and businesses in the furtherance of those entities' efforts to improve financial literacy, access by state residents to financial information, education, and resources, prevention of foreclosures and bankruptcies, ~~and~~ prepurchase and postpurchase counseling and education for homebuyers, and small loan counseling and education for borrowers. 2104  
2105  
2106  
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2110  
2111

(4) Provide financial assistance to Ohioans through grants funded through the consumer finance fund created under section 1321.21 of the Revised Code and utilize these same funds to provide grants to design, develop, and implement any other programs described in this section. 2112  
2113  
2114  
2115  
2116

(5) Receive grants from the consumer finance fund for the implementation of this section. 2117  
2118

(B) The board may assign and delegate the execution of its duties to smaller groups of its own members, which shall include committees specifically chartered to address all of the following issues: 2119  
2120  
2121  
2122

(1) The needs of persons, ages eighteen to twenty-five, in the context of the objectives enumerated in division (A) of this section; 2123  
2124  
2125

(2) The needs of persons, classified as needy, based on a household adjusted gross income equal to or less than two hundred per cent of the poverty level, as determined by the Ohio office of budget and management, or the earned income amount described in section thirty-two of the Internal Revenue Code of 1986, taking into account the size of the household, in the context of the objectives enumerated in division (A) of this section; 2126  
2127  
2128  
2129  
2130  
2131  
2132

(3) The needs of persons, previously convicted of one or more felonies, in the context of the objectives enumerated in division (A) of this section;

(4) The needs of persons, characterized as vulnerable by reason of advanced age, disability, minority, or other demographic consideration, in the context of the objectives enumerated in division (A) of this section;

(5) Any other group or issue identified by the board as worthy of particular attention.

(C) The board shall create a pilot financial literacy and counseling program funded through the consumer finance fund, to be operated in the five counties with the highest mortgage foreclosure rates as of ~~the effective date of this section~~ the effective date of this amendment, and completion of which shall be recommended by mortgage brokers and loan officers for any consumer seeking a mortgage loan with origination fees greater than five per cent. Before a mortgage broker permits a consumer to commit to such a loan, the broker shall notify the consumer that the loan may have attributes that are predatory. No person who offers education, advice, or counseling through the financial literacy and counseling program shall be held liable for any damages incurred from actions taken based on the education, advice, or counseling given.

**Sec. 1733.25.** (A) A credit union may make loans or other extensions of credit to members for provident and productive purposes as authorized by law, including rules adopted by the superintendent of credit unions; the articles; and the regulations; and subject to policies adopted by the credit committee and approved by the board of directors.

(B) Upon the approval of the board of directors, a credit union may make loans or other extensions of credit to other credit

unions, provided that loans or other extensions of credit made to 2164  
other credit unions need not have the approval of the board of 2165  
directors on a per case basis. The total of all such loans or 2166  
other extensions of credit, including the aggregate of all money 2167  
paid into any trust established by one or more credit unions for 2168  
the purpose of making loans or other extensions of credit to other 2169  
credit unions, shall not exceed twenty-five per cent of the shares 2170  
and undivided earnings of the lending credit union, except that 2171  
this percentage limitation does not apply to corporate credit 2172  
unions. 2173

(C) The (1) Except as authorized under division (C)(2) of 2174  
this section, the interest on any loan or other extension of 2175  
credit made by a credit union shall not exceed one and one-half 2176  
per cent per month on unpaid balances. Such interest may accrue 2177  
and be chargeable upon a monthly basis, and may be computed upon 2178  
the unpaid balance of the loan or other extension of credit as of 2179  
the end of the previous calendar month. 2180

Such interest may be accrued and charged by any technique 2181  
approved by the superintendent so long as the effective interest 2182  
rate on any loan or other extension of credit does not exceed the 2183  
amount permitted to be charged by the computation authorized in 2184  
this division. 2185

(2) A credit union may make unsecured loans that meet the 2186  
conditions set forth in sections 1321.39, 1321.40, and 1321.41 of 2187  
the Revised Code. 2188

(D) A credit union may accept security in such form and under 2189  
rules as shall be set forth in the articles, the regulations, or 2190  
established by the credit committee and approved by the board of 2191  
directors. 2192

(E)(1) The credit union shall have a lien on the membership 2193  
share, shares, deposits, and accumulated dividends and interest of 2194

a member in an individual, joint, trust, or payable on death 2195  
account for any obligation owed to the credit union by that member 2196  
or for any loan co-signed or guaranteed by the member or account 2197  
holder; provided, however, that a credit union shall not have a 2198  
lien upon the funds in an individual retirement account or an 2199  
account established pursuant to the Internal Revenue Code of the 2200  
United States. 2201

(2) A credit union may refuse to allow withdrawals from any 2202  
share or deposit account by a member while the member has any 2203  
outstanding obligation to the credit union. 2204

(F) Notwithstanding any limitation provided in any other 2205  
provision of this chapter or Chapter 1343. of the Revised Code, a 2206  
credit union may enter into a loan agreement with a member in 2207  
accordance with all of the following: 2208

(1) The loan is for any amount up to one thousand dollars. 2209

(2) The term of the loan is thirty days or less. 2210

(3) The credit union may charge a fee in addition to any 2211  
interest authorized by law in connection with the loan, which fee 2212  
is not to be included in the computation of interest for any 2213  
provision of the Revised Code, including division (C) of this 2214  
section, that prescribes, regulates, or limits interest charged, 2215  
collected, or received in connection with a transaction. 2216

(4) The total interest, fees, and other costs of the loan 2217  
does not exceed ten per cent of the principal amount. 2218

(5) A member shall not have more than one loan under division 2219  
(F) of this section outstanding at any one time with the credit 2220  
union. 2221

(6) The loan is not being made to a member for purposes of 2222  
retiring an existing loan between the credit union and that 2223  
member, which existing loan was made pursuant to division (F) of 2224



this section. 2225

(G)(1) Subject to division (G)(2) of this section and any 2226  
restrictions or requirements established by the superintendent, in 2227  
connection with any loan or extension of credit, a credit union 2228  
may enter into a debt suspension agreement or debt cancellation 2229  
contract with the borrower or borrowers. 2230

(2) A credit union shall not offer or finance, directly or 2231  
indirectly, a debt suspension agreement or debt cancellation 2232  
contract requiring a lump sum, single payment for the agreement or 2233  
contract payable at the outset of the agreement or contract, if 2234  
the debt subject to the agreement or contract is secured by one to 2235  
four family, residential real property. 2236

(3) For purposes of division (G) of this section, "debt 2237  
cancellation contract" and "debt suspension agreement" have the 2238  
same meanings as in 12 C.F.R. part 37. 2239

**Sec. 2307.61.** (A) If a property owner brings a civil action 2240  
pursuant to division (A) of section 2307.60 of the Revised Code to 2241  
recover damages from any person who willfully damages the owner's 2242  
property or who commits a theft offense, as defined in section 2243  
2913.01 of the Revised Code, involving the owner's property, the 2244  
property owner may recover as follows: 2245

(1) In the civil action, the property owner may elect to 2246  
recover moneys as described in division (A)(1)(a) or (b) of this 2247  
section: 2248

(a) Compensatory damages that may include, but are not 2249  
limited to, the value of the property and liquidated damages in 2250  
whichever of the following amounts applies: 2251

(i) Fifty dollars, if the value of the property was fifty 2252  
dollars or less at the time it was willfully damaged or was the 2253  
subject of a theft offense; 2254

(ii) One hundred dollars, if the value of the property was 2255  
more than fifty dollars, but not more than one hundred dollars, at 2256  
the time it was willfully damaged or was the subject of a theft 2257  
offense; 2258

(iii) One hundred fifty dollars, if the value of the property 2259  
was more than one hundred dollars at the time it was willfully 2260  
damaged or was the subject of a theft offense. 2261

(b) Liquidated damages in whichever of the following amounts 2262  
is greater: 2263

(i) Two hundred dollars; 2264

(ii) Three times the value of the property at the time it was 2265  
willfully damaged or was the subject of a theft offense, 2266  
irrespective of whether the property is recovered by way of 2267  
replevin or otherwise, is destroyed or otherwise damaged, is 2268  
modified or otherwise altered, or is resalable at its full market 2269  
price. This division does not apply to a check, negotiable order 2270  
of withdrawal, share draft, or other negotiable instrument that 2271  
was returned or dishonored for insufficient funds by a financial 2272  
institution if the check, negotiable order of withdrawal, share 2273  
draft, or other negotiable instrument was presented by an 2274  
individual borrower to a ~~check-cashing business licensed pursuant~~ 2275  
~~to~~ licensee under sections 1315.35 to 1315.44 1321.35 to 1321.48 2276  
of the Revised Code for a ~~check-cashing~~ loan transaction. 2277

(2) In a civil action in which the value of the property that 2278  
was willfully damaged or was the subject of a theft offense is 2279  
less than five thousand dollars, the property owner may recover 2280  
damages as described in division (A)(1)(a) or (b) of this section 2281  
and additionally may recover the reasonable administrative costs, 2282  
if any, of the property owner that were incurred in connection 2283  
with actions taken pursuant to division (A)(2) of this section, 2284  
the cost of maintaining the civil action, and reasonable 2285

attorney's fees, if all of the following apply: 2286

(a) The property owner, at least thirty days prior to the 2287  
filing of the civil action, serves a written demand for payment of 2288  
moneys as described in division (A)(1)(a) of this section and the 2289  
reasonable administrative costs, if any, of the property owner 2290  
that have been incurred in connection with actions taken pursuant 2291  
to division (A)(2) of this section, upon the person who willfully 2292  
damaged the property or committed the theft offense. 2293

(b) The demand conforms to the requirements of division (C) 2294  
of this section and is sent by certified mail, return receipt 2295  
requested. 2296

(c) Either the person who willfully damaged the property or 2297  
committed the theft offense does not make payment to the property 2298  
owner of the amount specified in the demand within thirty days 2299  
after the date of its service upon that person and does not enter 2300  
into an agreement with the property owner during that thirty-day 2301  
period for that payment or the person who willfully damaged the 2302  
property or committed the theft offense enters into an agreement 2303  
with the property owner during that thirty-day period for that 2304  
payment but does not make that payment in accordance with the 2305  
agreement. 2306

(B) If a property owner who brings a civil action pursuant to 2307  
division (A) of section 2307.60 of the Revised Code to recover 2308  
damages for willful damage to property or for a theft offense 2309  
attempts to collect the reasonable administrative costs, if any, 2310  
of the property owner that have been incurred in connection with 2311  
actions taken pursuant to division (A)(2) of this section, the 2312  
cost of maintaining the civil action, and reasonable attorney's 2313  
fees under authority of that division and if the defendant 2314  
prevails in the civil action, the defendant may recover from the 2315  
property owner reasonable attorney's fees, the cost of defending 2316  
the civil action, and any compensatory damages that may be proven. 2317

(C) For purposes of division (A)(2) of this section, a written demand for payment shall include a conspicuous notice to the person upon whom the demand is to be served that indicates all of the following:

(1) The willful property damage or theft offense that the person allegedly committed;

(2) That, if the person makes payment of the amount specified in the demand within thirty days after its service upon the person or enters into an agreement with the property owner during that thirty-day period for that payment and makes that payment in accordance with the agreement, the person cannot be sued by the property owner in a civil action in relation to the willful property damage or theft offense;

(3) That, if the person fails to make payment of the amount specified in the demand within thirty days after the date of its service upon the person and fails to enter into an agreement for that payment with the property owner during that thirty-day period or enters into an agreement for that payment with the property owner during that thirty-day period but does not make that payment in accordance with the agreement, the person may be sued in a civil action in relation to the willful property damage or theft offense;

(4) The potential judgment that the person may be required to pay if the person is sued in a civil action in relation to the willful property damage or theft offense and judgment is rendered against the person in that civil action;

(5) That, if the person is sued in a civil action by the property owner in relation to the willful property damage or theft offense, if the civil action requests that the person be required to pay the reasonable administrative costs, if any, of the property owner that have been incurred in connection with actions

taken pursuant to division (A)(2) of this section, the cost of 2349  
maintaining the action, and reasonable attorney's fees, and if the 2350  
person prevails in the civil action, the person may recover from 2351  
the property owner reasonable attorney's fees, the cost of 2352  
defending the action, and any compensatory damages that can be 2353  
proved. 2354

(D) If a property owner whose property was willfully damaged 2355  
or was the subject of a theft offense serves a written demand for 2356  
payment upon a person who willfully damaged the property or 2357  
committed the theft offense and if the person makes payment of the 2358  
amount specified in the demand within thirty days after the date 2359  
of its service upon the person or the person enters into an 2360  
agreement with the property owner during that thirty-day period 2361  
for that payment and makes payment in accordance with the 2362  
agreement, the property owner shall not file a civil action 2363  
against the person in relation to the willful property damage or 2364  
theft offense. 2365

(E) If a property owner whose property was willfully damaged 2366  
or was the subject of a theft offense serves a written demand for 2367  
payment upon a person who willfully damaged the property or 2368  
committed the theft offense and if the person, within thirty days 2369  
after the date of service of the demand upon the person, enters 2370  
into an agreement with the property owner for the payment of the 2371  
amount specified in the demand but does not make that payment in 2372  
accordance with the agreement, the time between the entering of 2373  
the agreement and the failure to make that payment shall not be 2374  
computed as any part of the period within which a civil action 2375  
based on the willful property damage or theft offense must be 2376  
brought under the Revised Code. 2377

(F) A civil action to recover damages for willful property 2378  
damage or for a theft offense may be joined with a civil action 2379  
that is brought pursuant to Chapter 2737. of the Revised Code to 2380

recover the property. If the two actions are joined, any 2381  
compensatory damages recoverable by the property owner shall be 2382  
limited to the value of the property. 2383

(G)(1) In a civil action to recover damages for willful 2384  
property damage or for a theft offense, the trier of fact may 2385  
determine that an owner's property was willfully damaged or that a 2386  
theft offense involving the owner's property has been committed, 2387  
whether or not any person has pleaded guilty to or has been 2388  
convicted of any criminal offense or has been adjudicated a 2389  
delinquent child in relation to any act involving the owner's 2390  
property. 2391

(2) This section does not affect the prosecution of any 2392  
criminal action or proceeding or any action to obtain a delinquent 2393  
child adjudication in connection with willful property damage or a 2394  
theft offense. 2395

(H) As used in this section: 2396

(1) "Administrative costs" includes the costs of written 2397  
demands for payment and associated postage under division (A)(2) 2398  
of this section. 2399

(2) "Value of the property" means one of the following: 2400

(a) The retail value of any property that is offered for sale 2401  
by a mercantile establishment, irrespective of whether the 2402  
property is destroyed or otherwise damaged, is modified or 2403  
otherwise altered, or otherwise is not resalable at its full 2404  
market price; 2405

(b) The face value of any check or other negotiable 2406  
instrument that is not honored due to insufficient funds in the 2407  
drawer's account, the absence of any drawer's account, or another 2408  
reason, and all charges imposed by a bank, savings and loan 2409  
association, credit union, or other financial institution upon the 2410  
holder of the check or other negotiable instrument; 2411

(c) The replacement value of any property not described in 2412  
division (H)(1) or (2) of this section. 2413

**Section 2.** That existing sections 109.572, 135.63, 1109.20, 2414  
1151.29, 1181.05, 1181.21, 1181.25, 1315.99, 1321.02, 1321.21, 2415  
1321.99, 1345.01, 1349.71, 1349.72, 1733.25, and 2307.61 of the 2416  
Revised Code are hereby repealed. 2417

**Section 3.** That sections 1315.35, 1315.36, 1315.37, 1315.38, 2418  
1315.39, 1315.40, 1315.41, 1315.42, 1315.43, and 1315.44 of the 2419  
Revised Code are hereby repealed. 2420

**Section 4.** The Superintendent of Financial Institutions shall 2421  
develop, implement, and maintain a statewide common database in 2422  
accordance with section 1321.46 of the Revised Code within 120 2423  
days of the effective date of this act. In the period of time 2424  
between the effective date of this act and the availability of a 2425  
statewide common database, a check-cashing business shall require 2426  
a borrower to sign a written declaration confirming that the 2427  
borrower does not have more than one outstanding check-cashing 2428  
loan. 2429

**Section 5.** All licenses issued pursuant to sections 1315.35 2430  
to 1315.44 of the Revised Code, and in effect on the date this 2431  
section becomes effective, shall remain in effect, unless 2432  
suspended or revoked by the superintendent of financial 2433  
institutions, until such time as the license would be subject to 2434  
renewal pursuant to sections 1315.35 to 1315.44 of the Revised 2435  
Code as those sections existed prior to the effective date of this 2436  
act. The superintendent shall recognize any such license holder as 2437  
a valid license holder under sections 1321.35 to 1321.48 of the 2438  
Revised Code as enacted by this act, and such license holder 2439  
thereafter is subject to all provisions of sections 1321.35 to 2440

1321.48 of the Revised Code. 2441

**Section 6.** Within thirty days of the effective date of this 2442  
act, the Director of Budget and Management shall make a one-time 2443  
transfer of five per cent of the balance of the consumer finance 2444  
fund, created under section 1321.21 of the Revised Code, to the 2445  
financial literacy education fund created under section 121.085 of 2446  
the Revised Code as enacted by this act. 2447