

As Passed by the Senate

127th General Assembly

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Sub. H. B. No. 545

Representative Widener

**Cosponsors: Representatives Koziura, Batchelder, Budish, Stewart, D.,
Boyd, DeBose, Driehaus, Dyer, Foley, Garrison, Gerberry, Hagan, R., Letson,
Luckie, Lundy, Newcomb, Peterson, Skindell, Stebelton, Sykes, Wagner,
Widowfield, Yates**

Senators Jacobson, Cafaro, Roberts, Miller, D., Fedor, Miller, R.

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A B I L L

To amend sections 109.572, 135.63, 1181.05, 1181.21,	1
1181.25, 1315.99, 1321.02, 1321.15, 1321.21,	2
1321.99, 1345.01, 1349.71, 1349.72, 1733.25, and	3
2307.61, to enact sections 121.085, 135.68,	4
135.69, 135.70, 1321.35, 1321.36, 1321.37,	5
1321.38, 1321.39, 1321.40, 1321.41, 1321.42,	6
1321.421, 1321.422, 1321.43, 1321.44, 1321.45,	7
1321.46, 1321.461, 1321.47, and 1321.48, and to	8
repeal sections 1315.35, 1315.36, 1315.37,	9
1315.38, 1315.39, 1315.40, 1315.41, 1315.42,	10
1315.43, and 1315.44 of the Revised Code to repeal	11
the Check-Cashing Lender Law, to establish the	12
Short-Term Lender Law, to create a short-term	13
installment loan linked deposit program, to	14
further restrict the making of multiple loans	15
under the Small Loan Law, to expand the	16
responsibilities of the Consumer Finance Education	17
Board, and to make other related changes.	18
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 109.572, 135.63, 1181.05, 1181.21, 1181.25, 1315.99, 1321.02, 1321.15, 1321.21, 1321.99, 1345.01, 1349.71, 1349.72, 1733.25, and 2307.61 be amended, and sections 121.085, 135.68, 135.69, 135.70, 1321.35, 1321.36, 1321.37, 1321.38, 1321.39, 1321.40, 1321.41, 1321.42, 1321.421, 1321.422, 1321.43, 1321.44, 1321.45, 1321.46, 1321.461, 1321.47, and 1321.48 of the Revised Code be enacted to read as follows:

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, 3319.39, 5104.012, or 5104.013 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, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of

the Revised Code that would have been a violation of section 49
2905.04 of the Revised Code as it existed prior to July 1, 1996, 50
had the violation been committed prior to that date, or a 51
violation of section 2925.11 of the Revised Code that is not a 52
minor drug possession offense; 53

(b) A violation of an existing or former law of this state, 54
any other state, or the United States that is substantially 55
equivalent to any of the offenses listed in division (A)(1)(a) of 56
this section. 57

(2) On receipt of a request pursuant to section 5123.081 of 58
the Revised Code with respect to an applicant for employment in 59
any position with the department of mental retardation and 60
developmental disabilities, pursuant to section 5126.28 of the 61
Revised Code with respect to an applicant for employment in any 62
position with a county board of mental retardation and 63
developmental disabilities, or pursuant to section 5126.281 of the 64
Revised Code with respect to an applicant for employment in a 65
direct services position with an entity contracting with a county 66
board for employment, a completed form prescribed pursuant to 67
division (C)(1) of this section, and a set of fingerprint 68
impressions obtained in the manner described in division (C)(2) of 69
this section, the superintendent of the bureau of criminal 70
identification and investigation shall conduct a criminal records 71
check. The superintendent shall conduct the criminal records check 72
in the manner described in division (B) of this section to 73
determine whether any information exists that indicates that the 74
person who is the subject of the request has been convicted of or 75
pleaded guilty to any of the following: 76

(a) A violation of section 2903.01, 2903.02, 2903.03, 77
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 78
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 79
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 80

2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 81
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 82
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 83
2925.03, or 3716.11 of the Revised Code; 84

(b) An existing or former municipal ordinance or law of this 85
state, any other state, or the United States that is substantially 86
equivalent to any of the offenses listed in division (A)(2)(a) of 87
this section. 88

(3) On receipt of a request pursuant to section 173.27, 89
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 90
completed form prescribed pursuant to division (C)(1) of this 91
section, and a set of fingerprint impressions obtained in the 92
manner described in division (C)(2) of this section, the 93
superintendent of the bureau of criminal identification and 94
investigation shall conduct a criminal records check with respect 95
to any person who has applied for employment in a position for 96
which a criminal records check is required by those sections. The 97
superintendent shall conduct the criminal records check in the 98
manner described in division (B) of this section to determine 99
whether any information exists that indicates that the person who 100
is the subject of the request previously has been convicted of or 101
pleaded guilty to any of the following: 102

(a) A violation of section 2903.01, 2903.02, 2903.03, 103
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 104
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 105
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 106
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 107
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 108
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 109
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 110
2925.22, 2925.23, or 3716.11 of the Revised Code; 111

(b) An existing or former law of this state, any other state, 112

or the United States that is substantially equivalent to any of 113
the offenses listed in division (A)(3)(a) of this section. 114

(4) On receipt of a request pursuant to section 3701.881 of 115
the Revised Code with respect to an applicant for employment with 116
a home health agency as a person responsible for the care, 117
custody, or control of a child, a completed form prescribed 118
pursuant to division (C)(1) of this section, and a set of 119
fingerprint impressions obtained in the manner described in 120
division (C)(2) of this section, the superintendent of the bureau 121
of criminal identification and investigation shall conduct a 122
criminal records check. The superintendent shall conduct the 123
criminal records check in the manner described in division (B) of 124
this section to determine whether any information exists that 125
indicates that the person who is the subject of the request 126
previously has been convicted of or pleaded guilty to any of the 127
following: 128

(a) A violation of section 2903.01, 2903.02, 2903.03, 129
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 130
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 131
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 132
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 133
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 134
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 135
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 136
violation of section 2925.11 of the Revised Code that is not a 137
minor drug possession offense; 138

(b) An existing or former law of this state, any other state, 139
or the United States that is substantially equivalent to any of 140
the offenses listed in division (A)(4)(a) of this section. 141

(5) On receipt of a request pursuant to section 5111.032, 142
5111.033, or 5111.034 of the Revised Code, a completed form 143
prescribed pursuant to division (C)(1) of this section, and a set 144

of fingerprint impressions obtained in the manner described in 145
division (C)(2) of this section, the superintendent of the bureau 146
of criminal identification and investigation shall conduct a 147
criminal records check. The superintendent shall conduct the 148
criminal records check in the manner described in division (B) of 149
this section to determine whether any information exists that 150
indicates that the person who is the subject of the request 151
previously has been convicted of, has pleaded guilty to, or has 152
been found eligible for intervention in lieu of conviction for any 153
of the following: 154

(a) A violation of section 2903.01, 2903.02, 2903.03, 155
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 156
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 157
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 158
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 159
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 160
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 161
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 162
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 163
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 164
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 165
3716.11 of the Revised Code, felonious sexual penetration in 166
violation of former section 2907.12 of the Revised Code, a 167
violation of section 2905.04 of the Revised Code as it existed 168
prior to July 1, 1996, a violation of section 2919.23 of the 169
Revised Code that would have been a violation of section 2905.04 170
of the Revised Code as it existed prior to July 1, 1996, had the 171
violation been committed prior to that date; 172

(b) An existing or former law of this state, any other state, 173
or the United States that is substantially equivalent to any of 174
the offenses listed in division (A)(5)(a) of this section. 175

(6) On receipt of a request pursuant to section 3701.881 of 176

the Revised Code with respect to an applicant for employment with 177
a home health agency in a position that involves providing direct 178
care to an older adult, a completed form prescribed pursuant to 179
division (C)(1) of this section, and a set of fingerprint 180
impressions obtained in the manner described in division (C)(2) of 181
this section, the superintendent of the bureau of criminal 182
identification and investigation shall conduct a criminal records 183
check. The superintendent shall conduct the criminal records check 184
in the manner described in division (B) of this section to 185
determine whether any information exists that indicates that the 186
person who is the subject of the request previously has been 187
convicted of or pleaded guilty to any of the following: 188

(a) A violation of section 2903.01, 2903.02, 2903.03, 189
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 190
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 191
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 192
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 193
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 194
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 195
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 196
2925.22, 2925.23, or 3716.11 of the Revised Code; 197

(b) An existing or former law of this state, any other state, 198
or the United States that is substantially equivalent to any of 199
the offenses listed in division (A)(6)(a) of this section. 200

(7) When conducting a criminal records check upon a request 201
pursuant to section 3319.39 of the Revised Code for an applicant 202
who is a teacher, in addition to the determination made under 203
division (A)(1) of this section, the superintendent shall 204
determine whether any information exists that indicates that the 205
person who is the subject of the request previously has been 206
convicted of or pleaded guilty to any offense specified in section 207
3319.31 of the Revised Code. 208

(8) On receipt of a request pursuant to section 2151.86 of 209
the Revised Code, a completed form prescribed pursuant to division 210
(C)(1) of this section, and a set of fingerprint impressions 211
obtained in the manner described in division (C)(2) of this 212
section, the superintendent of the bureau of criminal 213
identification and investigation shall conduct a criminal records 214
check in the manner described in division (B) of this section to 215
determine whether any information exists that indicates that the 216
person who is the subject of the request previously has been 217
convicted of or pleaded guilty to any of the following: 218

(a) A violation of section 2903.01, 2903.02, 2903.03, 219
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 220
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 221
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 222
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 223
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 224
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 225
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 226
violation of section 2905.04 of the Revised Code as it existed 227
prior to July 1, 1996, a violation of section 2919.23 of the 228
Revised Code that would have been a violation of section 2905.04 229
of the Revised Code as it existed prior to July 1, 1996, had the 230
violation been committed prior to that date, a violation of 231
section 2925.11 of the Revised Code that is not a minor drug 232
possession offense, or felonious sexual penetration in violation 233
of former section 2907.12 of the Revised Code; 234

(b) A violation of an existing or former law of this state, 235
any other state, or the United States that is substantially 236
equivalent to any of the offenses listed in division (A)(8)(a) of 237
this section. 238

(9) When conducting a criminal records check on a request 239
pursuant to section 5104.013 of the Revised Code for a person who 240

is an owner, licensee, or administrator of a child day-care center 241
or type A family day-care home, an authorized provider of a 242
certified type B family day-care home, or an adult residing in a 243
type A or certified type B home, or when conducting a criminal 244
records check or a request pursuant to section 5104.012 of the 245
Revised Code for a person who is an applicant for employment in a 246
center, type A home, or certified type B home, the superintendent, 247
in addition to the determination made under division (A)(1) of 248
this section, shall determine whether any information exists that 249
indicates that the person has been convicted of or pleaded guilty 250
to any of the following: 251

(a) A violation of section 2913.02, 2913.03, 2913.04, 252
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 253
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 254
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 255
2921.13, or 2923.01 of the Revised Code, a violation of section 256
2923.02 or 2923.03 of the Revised Code that relates to a crime 257
specified in this division or division (A)(1)(a) of this section, 258
or a second violation of section 4511.19 of the Revised Code 259
within five years of the date of application for licensure or 260
certification. 261

(b) A violation of an existing or former law of this state, 262
any other state, or the United States that is substantially 263
equivalent to any of the offenses or violations described in 264
division (A)(9)(a) of this section. 265

(10) Upon receipt of a request pursuant to section 5153.111 266
of the Revised Code, a completed form prescribed pursuant to 267
division (C)(1) of this section, and a set of fingerprint 268
impressions obtained in the manner described in division (C)(2) of 269
this section, the superintendent of the bureau of criminal 270
identification and investigation shall conduct a criminal records 271
check in the manner described in division (B) of this section to 272

determine whether any information exists that indicates that the 273
person who is the subject of the request previously has been 274
convicted of or pleaded guilty to any of the following: 275

(a) A violation of section 2903.01, 2903.02, 2903.03, 276
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 277
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 278
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 279
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 280
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 281
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 282
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 283
felonious sexual penetration in violation of former section 284
2907.12 of the Revised Code, a violation of section 2905.04 of the 285
Revised Code as it existed prior to July 1, 1996, a violation of 286
section 2919.23 of the Revised Code that would have been a 287
violation of section 2905.04 of the Revised Code as it existed 288
prior to July 1, 1996, had the violation been committed prior to 289
that date, or a violation of section 2925.11 of the Revised Code 290
that is not a minor drug possession offense; 291

(b) A violation of an existing or former law of this state, 292
any other state, or the United States that is substantially 293
equivalent to any of the offenses listed in division (A)(10)(a) of 294
this section. 295

(11) On receipt of a request for a criminal records check 296
from an individual pursuant to section 4749.03 or 4749.06 of the 297
Revised Code, accompanied by a completed copy of the form 298
prescribed in division (C)(1) of this section and a set of 299
fingerprint impressions obtained in a manner described in division 300
(C)(2) of this section, the superintendent of the bureau of 301
criminal identification and investigation shall conduct a criminal 302
records check in the manner described in division (B) of this 303
section to determine whether any information exists indicating 304

that the person who is the subject of the request has been 305
convicted of or pleaded guilty to a felony in this state or in any 306
other state. If the individual indicates that a firearm will be 307
carried in the course of business, the superintendent shall 308
require information from the federal bureau of investigation as 309
described in division (B)(2) of this section. The superintendent 310
shall report the findings of the criminal records check and any 311
information the federal bureau of investigation provides to the 312
director of public safety. 313

(12) On receipt of a request pursuant to section 1321.37, 314
1322.03, 1322.031, or 4763.05 of the Revised Code, a completed 315
form prescribed pursuant to division (C)(1) of this section, and a 316
set of fingerprint impressions obtained in the manner described in 317
division (C)(2) of this section, the superintendent of the bureau 318
of criminal identification and investigation shall conduct a 319
criminal records check with respect to any person who has applied 320
for a license, permit, or certification from the department of 321
commerce or a division in the department. The superintendent shall 322
conduct the criminal records check in the manner described in 323
division (B) of this section to determine whether any information 324
exists that indicates that the person who is the subject of the 325
request previously has been convicted of or pleaded guilty to any 326
of the following: a violation of section 2913.02, 2913.11, 327
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 328
criminal offense involving theft, receiving stolen property, 329
embezzlement, forgery, fraud, passing bad checks, money 330
laundering, or drug trafficking, or any criminal offense involving 331
money or securities, as set forth in Chapters 2909., 2911., 2913., 332
2915., 2921., 2923., and 2925. of the Revised Code; or any 333
existing or former law of this state, any other state, or the 334
United States that is substantially equivalent to those offenses. 335
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(13) On receipt of a request for a criminal records check 337
from the treasurer of state under section 113.041 of the Revised 338
Code or from an individual under section 4701.08, 4715.101, 339
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 340
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 341
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 342
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 343
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 344
a completed form prescribed under division (C)(1) of this section 345
and a set of fingerprint impressions obtained in the manner 346
described in division (C)(2) of this section, the superintendent 347
of the bureau of criminal identification and investigation shall 348
conduct a criminal records check in the manner described in 349
division (B) of this section to determine whether any information 350
exists that indicates that the person who is the subject of the 351
request has been convicted of or pleaded guilty to any criminal 352
offense in this state or any other state. The superintendent shall 353
send the results of a check requested under section 113.041 of the 354
Revised Code to the treasurer of state and shall send the results 355
of a check requested under any of the other listed sections to the 356
licensing board specified by the individual in the request. 357
358

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

(5), (6), (7), (8), (9), (10), (11), or (12) of this section, as 370
appropriate. The superintendent shall send the person, board, or 371
entity that made the request a copy of the list of offenses 372
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 373
(9), (10), (11), or (12) of this section, as appropriate. If the 374
request was made under section 3701.881 of the Revised Code with 375
regard to an applicant who may be both responsible for the care, 376
custody, or control of a child and involved in providing direct 377
care to an older adult, the superintendent shall provide a list of 378
the offenses specified in divisions (A)(4) and (6) of this 379
section. 380

Not later than thirty days after the superintendent receives 381
a request for a criminal records check pursuant to section 113.041 382
of the Revised Code, the completed form, and the fingerprint 383
impressions, the superintendent shall send the treasurer of state 384
any information, other than information the dissemination of which 385
is prohibited by federal law, the superintendent determines exist 386
with respect to the person who is the subject of the request that 387
indicates that the person previously has been convicted of or 388
pleaded guilty to any criminal offense in this state or any other 389
state. 390

(B) The superintendent shall conduct any criminal records 391
check requested under section 113.041, 121.08, 173.27, 173.394, 392
1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 393
3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 394
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 395
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 396
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 397
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 398
4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 399
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 400
5153.111 of the Revised Code as follows: 401

(1) The superintendent shall review or cause to be reviewed 402
any relevant information gathered and compiled by the bureau under 403
division (A) of section 109.57 of the Revised Code that relates to 404
the person who is the subject of the request, including any 405
relevant information contained in records that have been sealed 406
under section 2953.32 of the Revised Code; 407

(2) If the request received by the superintendent asks for 408
information from the federal bureau of investigation, the 409
superintendent shall request from the federal bureau of 410
investigation any information it has with respect to the person 411
who is the subject of the request and shall review or cause to be 412
reviewed any information the superintendent receives from that 413
bureau. 414

(3) The superintendent or the superintendent's designee may 415
request criminal history records from other states or the federal 416
government pursuant to the national crime prevention and privacy 417
compact set forth in section 109.571 of the Revised Code. 418

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

electronic formats. 434

(2) The superintendent shall prescribe standard impression 435
sheets to obtain the fingerprint impressions of any person for 436
whom a criminal records check is requested under section 113.041 437
of the Revised Code or required by section 121.08, 173.27, 438
173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 439
3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 440
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 441
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 442
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 443
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 444
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 445
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 446
5126.281, or 5153.111 of the Revised Code. Any person for whom a 447
records check is requested under or required by any of those 448
sections shall obtain the fingerprint impressions at a county 449
sheriff's office, municipal police department, or any other entity 450
with the ability to make fingerprint impressions on the standard 451
impression sheets prescribed by the superintendent. The office, 452
department, or entity may charge the person a reasonable fee for 453
making the impressions. The standard impression sheets the 454
superintendent prescribes pursuant to this division may be in a 455
tangible format, in an electronic format, or in both tangible and 456
electronic formats. 457

(3) Subject to division (D) of this section, the 458
superintendent shall prescribe and charge a reasonable fee for 459
providing a criminal records check requested under section 460
113.041, 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 461
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 462
4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 463
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 464
4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 465

4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 466
4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 467
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 468
5126.281, or 5153.111 of the Revised Code. The person making a 469
criminal records request under section 113.041, 121.08, 173.27, 470
173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 471
3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 472
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 473
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 474
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 475
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 476
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 477
5104.013, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 478
5153.111 of the Revised Code shall pay the fee prescribed pursuant 479
to this division. A person making a request under section 3701.881 480
of the Revised Code for a criminal records check for an applicant 481
who may be both responsible for the care, custody, or control of a 482
child and involved in providing direct care to an older adult 483
shall pay one fee for the request. In the case of a request under 484
section 5111.032 of the Revised Code, the fee shall be paid in the 485
manner specified in that section. 486

(4) The superintendent of the bureau of criminal 488
identification and investigation may prescribe methods of 489
forwarding fingerprint impressions and information necessary to 490
conduct a criminal records check, which methods shall include, but 491
not be limited to, an electronic method. 492

(D) A determination whether any information exists that 493
indicates that a person previously has been convicted of or 494
pleaded guilty to any offense listed or described in division 495
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 496
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 497

(A)(9)(a) or (b), (A)(10)(a) or (b), or (A)(12) of this section, 498
or that indicates that a person previously has been convicted of 499
or pleaded guilty to any criminal offense in this state or any 500
other state regarding a criminal records check of a type described 501
in division (A)(13) of this section, and that is made by the 502
superintendent with respect to information considered in a 503
criminal records check in accordance with this section is valid 504
for the person who is the subject of the criminal records check 505
for a period of one year from the date upon which the 506
superintendent makes the determination. During the period in which 507
the determination in regard to a person is valid, if another 508
request under this section is made for a criminal records check 509
for that person, the superintendent shall provide the information 510
that is the basis for the superintendent's initial determination 511
at a lower fee than the fee prescribed for the initial criminal 512
records check. 513

(E) As used in this section: 514

(1) "Criminal records check" means any criminal records check 515
conducted by the superintendent of the bureau of criminal 516
identification and investigation in accordance with division (B) 517
of this section. 518

(2) "Minor drug possession offense" has the same meaning as 519
in section 2925.01 of the Revised Code. 520

(3) "Older adult" means a person age sixty or older. 521

Sec. 121.085. The financial literacy education fund is hereby 522
created in the state treasury. The fund shall consist of funds 523
transferred to it from the consumer finance fund pursuant to 524
section 1321.21 of the Revised Code. The fund shall be used to 525
support various adult financial literacy education programs 526
developed or implemented by the director of commerce. The fund 527
shall be administered by the director of commerce who shall adopt 528

rules for the distribution of fund moneys. The director of 529
commerce shall adopt a rule to require that at least one-half of 530
the financial literacy education programs developed or implemented 531
pursuant to this section, and offered to the public, be presented 532
by or available at public community colleges or state institutions 533
throughout the state. The director of commerce shall deliver to 534
the president of the senate, the speaker of the house of 535
representatives, the minority leader of the senate, the minority 536
leader of the house of representatives, and the governor an annual 537
report that includes an outline of each adult financial literacy 538
education program developed or implemented, the number of 539
individuals who were educated by each program, and an accounting 540
for all funds distributed. 541

542

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

or assistive technology device linked deposits, the treasurer of 561
state shall give priority to the investment, liquidity, and cash 562
flow needs of the state. 563

Sec. 135.68. As used in sections 135.68 to 135.70 of the 564
Revised Code: 565

(A) "Eligible individual" means a person in this state. 566

(B) "Eligible lending institution" means a financial 567
institution that is eligible to make loans, is a public depository 568
of state funds under section 135.03 of the Revised Code, and 569
agrees to participate in the short-term installment loan linked 570
deposit program. 571

(C) "Short-term installment loan" means an extension of 572
credit that does not exceed eight hundred dollars, the duration of 573
which is not less than ninety days and six installments, and the 574
interest on the loan is calculated in compliance with 15 U.S.C. 575
1606 and does not exceed an annual percentage rate of twenty-eight 576
per cent. For the purpose of this section, interest and annual 577
percentage rate have the same meaning as in section 1321.35 of the 578
Revised Code. 579

(D) "Short-term installment loan linked deposit" means a 580
certificate of deposit placed by the treasurer of state with an 581
eligible lending institution at up to three per cent below current 582
market rates, as determined and calculated by the treasurer of 583
state, provided the institution agrees to lend the value of such 584
deposit, according to the deposit agreement provided for section 585
135.69 of the Revised Code, to eligible individuals in the form of 586
short-term installment loans. 587

Sec. 135.69. (A) An eligible lending institution shall enter 588
into a deposit agreement with the treasurer of state, which 589
agreement shall include requirements necessary to carry out the 590

purposes of sections 135.68 to 135.70 of the Revised Code. These 591
requirements shall reflect the market conditions prevailing in the 592
eligible lending institution's lending area. 593

(B)(1) The deposit agreement required by division (A) of this 594
section shall include provisions for certificates of deposit to be 595
placed for any maturity considered appropriate by the treasurer of 596
state not to exceed two years, but may be renewed for up to an 597
additional two years at the option of the treasurer of state. 598
Interest shall be paid at the times determined by the treasurer of 599
state. 600

(2) The deposit agreement required by division (A) of this 601
section may include a specification of the period of time in which 602
the lending institution is to lend funds upon the placement of a 603
short-term installment loan linked deposit. 604

(C) Eligible lending institutions shall comply fully with 605
this chapter. 606

(D) An eligible lending institution that desires to receive a 607
short-term installment loan linked deposit shall forward to the 608
treasurer of state a short-term installment loan linked deposit 609
loan package, in the form and manner as prescribed by the 610
treasurer of state. The package required by this section shall 611
include such information as required by the treasurer of state, 612
including the amount of the loan requested. 613

(E) Upon the placement of a short-term installment loan 614
linked deposit with an eligible lending institution, the 615
institution shall make short-term installment loans, as defined in 616
section 135.68 of the Revised Code, to eligible individuals in 617
accordance with the deposit agreement required by section 135.69 618
of the Revised Code. 619

(F) An eligible lending institution shall certify compliance 620

with this section in the form and manner prescribed by the 621
treasurer of state. 622

Sec. 135.70. (A) The treasurer of state may accept or reject 623
a short-term installment loan linked deposit loan package or any 624
portion of the package required by section 135.69 of the Revised 625
Code, based on the treasurer's evaluation of the package and the 626
amount of state funds to be deposited. 627

(B) Upon acceptance of the short-term installment loan linked 628
deposit loan package or any portion of the package, the treasurer 629
of state may place certificates of deposit with the eligible 630
lending institution at three per cent below current market rates, 631
as determined and calculated by the treasurer of state. However, 632
when necessary, the treasurer of state may place certificates of 633
deposit prior to acceptance of a short-term installment loan 634
linked deposit loan package. 635

(C) The treasurer of state shall take all steps, including 636
the development of guidelines, necessary to implement the 637
short-term installment loan linked deposit program established 638
under sections 135.68 to 135.70 of the Revised Code and monitor 639
compliance of eligible lending institutions. 640

(D)(1) Annually, by the first day of February, the treasurer 641
of state shall report on the short-term installment loan linked 642
deposit program established under sections 135.68 to 135.70 of the 643
Revised Code for the preceding calendar year to the governor, the 644
speaker of the house of representatives, and the president of the 645
senate. 646

(2) The report required by division (D)(1) of this section 647
shall set forth the short-term installment loan linked deposits 648
made by the treasurer of state under the program during the year 649
and shall include the following information: 650

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

654

(b) A representation of the number or percentage of loans, 655
pursuant to each short-term installment loan linked deposit, that 656
were paid late or in default. 657

(3) The speaker of the house of representatives shall 658
transmit copies of the report required by division (D)(1) of this 659
section to the chairperson of the standing house of 660
representatives committee that customarily considers legislation 661
regarding financial institutions, and the president of the senate 662
shall transmit copies of the report to the chairperson of the 663
standing senate committee that customarily considers legislation 664
regarding financial institutions. 665

(E) The state and the treasurer of state are not liable to 666
any eligible lending institution in any manner for payment of the 667
principal or interest on a loan made under sections 135.68 to 668
135.70 of the Revised Code to an eligible individual. 669

(F) Any delay in payments or default on the part of an 670
eligible individual with respect to a loan made under sections 671
135.68 to 135.70 of the Revised Code does not in any manner affect 672
the deposit agreement between the eligible lending institution and 673
the treasurer of state. 674

Sec. 1181.05. (A) As used in this section, "consumer finance 675
company" means any person required to be licensed or registered 676
under Chapter 1321., 1322., 4712., 4727., or 4728., or sections 677
1315.21 to 1315.30, ~~or sections 1315.35 to 1315.44~~ of the Revised 678
Code. 679

(B) Neither the superintendent of financial institutions nor 680

any other employee of the division of financial institutions shall 681
do any of the following: be interested, directly or indirectly, in 682
any bank, savings and loan association, savings bank, credit 683
union, or consumer finance company, that is under the supervision 684
of the superintendent of financial institutions; directly or 685
indirectly borrow money from any such financial institution or 686
company; serve as a director or officer of or be employed by any 687
such financial institution or company; or own an equity interest 688
in any such financial institution or company. For purposes of this 689
section, an equity interest does not include the ownership of an 690
account in a mutual savings and loan association or in a savings 691
bank that does not have permanent stock or the ownership of a 692
share account in a credit union. 693

(C) Subject to division (G) of this section, an employee of 694
the division of financial institutions may retain any extension of 695
credit that otherwise would be prohibited by division (B) of this 696
section if both of the following apply: 697

(1) The employee obtained the extension of credit prior to 698
October 29, 1995, or the commencement of the employee's employment 699
with the division, or as a result of a change in the employee's 700
marital status, the consummation of a merger, acquisition, 701
transfer of assets, or other change in corporate ownership beyond 702
the employee's control, or the sale of the extension of credit in 703
the secondary market or other business transaction beyond the 704
employee's control. 705

(2) The employee liquidates the extension of credit under its 706
original terms and without renegotiation. 707

If the employee chooses to retain the extension of credit, 708
the employee shall immediately provide written notice of the 709
retention to the employee's supervisor. Thereafter, the employee 710
shall be disqualified from participating in any decision, 711
examination, audit, or other action that may affect that 712

particular creditor. 713

(D) Subject to division (G) of this section, an employee of 714
the division of financial institutions may retain any ownership of 715
or beneficial interest in the securities of a financial 716
institution or consumer finance company that is under the 717
supervision of the division of financial institutions, or of a 718
holding company or subsidiary of such a financial institution or 719
company, which ownership or beneficial interest otherwise would be 720
prohibited by division (B) of this section, if the ownership or 721
beneficial interest is acquired by the employee through 722
inheritance or gift, prior to October 29, 1995, or the 723
commencement of the employee's employment with the division, or as 724
a result of a change in the employee's marital status or the 725
consummation of a merger, acquisition, transfer of assets, or 726
other change in corporate ownership beyond the employee's control. 727

If the employee chooses to retain the ownership or beneficial 728
interest, the employee shall immediately provide written notice of 729
the retention to the employee's supervisor. Thereafter, the 730
employee shall be disqualified from participating in any decision, 731
examination, audit, or other action that may affect the issuer of 732
the securities. However, if the ownership of or beneficial 733
interest in the securities and the subsequent disqualification 734
required by this division impair the employee's ability to perform 735
the employee's duties, the employee may be ordered to divest self 736
of the ownership of or beneficial interest in the securities. 737

(E) Notwithstanding division (B) of this section, an employee 738
of the division of financial institutions may have an indirect 739
interest in the securities of a financial institution or consumer 740
finance company that is under the supervision of the division of 741
financial institutions, which interest arises through ownership of 742
or beneficial interest in the securities of a publicly held mutual 743
fund or investment trust, if the employee owns or has a beneficial 744

interest in less than five per cent of the securities of the 745
mutual fund or investment trust, and the mutual fund or investment 746
trust is not advised or sponsored by a financial institution or 747
consumer finance company that is under the supervision of the 748
division of financial institutions. If the mutual fund or 749
investment trust is subsequently advised or sponsored by a 750
financial institution or consumer finance company that is under 751
the supervision of the division of financial institutions, the 752
employee shall immediately provide written notice of the ownership 753
of or beneficial interest in the securities to the employee's 754
supervisor. Thereafter, the employee shall be disqualified from 755
participating in any decision, examination, audit, or other action 756
that may affect the financial institution or consumer finance 757
company. However, if the ownership of or beneficial interest in 758
the securities and the subsequent disqualification required by 759
this division impair the employee's ability to perform the 760
employee's duties, the employee may be ordered to divest self of 761
the ownership of or beneficial interest in the securities. 762

(F)(1) For purposes of this section, the interests of an 763
employee's spouse or dependent child arising through the ownership 764
or control of securities shall be considered the interests of the 765
employee, unless the interests are solely the financial interest 766
and responsibility of the spouse or dependent child, the interests 767
are not in any way derived from the income, assets, or activity of 768
the employee, and any financial or economic benefit from the 769
interests is for the personal use of the spouse or dependent 770
child. 771

(2) If an employee's spouse or dependent child obtains 772
interests arising through the ownership or control of securities 773
and, pursuant to division (F)(1) of this section, the interests 774
are not considered the interests of the employee, the employee 775
shall immediately provide written notice of the interests to the 776

employee's supervisor. Thereafter, the employee shall be 777
disqualified from participating in any decision, examination, 778
audit, or other action that may affect the issuer of the 779
securities. 780

(G) For purposes of divisions (C) and (D) of this section, 781
both of the following apply: 782

(1) With respect to any employee of the former division of 783
consumer finance who, on the first day of the first pay period 784
commencing after the effective date of this section, becomes an 785
employee of the division of financial institutions, the employee's 786
employment with the division of financial institutions is deemed 787
to commence on the first day of the first pay period commencing 788
after the effective date of this section. 789

(2) With respect to any employee who, on October 29, 1995, 790
became an employee of the division of financial institutions, the 791
employee may, notwithstanding divisions (C) and (D) of this 792
section, retain any extension of credit by a consumer finance 793
company that was obtained at any time prior to the first day of 794
the first pay period commencing after the effective date of this 795
section, or retain any ownership of or beneficial interest in the 796
securities of a consumer finance company, or of a holding company 797
or subsidiary of such a company, that was acquired at any time 798
prior to the first day of the first pay period commencing after 799
the effective date of this section. If the employee chooses to 800
retain the extension of credit or the ownership or beneficial 801
interest, the employee shall comply with divisions (C) and (D) of 802
this section. 803

Sec. 1181.21. (A) As used in this section, "consumer finance 804
company" has the same meaning as in section 1181.05 of the Revised 805
Code. 806

(B) The superintendent of financial institutions shall see 807

that the laws relating to consumer finance companies are executed 808
and enforced. 809

(C) The deputy superintendent for consumer finance shall be 810
the principal supervisor of consumer finance companies. In that 811
position the deputy superintendent for consumer finance shall, 812
notwithstanding ~~division (C) of section 1315.42~~ 1321.421, division 813
(A) of section 1321.76, and sections 1321.07, 1321.55, 1322.06, 814
4727.05, and 4728.05 of the Revised Code, be responsible for 815
conducting examinations and preparing examination reports under 816
those sections. In addition, the deputy superintendent for 817
consumer finance shall, notwithstanding sections 1315.27, ~~1315.43~~, 818
1321.10, 1321.43, 1321.54, 1321.77, 1322.12, 4712.14, 4727.13, and 819
4728.10 of the Revised Code, have the authority to adopt rules and 820
standards in accordance with those sections. In performing or 821
exercising any of the examination, rule-making, or other 822
regulatory functions, powers, or duties vested by this division in 823
the deputy superintendent for consumer finance, the deputy 824
superintendent for consumer finance shall be subject to the 825
control of the superintendent of financial institutions and the 826
director of commerce. 827

Sec. 1181.25. The superintendent of financial institutions 828
may introduce into evidence or disclose, or authorize to be 829
introduced into evidence or disclosed, information that, under 830
sections 1121.18, 1155.16, 1163.20, 1315.122, 1321.09, 1321.48, 831
1321.55, 1321.76, 1322.06, 1322.061, 1733.32, 1733.327, and 832
4727.18 of the Revised Code, is privileged, confidential, or 833
otherwise not public information or a public record, provided that 834
the superintendent acts only as provided in those sections or in 835
the following circumstances: 836

(A) When in the opinion of the superintendent, it is 837
appropriate with regard to any enforcement actions taken and 838

decisions made by the superintendent under Chapters 1315., 1321., 839
1322., 1733., 4712., 4727., and 4728. of the Revised Code or Title 840
XI of the Revised Code; 841

(B) When litigation has been initiated by the superintendent 842
in furtherance of the powers, duties, and obligations imposed upon 843
the superintendent by Chapters 1315., 1321., 1322., 1733., 4712., 844
4727., and 4728. of the Revised Code or Title XI of the Revised 845
Code; 846

(C) When in the opinion of the superintendent, it is 847
appropriate with regard to enforcement actions taken or decisions 848
made by other financial institution regulatory authorities to whom 849
the superintendent has provided the information pursuant to 850
authority in Chapters 1315., 1321., 1322., 1733., 4712., 4727., 851
and 4728. of the Revised Code or Title XI of the Revised Code. 852

Sec. 1315.99. (A) Whoever violates division (A) or (B) of 853
section 1315.28, ~~section 1315.41~~, or division (E)(2) of section 854
1315.53 of the Revised Code is guilty of a misdemeanor of the 855
first degree. 856

(B) Whoever violates division (F)(1) of section 1315.53 or 857
division (B) of section 1315.54 of the Revised Code is guilty of a 858
felony of the fourth degree. 859

(C) Whoever violates division (A) of section 1315.55 of the 860
Revised Code is guilty of money laundering. A violation of 861
division (A)(1), (2), (3), (4), or (5) of that section is a felony 862
of the third degree, and, in addition, the court may impose a fine 863
of seven thousand five hundred dollars or twice the value of the 864
property involved, whichever is greater. 865

(D) Whoever knowingly violates division (A) of section 866
1315.02, or intentionally violates division (B)(1) of section 867
1315.081, of the Revised Code is guilty of a felony of the fourth 868

degree. 869

Sec. 1321.02. No person shall engage in the business of 870
lending money, credit, or choses in action in amounts of five 871
thousand dollars or less, or exact, contract for, or receive, 872
directly or indirectly, on or in connection with any such loan, 873
any interest and charges that in the aggregate are greater than 874
the interest and charges that the lender would be permitted to 875
charge for a loan of money if the lender were not a licensee, 876
without first having obtained a license from the division of 877
financial institutions under sections 1321.01 to 1321.19 of the 878
Revised Code. 879

Sections 1321.01 to 1321.19 of the Revised Code do not apply 880
to any person doing business under and as permitted by any law of 881
this state, another state, or the United States relating to banks, 882
savings banks, savings societies, trust companies, credit unions, 883
savings and loan associations substantially all the business of 884
which is confined to loans on real estate mortgages and evidences 885
of their own indebtedness; to registrants conducting business 886
pursuant to sections 1321.51 to 1321.60 of the Revised Code; to 887
licensees conducting business pursuant to sections 1321.71 to 888
1321.83 of the Revised Code; to licensees doing business pursuant 889
to sections ~~1315.35 to 1315.44~~ 1321.35 to 1321.48 of the Revised 890
Code; or to any entity who is licensed pursuant to Title XXXIX of 891
the Revised Code, who makes advances or loans to any person who is 892
licensed to sell insurance pursuant to that Title, and who is 893
authorized in writing by that entity to sell insurance. No person 894
engaged in the business of selling tangible goods or services 895
related thereto may receive or retain a license under sections 896
1321.01 to 1321.19 of the Revised Code for such place of business. 897

The first paragraph of this section applies to any person, 898
who by any device, subterfuge, or pretense, charges, contracts 899

for, or receives greater interest, consideration, or charges than 900
that authorized by this section for any such loan or use of money 901
or for any such loan, use, or sale of credit, or who for a fee or 902
any manner of compensation arranges or offers to find or arrange 903
for another person to make any such loan, use, or sale of credit. 904
This section does not preclude the acquiring, directly or 905
indirectly, by purchase or discount, of a bona fide obligation for 906
goods or services when such obligation is payable directly to the 907
person who provided the goods or services. 908

Any contract of loan in the making or collection of which an 909
act is done by the lender that violates this section is void and 910
the lender has no right to collect, receive, or retain any 911
principal, interest, or charges. 912

Sec. 1321.15. (A) No licensee shall knowingly induce or 913
permit any person, jointly or severally, to be obligated, directly 914
or contingently or both, under more than one contract of loan at 915
the same time for the purpose or with the result of obtaining a 916
higher rate of interest or greater charges than would otherwise be 917
permitted upon a single loan made under sections 1321.01 to 918
1321.19 of the Revised Code. 919

(B) No licensee shall charge, contract for, or receive, 920
directly or indirectly, interest and charges greater than such 921
licensee would be permitted to charge, contract for, or receive 922
without a license under sections 1321.01 to 1321.19 of the Revised 923
Code on any part of an indebtedness for one or more than one loan 924
of money if the amount of such indebtedness is in excess of five 925
thousand dollars. 926

(C) For the purpose of the limitations set forth in this 927
section, the amount of any such indebtedness shall be determined 928
by including the entire obligation of any person to the licensee 929
for principal, direct or contingent or both, as borrower, 930

indorser, guarantor, surety for, or otherwise, whether incurred or 931
subsisting under one or more than one contract of loan, except 932
that any contract of indorsement, guaranty, or suretyship that 933
does not obligate the indorser, guarantor, or surety for any 934
charges in excess of eight per cent per annum, is not included in 935
such entire obligation. If a licensee acquires, directly or 936
indirectly, by purchase or discount, bona fide obligations for 937
goods or services owed by the person who received such goods or 938
services to the person who provided such goods or services, then 939
the amount of such purchased or discounted indebtedness to the 940
licensee shall not be included in computing the aggregate 941
indebtedness of such borrower to the licensee for the purpose of 942
the prohibitions set forth in this section. 943

Sec. 1321.21. All fees, charges, penalties, and forfeitures 944
collected under Chapters 1321., 1322., 4712., 4727., and 4728., 945
sections 1315.21 to 1315.30, ~~sections 1315.35 to 1315.44,~~ and 946
sections 1349.25 to 1349.37 of the Revised Code shall be paid to 947
the superintendent of financial institutions and shall be 948
deposited by the superintendent into the state treasury to the 949
credit of the consumer finance fund, which is hereby created. The 950
fund may be expended or obligated by the superintendent for the 951
defrayment of the costs of administration of Chapters 1321., 952
1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, 953
~~sections 1315.35 to 1315.44,~~ and sections 1349.25 to 1349.37 of 954
the Revised Code by the division of financial institutions. All 955
actual and necessary expenses incurred by the superintendent, 956
including any services rendered by the department of commerce for 957
the division's administration of Chapters 1321., 1322., 4712., 958
4727., and 4728., sections 1315.21 to 1315.30, ~~sections 1315.35 to~~ 959
~~1315.44,~~ and sections 1349.25 to 1349.37 of the Revised Code, 960
shall be paid from the fund. The fund shall be assessed a 961
proportionate share of the administrative costs of the department 962

and the division. The proportionate share of the administrative 963
costs of the division of financial institutions shall be 964
determined in accordance with procedures prescribed by the 965
superintendent and approved by the director of budget and 966
management. Such assessment shall be paid from the consumer 967
finance fund to the division of administration fund or the 968
financial institutions fund. 969

Periodically, in accordance with a schedule the director 970
establishes by rule, but at least once every three months, the 971
director of budget and management shall transfer five per cent of 972
all charges, penalties, and forfeitures received into the consumer 973
finance fund to the financial literacy education fund created 974
under section 121.085 of the Revised Code. 975

Sec. 1321.35. As used in sections 1321.35 to 1321.48 of the 976
Revised Code: 977

(A) "Short-term loan" means a loan made pursuant to sections 978
1321.35 to 1321.48 of the Revised Code. 979

(B) "Superintendent of financial institutions" includes the 980
deputy superintendent for consumer finance as provided in section 981
1181.21 of the Revised Code. 982

(C) "Interest" means all charges payable directly or 983
indirectly by a borrower to a licensee as a condition to a loan, 984
including fees, loan origination charges, service charges, renewal 985
charges, credit insurance premiums, and any ancillary product sold 986
in connection with a loan made pursuant to sections 1321.35 to 987
1321.48 of the Revised Code. 988

(D) "Annual percentage rate" has the same meaning as in the 989
"Truth in Lending Act," 82 Stat. 149 (1980), 15 U.S.C. 1606, as 990
implemented by regulations of the board of governors of the 991
federal reserve system. All fees and charges shall be included in 992

the computation of the annual percentage rate. Fees and charges 993
for single premium credit insurance and other ancillary products 994
sold in connection with the credit transaction shall be included 995
in the calculation of the annual percentage rate. 996

Sec. 1321.36. (A) No person shall engage in the business of 997
making short-term loans to a borrower in Ohio, or, in whole or in 998
part, make, offer, or broker a loan, or assist a borrower in Ohio 999
to obtain such a loan, without first having obtained a license 1000
from the superintendent of financial institutions under sections 1001
1321.35 to 1321.48 of the Revised Code. No licensee shall make, 1002
offer, or broker a loan, or assist a borrower to obtain such a 1003
loan, when the borrower is not physically present in the 1004
licensee's business location. 1005

(B) No person not located in Ohio shall make a short-term 1006
loan to a borrower in Ohio from an office not located in Ohio. 1007
Nothing in this section prohibits a business not located or 1008
licensed in Ohio from lending funds to Ohio borrowers who 1009
physically visit the out-of-state office of the business and 1010
obtain the disbursement of loan funds at that location. No person 1011
shall make, offer, or broker a loan, or assist a borrower to 1012
obtain a loan, via the telephone, mail, or internet. 1013

Sec. 1321.37. (A) Application for an original or renewal 1014
license to make short-term loans shall be in writing, under oath, 1015
and in the form prescribed by the superintendent of financial 1016
institutions, and shall contain the name and address of the 1017
applicant, the location where the business of making loans is to 1018
be conducted, and any further information as the superintendent 1019
requires. At the time of making an application for an original 1020
license, the applicant shall pay to the superintendent a 1021
nonrefundable investigation fee of two hundred dollars. No 1022
investigation fee or any portion thereof shall be refunded after 1023

an original license has been issued. The application for an 1024
original or renewal license shall be accompanied by an original or 1025
renewal license fee, for each business location of one thousand 1026
dollars, except that applications for original licenses issued on 1027
or after the first day of July for any year shall be accompanied 1028
by an original license fee of five hundred dollars, and except 1029
that an application for an original or renewal license, for a 1030
nonprofit corporation that is incorporated under Chapter 1702. of 1031
the Revised Code, shall be accompanied by an original or renewal 1032
license fee, for each business location, that is one-half of the 1033
fee otherwise required. All fees paid to the superintendent 1034
pursuant to this division shall be deposited into the state 1035
treasury to the credit of the consumer finance fund. 1036

1037

(B) Upon the filing of an application for an original license 1038
and, with respect to an application filed for a renewal license, 1039
on a schedule determined by the superintendent by rule adopted 1040
pursuant to section 1321.43 of the Revised Code, and the payment 1041
of fees in accordance with division (A) of this section, the 1042
superintendent shall investigate the facts concerning the 1043
applicant and the requirements provided by this division. The 1044
superintendent shall request the superintendent of the bureau of 1045
criminal identification and investigation, or a vendor approved by 1046
the bureau, to conduct a criminal records check based on the 1047
applicant's fingerprints in accordance with division (A)(12) of 1048
section 109.572 of the Revised Code. Notwithstanding division (K) 1049
of section 121.08 of the Revised Code, the superintendent of 1050
financial institutions shall request that criminal record 1051
information from the federal bureau of investigation be obtained 1052
as part of the criminal records check. The superintendent of 1053
financial institutions shall conduct a civil records check. The 1054
superintendent shall approve an application and issue an original 1055
or renewal license to the applicant if the superintendent finds 1056

all of the following: 1057

(1) The financial responsibility, experience, reputation, and 1058
general fitness of the applicant are such as to warrant the belief 1059
that the business of making loans will be operated lawfully, 1060
honestly, and fairly under sections 1321.35 to 1321.48 of the 1061
Revised Code and within the purposes of those sections; that the 1062
applicant has fully complied with those sections and any rule or 1063
order adopted or issued pursuant to section 1321.43 of the Revised 1064
Code; and that the applicant is qualified to engage in the 1065
business of making loans under sections 1321.35 to 1321.48 of the 1066
Revised Code. 1067

(2) The applicant is financially sound and has a net worth of 1068
not less than one hundred thousand dollars, or in the case of a 1069
nonprofit corporation that is incorporated under Chapter 1702. of 1070
the Revised Code, a net worth of not less than fifty thousand 1071
dollars. The applicant's net worth shall be computed according to 1072
generally accepted accounting principles. 1073

(3) The applicant has never had revoked a license to make 1074
loans under sections 1321.35 to 1321.48 of the Revised Code, under 1075
former sections 1315.35 to 1315.44 of the Revised Code, or to do 1076
business under sections 1315.21 to 1315.30 of the Revised Code. 1077
1078

(4) Neither the applicant nor any senior officer, or partner 1079
of the applicant, has pleaded guilty to or been convicted of any 1080
criminal offense involving theft, receiving stolen property, 1081
embezzlement, forgery, fraud, passing bad checks, money 1082
laundering, or drug trafficking, or any criminal offense involving 1083
money or securities or any violation of an existing or former law 1084
of this state, any other state, or the United States that 1085
substantially is equivalent to a criminal offense described in 1086
that division. However, if the applicant or any of those other 1087
persons has pleaded guilty to or been convicted of any such 1088

offense other than theft, the superintendent shall not consider 1089
the offense if the applicant has proven to the superintendent, by 1090
a preponderance of the evidence, that the applicant's or other 1091
person's activities and employment record since the conviction 1092
show that the applicant or other person is honest, truthful, and 1093
of good reputation, and there is no basis in fact for believing 1094
that the applicant or other person will commit such an offense 1095
again. 1096

(5) Neither the applicant nor any senior officer, or partner 1097
of the applicant, has been subject to any adverse judgment for 1098
conversion, embezzlement, misappropriation of funds, fraud, 1099
misfeasance or malfeasance, or breach of fiduciary duty, or if the 1100
applicant or any of those other persons has been subject to such a 1101
judgment, the applicant has proven to the superintendent, by a 1102
preponderance of the evidence, that the applicant's or other 1103
person's activities and employment record since the judgment show 1104
that the applicant or other person is honest, truthful, and of 1105
good reputation, and there is no basis in fact for believing that 1106
the applicant or other person will be subject to such a judgment 1107
again. 1108

(C) If the superintendent finds that the applicant does not 1109
meet the requirements of division (B) of this section, or the 1110
superintendent finds that the applicant knowingly or repeatedly 1111
contracts with or employs persons to directly engage in lending 1112
activities who have been convicted of a felony crime listed in 1113
division (B)(5) of this section, the superintendent shall issue an 1114
order denying the application for an original or renewal license 1115
and giving the applicant an opportunity for a hearing on the 1116
denial in accordance with Chapter 119. of the Revised Code. The 1117
superintendent shall notify the applicant of the denial, the 1118
grounds for the denial, and the applicant's opportunity for a 1119
hearing. If the application is denied, the superintendent shall 1120

return the annual license fee but shall retain the investigation 1121
fee. 1122

(D) No person licensed under sections 1321.35 to 1321.48 of 1123
the Revised Code shall conduct business in this state unless the 1124
licensee has obtained and maintains in effect at all times a 1125
corporate surety bond issued by a bonding company or insurance 1126
company authorized to do business in this state. The bond shall be 1127
in favor of the superintendent and in the penal sum of at least 1128
one hundred thousand dollars, or in the case of a nonprofit 1129
corporation that is incorporated under Chapter 1702. of the 1130
Revised Code, in the amount of fifty thousand dollars. The term of 1131
the bond shall coincide with the term of the license. The licensee 1132
shall file a copy of the bond with the superintendent. The bond 1133
shall be for the exclusive benefit of any borrower injured by a 1134
violation by a licensee or any employee of a licensee, of any 1135
provision of sections 1321.35 to 1321.48 of the Revised Code. 1136

Sec. 1321.38. (A) A license issued by the superintendent of 1137
financial institutions pursuant to sections 1321.35 to 1321.48 of 1138
the Revised Code shall state the address at which the business of 1139
making loans is to be conducted and shall state the full name of 1140
the business. Each license issued shall be conspicuously posted in 1141
the place of business and is not transferable or assignable. 1142

(B)(1) Not more than one place of business shall be 1143
maintained under the same license issued under sections 1321.35 to 1144
1321.48 of the Revised Code, but the superintendent may issue 1145
additional licenses to the same applicant upon compliance with 1146
those sections. 1147

(2) No change in the place of business of a licensee to a 1148
location outside the original municipal corporation shall be 1149
permitted under the same license. When a licensee wishes to change 1150
its place of business within the same municipal corporation, 1151

written notice thereof shall be given in advance to the 1152
superintendent who shall provide without cost a license pursuant 1153
to sections 1321.35 to 1321.48 of the Revised Code for the new 1154
address. 1155

Sec. 1321.39. A licensee under sections 1321.35 to 1321.48 of 1156
the Revised Code may engage in the business of making loans 1157
provided that each loan meets all of the following conditions: 1158

(A) The total amount of the loan does not exceed five hundred 1159
dollars. 1160

(B) The duration of the loan, as specified in the loan 1161
contract required under division (C) of this section, is not less 1162
than thirty-one days. 1163

(C) The loan is made pursuant to a written loan contract that 1164
sets forth the terms and conditions of the loan. A copy of the 1165
loan contract shall be provided to the borrower. The loan contract 1166
shall disclose in a clear and concise manner all of the following: 1167
1168

(1) The total amount of fees and charges the borrower will be 1169
required to pay in connection with the loan pursuant to the loan 1170
contract; 1171

(2) The total amount of each payment, when each payment is 1172
due, and the total number of payments that the borrower will be 1173
required to make under the loan contract; 1174

(3) A statement, printed in boldface type of the minimum size 1175
of ten points, as follows: "WARNING: The cost of this loan is 1176
higher than the average cost charged by financial institutions on 1177
substantially similar loans." 1178

(4) A statement, printed in a minimum font size of ten 1179
points, which informs the borrower that complaints regarding the 1180
loan or lender may be submitted to the department of commerce 1181

division of financial institutions and includes the correct 1182
telephone number and mailing address for the department; 1183

(5) Any disclosures required under the "Truth in Lending 1184
Act," 82 Stat. 146 (1974), 15 U.S.C. 1601, et seq.; 1185

(6) The rate of interest contracted for under the loan 1186
contract as an annual percentage rate based on the sum of the 1187
principal of the loan and the loan origination fee, check 1188
collection charge, and all other fees or charges contracted for 1189
under the loan contract. 1190

(D) The loan contract includes a provision that offers the 1191
borrower an optional extended payment plan that may be invoked by 1192
the borrower at any time before the maturity date of the loan. To 1193
invoke the extended payment plan, the borrower shall return to the 1194
office where the loan was made and sign an amendment to the 1195
original loan agreement reflecting the extended terms of the loan. 1196
The extended payment plan shall allow the borrower to repay the 1197
balance by not less than sixty days from the original maturity 1198
date. No additional fees or charges may be applied to the loan 1199
upon the borrower entering the extended payment plan. The person 1200
originating the loan for the licensee shall identify verbally to 1201
the borrower the contract provision regarding the extended payment 1202
plan, and the borrower shall verify that the provision has been 1203
identified by initialing the contract adjacent to the provision. 1204
1205

Sec. 1321.40. A person licensed pursuant to sections 1321.35 1206
to 1321.48 of the Revised Code may charge, collect, and receive 1207
the following fees and charges in connection with a short-term 1208
loan: 1209

(A) Interest calculated in compliance with 15 U.S.C. 1606, 1210
and not exceeding an annual percentage rate greater than 1211
twenty-eight per cent; 1212

(B) One check collection charge per loan not exceeding an 1213
amount equal to twenty dollars plus any amount passed on from 1214
other financial institutions for each check, negotiable order of 1215
withdrawal, share draft, or other negotiable instrument returned 1216
or dishonored for any reason, provided that the terms and 1217
conditions upon which check collection charges will be charged to 1218
the borrower are set forth in the written loan contract described 1219
in division (C) of section 1321.39 of the Revised Code; 1220

(C) Damages, costs, and disbursements to which the licensee 1221
may become entitled to by law in connection with any civil action 1222
to collect a loan after default. 1223

Sec. 1321.41. No person licensed pursuant to sections 1321.35 1224
to 1321.48 of the Revised Code shall do any of the following: 1225

(A) Violate section 1321.36 of the Revised Code; 1226
1227

(B) Make a loan that does not comply with section 1321.39 of 1228
the Revised Code; 1229

(C) Charge, collect, or receive, directly or indirectly, any 1230
additional fees, interest, or charges in connection with a loan, 1231
other than fees and charges permitted by section 1321.40 of the 1232
Revised Code and costs or disbursements to which the licensee may 1233
become entitled to by law in connection with any civil action to 1234
collect a loan after default; 1235

(D) Collect treble damages pursuant to division (A)(1)(b)(ii) 1236
of section 2307.61 of the Revised Code in connection with any 1237
civil action to collect a loan after a default due to a check, 1238
negotiable order of withdrawal, share draft, or other negotiable 1239
instrument that was returned or dishonored for insufficient funds; 1240

(E) Make a short-term loan to a borrower if there exists an 1241
outstanding loan between the licensee and that borrower, if a loan 1242

between any licensee and that borrower was terminated on the same 1243
business day, if the borrower has more than one outstanding loan, 1244
if the loan would obligate the borrower to repay a total amount of 1245
more than five hundred dollars to licensees, or indebt the 1246
borrower, to licensees, for an amount that is more than 1247
twenty-five per cent of the borrowers gross monthly salary not 1248
including bonus, overtime, or other such compensation, based on a 1249
payroll verification statement presented by the borrower; 1250

(F) Bring or threaten to bring an action or complaint against 1251
the borrower for the borrower's failure to comply with the terms 1252
of the loan contract solely due to the check, negotiable order of 1253
withdrawal, share draft, or negotiable instrument being returned 1254
or dishonored for insufficient funds. Nothing herein prohibits 1255
such conduct, action, or complaint if the borrower has 1256
intentionally engaged in fraud by, including but not limited to, 1257
closing or using any closed or false account to evade payment; 1258

(G) Make a short-term loan to a borrower for purposes of 1259
retiring an existing short-term loan between any licensee and that 1260
borrower; 1261

(H) Require the borrower to waive the borrower's right to 1262
legal recourse under any otherwise applicable provision of state 1263
or federal law; 1264

(I) Accept the title of a vehicle, real property, physical 1265
assets, or other collateral as security for the obligation; 1266

(J) Engage in any device or subterfuge to evade the 1267
requirements of sections 1321.35 to 1321.48 of the Revised Code 1268
including assisting a borrower to obtain a loan on terms that 1269
would be prohibited by sections 1321.35 to 1321.48 of the Revised 1270
Code, making loans disguised as personal property sales and 1271
leaseback transactions, or disguising loan proceeds as cash 1272
rebates for the pretextual installment sale of goods or services; 1273

<u>(K) Assess or charge a borrower a fee for prepaying the loan</u>	1274
<u>in full prior to the maturity date;</u>	1275
<u>(L) Fail to comply with section 1321.45 of the Revised Code;</u>	1276
<u>(M) Recommend to a borrower that the borrower obtain a loan</u>	1277
<u>for a dollar amount that is higher than the borrower has</u>	1278
<u>requested;</u>	1279
<u>(N) Make a loan to a borrower that has received two loans</u>	1280
<u>within the previous ninety days from licensees, unless the</u>	1281
<u>borrower has completed during that period a financial literacy</u>	1282
<u>program approved by the superintendent;</u>	1283
<u>(O) Draft funds electronically from any depository financial</u>	1284
<u>institution in this state, or bill any credit card issued by such</u>	1285
<u>an institution. Nothing in this division shall prohibit the</u>	1286
<u>conversion of a negotiable instrument into an electronic form for</u>	1287
<u>processing through the automated clearing house system.</u>	1288
<u>(P) Make, publish, or otherwise disseminate, directly or</u>	1289
<u>indirectly, any misleading or false advertisement, or engage in</u>	1290
<u>any other deceptive trade practice;</u>	1291
<u>(Q) Offer any incentive to a borrower in exchange for the</u>	1292
<u>borrower taking out multiple loans over any period of time, or</u>	1293
<u>provide a short-term loan at no charge or at a discounted charge</u>	1294
<u>as compensation for any previous or future business.</u>	1295
<u>(R) Make a loan to a borrower if the borrower has received a</u>	1296
<u>total of four or more loans, from licensees, in the calendar year.</u>	1297
<u>(S) Present a check, negotiable order of withdrawal, share</u>	1298
<u>draft, or other negotiable instrument, that has been previously</u>	1299
<u>presented by the licensee and subsequently returned or dishonored</u>	1300
<u>for any reason, without prior written approval from the borrower.</u>	1301
<u>(T) Change the check number, or in any other way alter a</u>	1302
<u>check, negotiable order of withdrawal, or share draft, prior to</u>	1303

submitting such check, negotiable order of withdrawal, or share 1304
draft for processing through the automated clearing house system, 1305
or submit false information about any check, negotiable order of 1306
withdrawal, or share draft to the automated clearing house system. 1307

Sec. 1321.42. (A) The superintendent of financial 1308
institutions shall, in accordance with Chapter 119. of the Revised 1309
Code, suspend or revoke a license issued pursuant to sections 1310
1321.35 to 1321.48 of the Revised Code, if the superintendent 1311
determines that either of the following applies: 1312

(1) The licensee has failed to comply with any order issued 1313
by the superintendent pursuant to section 1321.43 of the Revised 1314
Code. 1315

(2) Any fact or condition exists that if it had existed or 1316
had been known to exist at the time of original or renewal 1317
licensure pursuant to sections 1321.35 to 1321.48 of the Revised 1318
Code, the fact or condition clearly would have warranted the 1319
superintendent to refuse to issue a license pursuant to those 1320
sections. 1321

(B) The superintendent may make any investigation and conduct 1322
any hearing the superintendent considers necessary to determine 1323
whether any person has violated sections 1321.35 to 1321.48 of the 1324
Revised Code, or any rule or order adopted or issued under section 1325
1321.43 of the Revised Code, or has otherwise engaged in conduct 1326
that would justify the suspension, revocation, or refusal of an 1327
original or renewal license or the imposition of a fine. 1328

1329

The superintendent may impose a monetary fine of not more 1330
than one thousand dollars for each such violation. 1331

(C) In making any investigation or conducting any hearing 1332
pursuant to this section, the superintendent, or any person 1333

designated by the superintendent, at any time may compel by 1334
subpoena witnesses, may take depositions of witnesses residing 1335
without the state in the manner provided for in civil actions, pay 1336
any witnesses the fees and mileage for their attendance provided 1337
for witnesses in civil actions, and administer oaths. The 1338
superintendent also may compel by order or subpoena duces tecum 1339
the production of, and examine, all relevant books, records, 1340
accounts, and other documents. If a person does not comply with a 1341
subpoena or subpoena duces tecum, the superintendent may apply to 1342
the court of common pleas of Franklin county for an order 1343
compelling the person to comply with the subpoena or subpoena 1344
duces tecum or, for failure to do so, an order to be held in 1345
contempt of court. 1346

(D) In connection with any investigation under this section, 1347
the superintendent may file an action in the court of common pleas 1348
of Franklin county or the court of common pleas of the county in 1349
which the person who is the subject of the investigation resides, 1350
or is engaging in or proposing to engage in actions in violation 1351
of sections 1321.35 to 1321.48 of the Revised Code, to obtain an 1352
injunction, temporary restraining order, or other appropriate 1353
relief. 1354

Sec. 1321.421. As often as the superintendent considers it 1355
necessary, the superintendent may examine the records of a 1356
licensee, but in any case, the superintendent shall examine the 1357
records of a licensee at least annually. 1358

Sec. 1321.422. (A) Every licensee shall keep and use in the 1359
licensee's business such books, accounts, records, and loan 1360
documents as will enable the division of financial institutions to 1361
determine whether the licensee is complying with sections 1321.35 1362
to 1321.48 of the Revised Code and with the orders and rules made 1363
by the division under those sections. Such books, accounts, 1364

records, and loan documents shall be segregated from those 1365
pertaining to transactions that are not subject to sections 1366
1321.35 to 1321.48 of the Revised Code. Every licensee shall 1367
preserve the books, accounts, records, and loan documents 1368
pertaining to loans made under sections 1321.35 to 1321.48 of the 1369
Revised Code for at least two years after making the final entry 1370
on, or final revision of any loan document relative to, any loan 1371
recorded therein. Accounting systems maintained in whole or in 1372
part by mechanical or electronic data processing methods that 1373
provide information equivalent to that otherwise required are 1374
acceptable for this purpose. 1375

(B)(1) As required by the superintendent of financial 1376
institutions, each licensee shall file with the division each year 1377
a report under oath or affirmation, on forms supplied by the 1378
division, concerning the business and operation for the preceding 1379
calendar year. If a licensee has more than one place of business 1380
in this state, the licensee shall furnish a report for each 1381
location. 1382

(2) The division shall publish annually an analysis of the 1383
information required under division (B)(1) of this section, but 1384
the individual reports shall not be public records and shall not 1385
be open to public inspection. 1386

Sec. 1321.43. The superintendent of financial institutions, 1387
in accordance with Chapter 119. of the Revised Code, may adopt 1388
rules and issue specific orders to enforce and carry out the 1389
purposes of sections 1321.35 to 1321.48 of the Revised Code. The 1390
superintendent shall issue a rule defining "senior officer" for 1391
the purpose of section 1321.37 of the Revised Code. The 1392
superintendent may adopt, amend, and repeal substantive rules 1393
defining with reasonable specificity acts or practices that 1394
violate section 1321.45 of the Revised Code. 1395

Sec. 1321.44. (A) A violation of section 1321.41 of the 1396
Revised Code is deemed an unfair or deceptive act or practice in 1397
violation of section 1345.02 of the Revised Code. A borrower 1398
injured by a violation of section 1321.41 of the Revised Code 1399
shall have a cause of action and be entitled to the same relief 1400
available to a consumer under section 1345.09 of the Revised Code, 1401
and all powers and remedies available to the attorney general to 1402
enforce sections 1345.01 to 1345.13 of the Revised Code are 1403
available to the attorney general to enforce section 1321.41 of 1404
the Revised Code. 1405

(B) The superintendent of financial institutions or a 1406
borrower may bring directly an action to enjoin a violation of 1407
sections 1321.35 to 1321.48 of the Revised Code. The prosecuting 1408
attorney of the county in which the action may be brought may 1409
bring an action to enjoin a violation of sections 1321.35 to 1410
1321.48 of the Revised Code only if the prosecuting attorney first 1411
presents any evidence of the violation to the attorney general 1412
and, within a reasonable period of time, the attorney general has 1413
not agreed to bring the action. 1414

(C) The superintendent may initiate criminal proceedings 1415
under sections 1321.35 to 1321.48 of the Revised Code by 1416
presenting any evidence of criminal violation to the prosecuting 1417
attorney of the county in which the offense may be prosecuted. If 1418
the prosecuting attorney does not prosecute the violations, or at 1419
the request of the prosecuting attorney, the superintendent shall 1420
present any evidence of criminal violations to the attorney 1421
general, who may proceed in the prosecution with all the rights, 1422
privileges, and powers conferred by law on prosecuting attorneys, 1423
including the power to appear before grand juries and to 1424
interrogate witnesses before such grand juries. These powers of 1425
the attorney general are in addition to any other applicable 1426
powers of the attorney general. 1427

(D) The prosecuting attorney of the county in which an 1428
alleged offense may be prosecuted may initiate criminal 1429
proceedings under sections 1321.35 to 1321.48 of the Revised Code. 1430

(E) In order to initiate criminal proceedings under sections 1431
1321.35 to 1321.48 of the Revised Code, the attorney general first 1432
shall present any evidence of criminal violations to the 1433
prosecuting attorney of the county in which the alleged offense 1434
may be prosecuted. If, within a reasonable period of time, the 1435
prosecuting attorney has not agreed to prosecute the violations, 1436
the attorney general may proceed in the prosecution with all the 1437
rights, privileges, and powers described in division (B) of this 1438
section. 1439

(F) When a judgment under this section becomes final, the 1440
clerk of court shall mail a copy of the judgment, including 1441
supporting opinions, to the superintendent. 1442

Sec. 1321.45. (A) As used in this section: 1443

(1) "Debt collector" means a licensee, officer, employee, or 1444
agent of a licensee, or any person acting as a debt collector for 1445
a licensee, or any person while serving or attempting to serve 1446
legal process on any other person in connection with the judicial 1447
enforcement of any debt resulting from a short-term loan made by a 1448
licensee. 1449

(2) "Borrower" means a person who has an outstanding or 1450
delinquent short-term loan. For the purpose of this section, the 1451
term "borrower" includes the borrower's spouse, parent, if the 1452
borrower is a minor, guardian, executor, or administrator. 1453

(3) "Communication" means the conveying of information 1454
regarding a debt directly or indirectly to any person through any 1455
medium. 1456

(4) "Consumer reporting agency" means any person that, for 1457

monetary fees, dues, or on a cooperative nonprofit basis, 1458
regularly engages in whole or in part in the practice of 1459
assembling or evaluating consumer credit information or other 1460
information on consumers for the purpose of furnishing consumer 1461
reports to third parties and that uses any means or facility for 1462
the purpose of preparing or furnishing consumer reports. 1463

(5) "Location information" means a consumer's residence, 1464
telephone number, or place of employment. 1465

(B) When communicating with any person other than the 1466
borrower for the purpose of acquiring location information about 1467
the borrower, the debt collector shall identify self, state that 1468
the purpose for the communication is to confirm or correct 1469
location information concerning a person, and, only if expressly 1470
requested, identify the debt collector's employer. The debt 1471
collector shall not do any of the following: 1472

(1) State that the person for whom location information is 1473
being sought is a borrower or owes any debt; 1474

(2) Communicate with any person more than once unless 1475
requested to do so by such person or unless the debt collector 1476
reasonably believes that the earlier response of such person is 1477
erroneous or incomplete and that such person now has correct or 1478
complete location information; 1479

(3) Communicate by post card; 1480

(4) Use any language or symbol on any envelope or in the 1481
contents of any communication effected by the mails or telegram 1482
that indicates that the communication relates to the collection of 1483
a debt; 1484

(5) After the debt collector knows the borrower is 1485
represented by an attorney with regard to the subject debt and has 1486
knowledge of, or can readily ascertain, such attorney's name and 1487
address, not communicate with any person other than that attorney, 1488

unless the attorney fails to respond within a reasonable period of 1489
time to communication from the debt collector. 1490

(C) A debt collector, without the prior consent of the 1491
borrower given directly to the debt collector or without the 1492
express permission of a court of competent jurisdiction, may not 1493
communicate with a borrower in connection with the collection of 1494
any debt: 1495

(1) At any unusual time or place or a time or place known or 1496
which should be known to be inconvenient to the borrower. In the 1497
absence of knowledge of circumstances to the contrary, a debt 1498
collector shall assume that the convenient time for communicating 1499
with a borrower is after eight a.m. eastern standard time and 1500
before nine p.m. eastern standard time at the borrower's location. 1501

(2) If the debt collector knows the borrower is represented 1502
by an attorney with respect to such debt and has knowledge of, or 1503
can readily ascertain, such attorney's name and address, unless 1504
the attorney fails to respond within a reasonable period of time 1505
to a communication from the debt collector or unless the attorney 1506
consents to direct communication with the borrower; 1507

(3) At the borrower's place of employment if the debt 1508
collector knows or has reason to know that the borrower's employer 1509
prohibits the borrower from receiving such communication. 1510

(D) A debt collector, when communicating with a third party 1511
without the prior consent of the borrower given directly to the 1512
debt collector, or without the express permission of a court of 1513
competent jurisdiction, or as reasonably necessary to effectuate a 1514
postjudgment judicial remedy, may not communicate, in connection 1515
with the collection of any debt, with any person other than the 1516
borrower, the borrower's attorney, a consumer reporting agency if 1517
otherwise permitted by law, or the attorney of the debt collector. 1518

(E) If a borrower provides written notification, to a person 1519

licensed under section 1321.35 to 1321.48 of the Revised Code or a 1520
debt collector, that the borrower refuses to pay a debt or that 1521
the borrower wishes the debt collector to cease further 1522
communication with the borrower, the debt collector shall not 1523
communicate further with the borrower with respect to such debt, 1524
except: 1525

(1) To advise the borrower that the debt collector's further 1526
efforts are being terminated; 1527

(2) To notify the borrower that the debt collector or 1528
licensee may invoke specified remedies that are ordinarily invoked 1529
by such debt collector or licensee; 1530

(3) Where applicable, to notify the borrower that the debt 1531
collector or licensee intends to invoke a specified remedy. If 1532
such notice from the borrower is made by mail, notification shall 1533
be complete upon receipt. 1534

(F) A debt collector may not engage in any conduct the 1535
natural consequence of which is to harass, oppress, or abuse any 1536
person in connection with the collection of a debt, including, but 1537
not limited to, any of the following: 1538

(1) Using or threatening to use violence or other criminal 1539
means to harm the physical person, reputation, or property of any 1540
person; 1541

(2) Using obscene or profane language or language the natural 1542
consequence of which is to abuse the hearer or reader; 1543

(3) Publication of a list of borrowers who allegedly refuse 1544
to pay debts, except to a consumer-reporting agency; 1545

(4) Causing a telephone to ring or engaging any person in 1546
telephone conversation repeatedly or continuously with intent to 1547
annoy, abuse, or harass any person at the called number. 1548

(G) A debt collector may not use any false, deceptive, or 1549

misleading representation or means in connection with the 1550
collection of any debt, including, but not limited to, any of the 1551
following: 1552

(1) Falsely representing or implying that the debt collector 1553
is vouched for, bonded by, or affiliated with the United States or 1554
any state, including the use of any badge, uniform, or facsimile 1555
thereof; 1556

(2) Falsely representing the character, amount, or legal 1557
status of any debt, or any services rendered, or compensation 1558
which may be lawfully received by any debt collector for the 1559
collection of a debt; 1560

(3) Falsely representing or implying that any individual is 1561
an attorney or that any communication is from an attorney; 1562

(4) Representing or implying that nonpayment of any debt will 1563
result in the arrest or imprisonment of any person or the seizure, 1564
garnishment, attachment, or sale of any property or wages of any 1565
person unless such action is lawful and the debt collector intends 1566
to take such action; 1567

(5) Threatening to take any action that cannot legally be 1568
taken or that is not intended to be taken; 1569

(6) Falsely representing or implying that a sale, referral, 1570
or other transfer of any interest in a debt shall cause the 1571
borrower to lose any claim or defense to payment of the debt; 1572

(7) Falsely representing or implying that the borrower 1573
committed any crime or other conduct in order to disgrace the 1574
borrower; 1575

(8) Communicating or threatening to communicate to any person 1576
credit information that is known or that should be known to be 1577
false, including the failure to communicate that a disputed debt 1578
is disputed; 1579

(9) Using or distributing any written communication that 1580
simulates or is falsely represented to be a document authorized, 1581
issued, or approved by any court, official, or agency of the 1582
United States or any state, or that creates a false impression as 1583
to its source, authorization, or approval; 1584

(10) Using any false representation or deceptive means to 1585
collect or attempt to collect any debt or to obtain information 1586
concerning a borrower; 1587

(11) Failing to disclose in the initial written communication 1588
with the borrower, and in addition, if the initial communication 1589
with the borrower is oral, in that initial oral communication, 1590
that the debt collector is attempting to collect a debt and that 1591
any information obtained will be used for that purpose, and the 1592
failure to disclose in subsequent communications that the 1593
communication is from a debt collector, except that division 1594
(G)(11) of this section shall not apply to a formal pleading made 1595
in connection with a legal action; 1596

(12) Falsely representing or implying that accounts have been 1597
turned over to innocent purchasers for value; 1598

(13) Falsely representing or implying that documents are 1599
legal process; 1600

(14) Using any business, company, or organization name other 1601
than the true name of the debt collector's business, company, or 1602
organization; 1603

(15) Falsely representing or implying that documents are not 1604
legal process forms or do not require action by the consumer; 1605

(16) Falsely representing or implying that a debt collector 1606
operates or is employed by a consumer reporting agency. 1607

(H) A debt collector may not use unfair or unconscionable 1608
means to collect or attempt to collect any debt, including, but 1609

not limited to, any of the following: 1610

(1) Collecting any amount, including any interest, fee, 1611
charge, or expense incidental to the principal obligation, unless 1612
the amount is expressly authorized by the agreement creating the 1613
debt or permitted by law; 1614

(2) Accepting from any person a check or other payment 1615
instrument postdated by more than five days unless the person is 1616
notified in writing of the debt collector's intent to deposit the 1617
check or instrument not more than ten nor less than three business 1618
days prior to deposit; 1619

(3) Soliciting any postdated check or other postdated payment 1620
instrument for the purpose of threatening or instituting criminal 1621
prosecution; 1622

(4) Depositing or threatening to deposit any postdated check 1623
or other postdated payment instrument prior to the date on the 1624
check or instrument; 1625

(5) Causing charges to be made to any person for 1626
communications by concealment of the true purpose of the 1627
communication. The charges include, but are not limited to, 1628
collect telephone calls and telegram fees; 1629

(6) Taking or threatening to take any nonjudicial action to 1630
effect dispossession or disablement of property if there is no 1631
present right to possession of the property claimed as collateral 1632
through an enforceable security interest, there is no present 1633
intention to take possession of the property, or the property is 1634
exempt by law from dispossession or disablement; 1635

(7) Communicating with a borrower regarding a debt by post 1636
card; 1637

(8) Using any language or symbol, other than the debt 1638
collector's address, on any envelope when communicating with a 1639

borrower by use of the mails or by telegram, except that a debt 1640
collector may use the collector's business name if the name does 1641
not indicate that the collector is in the debt collection 1642
business; 1643

(9) Designing, compiling, and furnishing any form knowing 1644
that the form would be used to create the false belief in a 1645
borrower that a person other than the licensee is participating in 1646
the collection of or in an attempt to collect a debt the borrower 1647
allegedly owes the creditor, when in fact the person is not so 1648
participating. 1649

(I) In addition to the requirements of this section, a debt 1650
collector shall follow the practices set forth in the federal 1651
"Fair Debt Collection Practices Act," 91 Stat. 874 (1977), 1652
sections 15 U.S.C. 1692b, 15 U.S.C. 1692c, 15 U.S.C. 1692d, 15 1653
U.S.C. 1692e, and 15 U.S.C. 1692f, as those sections of federal 1654
law exist on the effective date of this section. In the event of a 1655
conflict between described practices in the federal act and 1656
described practices in this section, this section shall prevail. 1657

Sec. 1321.46. (A) If more than four hundred persons are 1658
licensed under sections 1321.35 to 1321.48 of the Revised Code at 1659
any point after September 1, 2009, the superintendent of financial 1660
institutions shall develop and make a statewide common database, 1661
as implemented by the superintendent, accessible at all times to 1662
persons licensed under sections 1321.35 to 1321.48 of the Revised 1663
Code and to the superintendent through an internet connection. 1664
Licensees shall use the database to determine if a borrower is 1665
eligible for a loan. Licensees shall submit the required data in a 1666
format as the superintendent prescribes by rule, and verify 1667
eligibility before entering into each loan transaction. 1668

1669

(B) If a statewide common database is developed pursuant to 1670

division (A) of this section, the superintendent shall adopt rules 1671
to administer and enforce this section and to ensure that the 1672
database is used by licensees in accordance with this section, 1673
including: 1674

(1) A rule requiring that data are retained in the database 1675
only as required to ensure licensee compliance with this section; 1676

(2) A rule requiring that identifying borrower information is 1677
deleted from the database on a regular and routine basis, twelve 1678
months after the transaction is closed; 1679

(3) A rule authorizing the archiving of deleted data, should 1680
the superintendent determine that archiving is necessary for the 1681
enforcement of this section; 1682

(4) A rule prohibiting the database from ranking the credit 1683
worthiness of a borrower and limiting the database so that it may 1684
only be used to determine a borrower's eligibility or 1685
ineligibility for a loan based on the provisions of this chapter; 1686

(5) A rule requiring that data collected pursuant to this 1687
section be used only as prescribed in this section and for no 1688
other purpose; 1689

(6) A rule authorizing the database operator to impose a per 1690
transaction fee to be paid by the licensee for data required to be 1691
submitted; 1692

(7) A rule prohibiting the database operator from including, 1693
in the database, the social security number of any borrower. 1694

(C) The database operator, whether the superintendent or a 1695
third party selected by the superintendent pursuant to Chapter 1696
125. of the Revised Code, shall do all of the following: 1697

(1) Establish and maintain a process for responding to 1698
transaction verification requests due to technical difficulties 1699
with the database that prevent the licensee from accessing the 1700

database through the internet; 1701

(2) Provide accurate and secure receipt, transmission, and 1702
storage of borrower data; 1703

(3) Designate a transaction as closed within one business day 1704
of receiving notification from a licensee; 1705

(4) Take all reasonable measures to ensure the 1706
confidentiality of the database and to prevent identity theft. 1707

(D) A licensee may rely on the information contained in the 1708
database as accurate and is not subject to any administrative 1709
penalty or civil liability as a result of relying on inaccurate 1710
information contained in the database. 1711

(E) With respect to the database prescribed in division (A) 1712
of this section, any information submitted for incorporation into 1713
the database, information in the database itself, or archived 1714
information as maintained by the superintendent pursuant to this 1715
section is not a public record under section 149.43 of the Revised 1716
Code. 1717

(F) If approved by the superintendent, the database operator 1718
may impose a per transaction fee for the actual costs of entering, 1719
accessing, and maintaining data in the database. The fee shall be 1720
payable to the database operator in a manner prescribed by the 1721
superintendent. A licensee may not charge a customer all or part 1722
of the fee. 1723

Sec. 1321.461. (A) If a statewide common database is not 1724
developed under section 1321.46 of the Revised Code, each licensee 1725
shall subscribe to, report to, and use an electronic database 1726
tracking service that permits the licensee to determine whether 1727
the borrower has an outstanding unpaid check or debit 1728
authorization that is, or reasonably appears to be, connected to a 1729
short-term loan. In the absence of an electronic database tracking 1730

service, each licensee shall require a borrower to sign a written 1731
declaration confirming that, pursuant to section 1321.41 of the 1732
Revised Code, the borrower is eligible to receive a loan. 1733

(B) The records of a licensee and any electronic database 1734
tracking service shall be subject to review and examination by the 1735
division of financial institutions to determine whether the 1736
licensee is complying with this section and other applicable 1737
provisions of sections 1321.35 to 1321.48 of the Revised Code. 1738

Sec. 1321.47. (A) A person licensed, and any person required 1739
to be licensed under sections 1321.35 to 1321.48 of the Revised 1740
Code, in addition to duties imposed by other statutes or common 1741
law, shall do all of the following: 1742

(1) Follow reasonable and lawful instructions from the 1743
borrower; 1744

(2) Act with reasonable skill, care, and diligence; 1745

(3) Act in good faith and fair dealing in any transaction or 1746
practice or course of business in connection with a short-term 1747
loan. 1748

(B) The duties and standards of care created in this section 1749
may not be waived or modified. 1750

(C) A borrower injured by a violation of this section may 1751
bring an action for recovery of damages. Damages awarded shall not 1752
be less than all compensation paid directly or indirectly to a 1753
licensee from any source, plus reasonable attorney's fees and 1754
court costs. The borrower may be awarded punitive damages. 1755

Sec. 1321.48. (A) The superintendent of financial 1756
institutions shall report semiannually to the governor and the 1757
general assembly on the operations of the division of financial 1758
institutions with respect to the following: 1759

(1) Enforcement actions instituted by the superintendent for 1760
a violation of or failure to comply with any provision of sections 1761
1321.35 to 1321.48 of the Revised Code, and the final dispositions 1762
of each such enforcement action; 1763

(2) Suspensions, revocations, or refusals to issue or renew 1764
licenses under sections 1321.35 to 1321.48 of the Revised Code. 1765

(B) The information required under divisions (A)(1) and (2) 1766
of this section does not include information that, pursuant to 1767
division (C) of this section, is confidential. 1768

(C) The following information is confidential: 1769

(1) Examination information, and any information leading to 1770
or arising from an examination; 1771

(2) Investigation information, and any information arising 1772
from or leading to an investigation. 1773

(D) The information described in division (A)(1) of this 1774
section shall remain confidential for all purposes except when it 1775
is necessary for the superintendent to take official action 1776
regarding the affairs of a licensee, or in connection with 1777
criminal or civil proceedings to be initiated by a prosecuting 1778
attorney or the attorney general. This information also may be 1779
introduced into evidence or disclosed when, and in the manner, 1780
authorized by section 1181.25 of the Revised Code. 1781

(E) All application information, except social security 1782
numbers, employer identification numbers, financial account 1783
numbers, the identity of the institution where financial accounts 1784
are maintained, personal financial information, fingerprint cards 1785
and the information contained on such cards, and criminal 1786
background information, is a public record as defined in section 1787
149.43 of the Revised Code. 1788

(F) This section does not prevent the division from releasing 1789

information relating to licensees to the attorney general for 1790
purposes of that office's administration of Chapter 1345. of the 1791
Revised Code. Information the division releases to the attorney 1792
general pursuant to this section remains privileged and 1793
confidential, and the attorney general may not disclose the 1794
information except by introduction into evidence in connection 1795
with the attorney general's administration of Chapter 1345. of the 1796
Revised Code or as authorized by the superintendent. 1797

Sec. 1321.99. (A) Whoever violates section 1321.02 of the 1798
Revised Code is guilty of a felony of the fifth degree. 1799

(B) Whoever violates section 1321.13 of the Revised Code 1800
shall be fined not less than one hundred nor more than five 1801
hundred dollars or imprisoned not more than six months, or both. 1802

(C) Whoever violates section 1321.14 of the Revised Code 1803
shall be fined not less than fifty nor more than two hundred 1804
dollars for a first offense; for a second offense such person 1805
shall be fined not less than two hundred nor more than five 1806
hundred dollars and imprisoned for not more than six months. 1807

(D) Whoever willfully violates section 1321.57, 1321.58, 1808
1321.59, or 1321.60 of the Revised Code shall be fined not less 1809
than one nor more than five hundred dollars. 1810

(E) Whoever violates section 1321.52 of the Revised Code is 1811
guilty of a felony of the fifth degree. 1812

(F) Whoever violates division (A) of section 1321.73 of the 1813
Revised Code shall be fined not more than five hundred dollars or 1814
imprisoned not more than six months, or both. 1815

(G) Whoever violates section 1321.41 of the Revised Code is 1816
guilty of a misdemeanor of the first degree. 1817

Sec. 1345.01. As used in sections 1345.01 to 1345.13 of the 1818

Revised Code: 1819

(A) "Consumer transaction" means a sale, lease, assignment, 1820
award by chance, or other transfer of an item of goods, a service, 1821
a franchise, or an intangible, to an individual for purposes that 1822
are primarily personal, family, or household, or solicitation to 1823
supply any of these things. "Consumer transaction" does not 1824
include transactions between persons, defined in sections 4905.03 1825
and 5725.01 of the Revised Code, and their customers, except for 1826
transactions involving a loan made pursuant to sections 1321.35 to 1827
1321.48 of the Revised Code and transactions in connection with 1828
residential mortgages between loan officers, mortgage brokers, or 1829
nonbank mortgage lenders and their customers; transactions between 1830
certified public accountants or public accountants and their 1831
clients; transactions between attorneys, physicians, or dentists 1832
and their clients or patients; and transactions between 1833
veterinarians and their patients that pertain to medical treatment 1834
but not ancillary services. 1835

(B) "Person" includes an individual, corporation, government, 1836
governmental subdivision or agency, business trust, estate, trust, 1837
partnership, association, cooperative, or other legal entity. 1838

(C) "Supplier" means a seller, lessor, assignor, franchisor, 1839
or other person engaged in the business of effecting or soliciting 1840
consumer transactions, whether or not the person deals directly 1841
with the consumer. If the consumer transaction is in connection 1842
with a residential mortgage, "supplier" does not include an 1843
assignee or purchaser of the loan for value, except as otherwise 1844
provided in section 1345.091 of the Revised Code. For purposes of 1845
this division, in a consumer transaction in connection with a 1846
residential mortgage, "seller" means a loan officer, mortgage 1847
broker, or nonbank mortgage lender. 1848

(D) "Consumer" means a person who engages in a consumer 1849
transaction with a supplier. 1850

(E) "Knowledge" means actual awareness, but such actual 1851
awareness may be inferred where objective manifestations indicate 1852
that the individual involved acted with such awareness. 1853

(F) "Natural gas service" means the sale of natural gas, 1854
exclusive of any distribution or ancillary service. 1855

(G) "Public telecommunications service" means the 1856
transmission by electromagnetic or other means, other than by a 1857
telephone company as defined in section 4927.01 of the Revised 1858
Code, of signs, signals, writings, images, sounds, messages, or 1859
data originating in this state regardless of actual call routing. 1860
"Public telecommunications service" excludes a system, including 1861
its construction, maintenance, or operation, for the provision of 1862
telecommunications service, or any portion of such service, by any 1863
entity for the sole and exclusive use of that entity, its parent, 1864
a subsidiary, or an affiliated entity, and not for resale, 1865
directly or indirectly; the provision of terminal equipment used 1866
to originate telecommunications service; broadcast transmission by 1867
radio, television, or satellite broadcast stations regulated by 1868
the federal government; or cable television service. 1869

(H) "Loan officer" has the same meaning as in section 1322.01 1870
of the Revised Code, except that it does not include an employee 1871
of a bank, savings bank, savings and loan association, credit 1872
union, or credit union service organization organized under the 1873
laws of this state, another state, or the United States; an 1874
employee of a subsidiary of such a bank, savings bank, savings and 1875
loan association, or credit union; or an employee of an affiliate 1876
that (1) controls, is controlled by, or is under common control 1877
with, such a bank, savings bank, savings and loan association, or 1878
credit union and (2) is subject to examination, supervision, and 1879
regulation, including with respect to the affiliate's compliance 1880
with applicable consumer protection requirements, by the board of 1881
governors of the federal reserve system, the comptroller of the 1882

currency, the office of thrift supervision, the federal deposit 1883
insurance corporation, or the national credit union 1884
administration. 1885

(I) "Residential mortgage" or "mortgage" means an obligation 1886
to pay a sum of money evidenced by a note and secured by a lien 1887
upon real property located within this state containing two or 1888
fewer residential units or on which two or fewer residential units 1889
are to be constructed and includes such an obligation on a 1890
residential condominium or cooperative unit. 1891

(J) "Mortgage broker" has the same meaning as in section 1892
1322.01 of the Revised Code, except that it does not include a 1893
bank, savings bank, savings and loan association, credit union, or 1894
credit union service organization organized under the laws of this 1895
state, another state, or the United States; a subsidiary of such a 1896
bank, savings bank, savings and loan association, or credit union; 1897
an affiliate that (1) controls, is controlled by, or is under 1898
common control with, such a bank, savings bank, savings and loan 1899
association, or credit union and (2) is subject to examination, 1900
supervision, and regulation, including with respect to the 1901
affiliate's compliance with applicable consumer protection 1902
requirements, by the board of governors of the federal reserve 1903
system, the comptroller of the currency, the office of thrift 1904
supervision, the federal deposit insurance corporation, or the 1905
national credit union administration; or an employee of any such 1906
entity. 1907

(K) "Nonbank mortgage lender" means any person that engages 1908
in a consumer transaction in connection with a residential 1909
mortgage, except for a bank, savings bank, savings and loan 1910
association, credit union, or credit union service organization 1911
organized under the laws of this state, another state, or the 1912
United States; a subsidiary of such a bank, savings bank, savings 1913
and loan association, or credit union; or an affiliate that (1) 1914

controls, is controlled by, or is under common control with, such 1915
a bank, savings bank, savings and loan association, or credit 1916
union and (2) is subject to examination, supervision, and 1917
regulation, including with respect to the affiliate's compliance 1918
with applicable consumer protection requirements, by the board of 1919
governors of the federal reserve system, the comptroller of the 1920
currency, the office of thrift supervision, the federal deposit 1921
insurance corporation, or the national credit union 1922
administration. 1923

(L) For purposes of divisions (H), (J), and (K) of this 1924
section: 1925

(1) "Control" of another entity means ownership, control, or 1926
power to vote twenty-five per cent or more of the outstanding 1927
shares of any class of voting securities of the other entity, 1928
directly or indirectly or acting through one or more other 1929
persons. 1930

(2) "Credit union service organization" means a CUSO as 1931
defined in 12 C.F.R. 702.2. 1932

Sec. 1349.71. (A) There is hereby created a consumer finance 1933
education board, consisting of the following twelve members, 1934
~~appointed jointly by the governor, the speaker of the house of~~ 1935
~~representatives, and the president of the senate with the advice~~ 1936
~~and consent of the house and senate. One member shall be appointed~~ 1937
~~from, or as a representative of, each of the following:~~ 1938

(1) ~~The~~ An employee of the Ohio attorney general's office, 1939
appointed by the governor; 1940

(2) ~~The~~ An employee of the department of commerce, appointed 1941
by the governor; 1942

(3) ~~The~~ An employee of the Ohio housing finance agency, 1943
appointed by the governor; 1944

- (4) A representative of Ohio minority advocacy groups, 1945
appointed by the governor; 1946
- (5) ~~The~~ A member of the Ohio bankers league, appointed by the 1947
speaker of the house of representatives; 1948
- (6) ~~The~~ A member of the Ohio mortgage bankers association, 1949
appointed by the speaker of the house of representatives; 1950
- (7) ~~The~~ A member of the Ohio credit union league, appointed 1951
by the speaker of the house of representatives; 1952
- (8) A member of the Ohio community bankers association, 1953
appointed by the speaker of the house of representatives; 1954
- (9) ~~The~~ A representative of the Ohio real estate industry, 1955
appointed by the president of the senate; 1956
- (10) ~~The~~ A member of the Ohio mortgage brokers association, 1957
appointed by the president of the senate; 1958
- (11) ~~The~~ A representative of the financial services industry, 1959
appointed by the president of the senate; 1960
- (12) ~~Consumer~~ A representative of consumer 1961
advocacy organizations, appointed by the president of the senate. 1962
- (B) Geographically diverse representation of the state shall 1963
be considered in making appointments. Of the initial appointments 1964
to the board, four shall be for a term ending December 31, 2008, 1965
four shall be for a term ending December 31, 2009, and four shall 1966
be for a term ending December 31, 2010. Thereafter, terms of 1967
office are for three years, commencing on the first day of January 1968
and ending on the thirty-first day of December. Each member shall 1969
hold office from the date of the member's appointment until the 1970
end of the term for which the member is appointed. Prior to 1971
assuming the duties of office, each member shall subscribe to, and 1972
file with the secretary of state, the constitutional oath of 1973
office. Vacancies that occur on the board shall be filled in the 1974

manner prescribed for regular appointments to the board. A member 1975
appointed to fill a vacancy occurring prior to the expiration of 1976
the term for which the member's predecessor was appointed shall 1977
hold office for the remainder of that predecessor's term. A member 1978
shall continue in office subsequent to the expiration date of the 1979
member's term until the member's successor takes office or until 1980
sixty days have elapsed, whichever occurs first. No person shall 1981
serve as a member of the board for more than two consecutive 1982
terms. The governor may remove a member pursuant to section 3.04 1983
of the Revised Code. 1984

(C) Annually, upon the qualification of the members appointed 1985
in that year, the board shall organize by selecting from its 1986
members a chairperson. The board shall meet at least once each 1987
calendar quarter to conduct its business with the place of future 1988
meetings to be decided by a vote of its members. Each member shall 1989
be provided with written notice of the time and place of each 1990
board meeting at least ten days prior to the scheduled date of the 1991
meeting. A majority of the members of the board constitutes a 1992
quorum to transact and vote on all business coming before the 1993
board. 1994

(D)(1) The governor shall call the first meeting of the 1995
consumer finance education board. At that meeting, and annually 1996
thereafter, the board shall elect a chairperson for a one-year 1997
term and may elect members to other positions on the board as the 1998
board considers necessary or appropriate. 1999

(2) Each member of the board shall receive an amount fixed 2000
pursuant to division (J) of section 124.15 of the Revised Code for 2001
each day employed in the discharge of the member's official 2002
duties, and the member's actual and necessary expenses incurred in 2003
the discharge of those duties. 2004

(E) The board may obtain services from any state agency, 2005
including, but not limited to, the department of commerce or its 2006

successor agency. 2007

(F) The board shall assemble an advisory committee of 2008
representatives from the following organizations or groups for the 2009
purpose of receiving recommendations on policy, rules, and 2010
activities of the board: 2011

(1) The department of aging; 2012

(2) The department of rehabilitation and correction; 2013

(3) The department of development; 2014

(4) The department of job and family services; 2015

(5) The Ohio treasurer of state's office; 2016

(6) The county treasurers association of Ohio; 2017

(7) Ohio college professors; 2018

(8) Ohio university professors; 2019

(9) The Ohio board of regents; 2020

(10) The Ohio community development corporations association; 2021

(11) The Ohio council for economic education; 2022

(12) The Ohio state university extension service. 2023

Sec. 1349.72. (A) In addition to any other duties imposed on 2024
the consumer finance education board by section 1349.71 of the 2025
Revised Code, the board shall: 2026

(1) Analyze and investigate, on its own initiative, the 2027
policies and practices of state agencies, nonprofit entities, and 2028
businesses, inasmuch as such policies and practices address 2029
financial literacy, access by state residents to financial 2030
information, education, and resources, prevention of foreclosures 2031
and bankruptcies, ~~and~~ prepurchase and postpurchase counseling and 2032
education for homebuyers, and small loan counseling and education 2033
for borrowers; 2034

(2) Provide an annual report and consultation and 2035
recommendations to the governor, the general assembly, state 2036
agencies, nonprofit entities, and businesses based on the board's 2037
findings; 2038

(3) Coordinate and provide resources and assistance to state 2039
agencies, nonprofit entities, and businesses in the furtherance of 2040
those entities' efforts to improve financial literacy, access by 2041
state residents to financial information, education, and 2042
resources, prevention of foreclosures and bankruptcies, ~~and~~ 2043
prepurchase and postpurchase counseling and education for 2044
homebuyers, and small loan counseling and education for borrowers. 2045
2046

(4) Provide financial assistance to Ohioans through grants 2047
funded through the consumer finance fund created under section 2048
1321.21 of the Revised Code and utilize these same funds to 2049
provide grants to design, develop, and implement any other 2050
programs described in this section. 2051

(5) Receive grants from the consumer finance fund for the 2052
implementation of this section. 2053

(B) The board may assign and delegate the execution of its 2054
duties to smaller groups of its own members, which shall include 2055
committees specifically chartered to address all of the following 2056
issues: 2057

(1) The needs of persons, ages eighteen to twenty-five, in 2058
the context of the objectives enumerated in division (A) of this 2059
section; 2060

(2) The needs of persons, classified as needy, based on a 2061
household adjusted gross income equal to or less than two hundred 2062
per cent of the poverty level, as determined by the Ohio office of 2063
budget and management, or the earned income amount described in 2064
section thirty-two of the Internal Revenue Code of 1986, taking 2065

into account the size of the household, in the context of the 2066
objectives enumerated in division (A) of this section; 2067

(3) The needs of persons, previously convicted of one or more 2068
felonies, in the context of the objectives enumerated in division 2069
(A) of this section; 2070

(4) The needs of persons, characterized as vulnerable by 2071
reason of advanced age, disability, minority, or other demographic 2072
consideration, in the context of the objectives enumerated in 2073
division (A) of this section; 2074

(5) Any other group or issue identified by the board as 2075
worthy of particular attention. 2076

(C) The board shall create a pilot financial literacy and 2077
counseling program funded through the consumer finance fund, to be 2078
operated in the five counties with the highest mortgage 2079
foreclosure rates as of ~~the effective date of this section~~ the 2080
effective date of this amendment, and completion of which shall be 2081
recommended by mortgage brokers and loan officers for any consumer 2082
seeking a mortgage loan with origination fees greater than five 2083
per cent. Before a mortgage broker permits a consumer to commit to 2084
such a loan, the broker shall notify the consumer that the loan 2085
may have attributes that are predatory. No person who offers 2086
education, advice, or counseling through the financial literacy 2087
and counseling program shall be held liable for any damages 2088
incurred from actions taken based on the education, advice, or 2089
counseling given. 2090

Sec. 1733.25. (A) A credit union may make loans or other 2091
extensions of credit to members for provident and productive 2092
purposes as authorized by law, including rules adopted by the 2093
superintendent of credit unions; the articles; and the 2094
regulations; and subject to policies adopted by the credit 2095
committee and approved by the board of directors. 2096

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

(C) The interest on any loan or other extension of credit made by a credit union shall not exceed one and one-half per cent per month on unpaid balances. Such interest may accrue and be chargeable upon a monthly basis, and may be computed upon the unpaid balance of the loan or other extension of credit as of the end of the previous calendar month.

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

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

(E)(1) The credit union shall have a lien on the membership share, shares, deposits, and accumulated dividends and interest of a member in an individual, joint, trust, or payable on death account for any obligation owed to the credit union by that member or for any loan co-signed or guaranteed by the member or account

holder; provided, however, that a credit union shall not have a 2129
lien upon the funds in an individual retirement account or an 2130
account established pursuant to the Internal Revenue Code of the 2131
United States. 2132

(2) A credit union may refuse to allow withdrawals from any 2133
share or deposit account by a member while the member has any 2134
outstanding obligation to the credit union. 2135

~~(F) Notwithstanding any limitation provided in any other 2136
provision of this chapter or Chapter 1343. of the Revised Code, a 2137
credit union may enter into a loan agreement with a member in 2138
accordance with all of the following: 2139~~

~~(1) The loan is for any amount up to one thousand dollars. 2140~~

~~(2) The term of the loan is thirty days or less. 2141~~

~~(3) The credit union may charge a fee in addition to any 2142
interest authorized by law in connection with the loan, which fee 2143
is not to be included in the computation of interest for any 2144
provision of the Revised Code, including division (C) of this 2145
section, that prescribes, regulates, or limits interest charged, 2146
collected, or received in connection with a transaction. 2147~~

~~(4) The total interest, fees, and other costs of the loan 2148
does not exceed ten per cent of the principal amount. 2149~~

~~(5) A member shall not have more than one loan under division 2150
(F) of this section outstanding at any one time with the credit 2151
union. 2152~~

~~(6) The loan is not being made to a member for purposes of 2153
retiring an existing loan between the credit union and that 2154
member, which existing loan was made pursuant to division (F) of 2155
this section. 2156~~

~~(G)~~(1) Subject to division ~~(G)~~(F)(2) of this section and any 2157
restrictions or requirements established by the superintendent, in 2158

connection with any loan or extension of credit, a credit union 2159
may enter into a debt suspension agreement or debt cancellation 2160
contract with the borrower or borrowers. 2161

(2) A credit union shall not offer or finance, directly or 2162
indirectly, a debt suspension agreement or debt cancellation 2163
contract requiring a lump sum, single payment for the agreement or 2164
contract payable at the outset of the agreement or contract, if 2165
the debt subject to the agreement or contract is secured by one to 2166
four family, residential real property. 2167

(3) For purposes of division ~~(G)~~(F) of this section, "debt 2168
cancellation contract" and "debt suspension agreement" have the 2169
same meanings as in 12 C.F.R. part 37. 2170

Sec. 2307.61. (A) If a property owner brings a civil action 2171
pursuant to division (A) of section 2307.60 of the Revised Code to 2172
recover damages from any person who willfully damages the owner's 2173
property or who commits a theft offense, as defined in section 2174
2913.01 of the Revised Code, involving the owner's property, the 2175
property owner may recover as follows: 2176

(1) In the civil action, the property owner may elect to 2177
recover moneys as described in division (A)(1)(a) or (b) of this 2178
section: 2179

(a) Compensatory damages that may include, but are not 2180
limited to, the value of the property and liquidated damages in 2181
whichever of the following amounts applies: 2182

(i) Fifty dollars, if the value of the property was fifty 2183
dollars or less at the time it was willfully damaged or was the 2184
subject of a theft offense; 2185

(ii) One hundred dollars, if the value of the property was 2186
more than fifty dollars, but not more than one hundred dollars, at 2187
the time it was willfully damaged or was the subject of a theft 2188

offense; 2189

(iii) One hundred fifty dollars, if the value of the property 2190
was more than one hundred dollars at the time it was willfully 2191
damaged or was the subject of a theft offense. 2192

(b) Liquidated damages in whichever of the following amounts 2193
is greater: 2194

(i) Two hundred dollars; 2195

(ii) Three times the value of the property at the time it was 2196
willfully damaged or was the subject of a theft offense, 2197
irrespective of whether the property is recovered by way of 2198
replevin or otherwise, is destroyed or otherwise damaged, is 2199
modified or otherwise altered, or is resalable at its full market 2200
price. This division does not apply to a check, negotiable order 2201
of withdrawal, share draft, or other negotiable instrument that 2202
was returned or dishonored for insufficient funds by a financial 2203
institution if the check, negotiable order of withdrawal, share 2204
draft, or other negotiable instrument was presented by an 2205
individual borrower to a ~~check-cashing business licensed pursuant~~ 2206
~~to~~ licensee under sections 1315.35 to 1315.44 1321.35 to 1321.48 2207
of the Revised Code for a ~~check-cashing~~ loan transaction. 2208

(2) In a civil action in which the value of the property that 2209
was willfully damaged or was the subject of a theft offense is 2210
less than five thousand dollars, the property owner may recover 2211
damages as described in division (A)(1)(a) or (b) of this section 2212
and additionally may recover the reasonable administrative costs, 2213
if any, of the property owner that were incurred in connection 2214
with actions taken pursuant to division (A)(2) of this section, 2215
the cost of maintaining the civil action, and reasonable 2216
attorney's fees, if all of the following apply: 2217

(a) The property owner, at least thirty days prior to the 2218
filing of the civil action, serves a written demand for payment of 2219

moneys as described in division (A)(1)(a) of this section and the 2220
reasonable administrative costs, if any, of the property owner 2221
that have been incurred in connection with actions taken pursuant 2222
to division (A)(2) of this section, upon the person who willfully 2223
damaged the property or committed the theft offense. 2224

(b) The demand conforms to the requirements of division (C) 2225
of this section and is sent by certified mail, return receipt 2226
requested. 2227

(c) Either the person who willfully damaged the property or 2228
committed the theft offense does not make payment to the property 2229
owner of the amount specified in the demand within thirty days 2230
after the date of its service upon that person and does not enter 2231
into an agreement with the property owner during that thirty-day 2232
period for that payment or the person who willfully damaged the 2233
property or committed the theft offense enters into an agreement 2234
with the property owner during that thirty-day period for that 2235
payment but does not make that payment in accordance with the 2236
agreement. 2237

(B) If a property owner who brings a civil action pursuant to 2238
division (A) of section 2307.60 of the Revised Code to recover 2239
damages for willful damage to property or for a theft offense 2240
attempts to collect the reasonable administrative costs, if any, 2241
of the property owner that have been incurred in connection with 2242
actions taken pursuant to division (A)(2) of this section, the 2243
cost of maintaining the civil action, and reasonable attorney's 2244
fees under authority of that division and if the defendant 2245
prevails in the civil action, the defendant may recover from the 2246
property owner reasonable attorney's fees, the cost of defending 2247
the civil action, and any compensatory damages that may be proven. 2248

(C) For purposes of division (A)(2) of this section, a 2249
written demand for payment shall include a conspicuous notice to 2250
the person upon whom the demand is to be served that indicates all 2251

of the following: 2252

(1) The willful property damage or theft offense that the 2253
person allegedly committed; 2254

(2) That, if the person makes payment of the amount specified 2255
in the demand within thirty days after its service upon the person 2256
or enters into an agreement with the property owner during that 2257
thirty-day period for that payment and makes that payment in 2258
accordance with the agreement, the person cannot be sued by the 2259
property owner in a civil action in relation to the willful 2260
property damage or theft offense; 2261

(3) That, if the person fails to make payment of the amount 2262
specified in the demand within thirty days after the date of its 2263
service upon the person and fails to enter into an agreement for 2264
that payment with the property owner during that thirty-day period 2265
or enters into an agreement for that payment with the property 2266
owner during that thirty-day period but does not make that payment 2267
in accordance with the agreement, the person may be sued in a 2268
civil action in relation to the willful property damage or theft 2269
offense; 2270

(4) The potential judgment that the person may be required to 2271
pay if the person is sued in a civil action in relation to the 2272
willful property damage or theft offense and judgment is rendered 2273
against the person in that civil action; 2274

(5) That, if the person is sued in a civil action by the 2275
property owner in relation to the willful property damage or theft 2276
offense, if the civil action requests that the person be required 2277
to pay the reasonable administrative costs, if any, of the 2278
property owner that have been incurred in connection with actions 2279
taken pursuant to division (A)(2) of this section, the cost of 2280
maintaining the action, and reasonable attorney's fees, and if the 2281
person prevails in the civil action, the person may recover from 2282

the property owner reasonable attorney's fees, the cost of 2283
defending the action, and any compensatory damages that can be 2284
proved. 2285

(D) If a property owner whose property was willfully damaged 2286
or was the subject of a theft offense serves a written demand for 2287
payment upon a person who willfully damaged the property or 2288
committed the theft offense and if the person makes payment of the 2289
amount specified in the demand within thirty days after the date 2290
of its service upon the person or the person enters into an 2291
agreement with the property owner during that thirty-day period 2292
for that payment and makes payment in accordance with the 2293
agreement, the property owner shall not file a civil action 2294
against the person in relation to the willful property damage or 2295
theft offense. 2296

(E) If a property owner whose property was willfully damaged 2297
or was the subject of a theft offense serves a written demand for 2298
payment upon a person who willfully damaged the property or 2299
committed the theft offense and if the person, within thirty days 2300
after the date of service of the demand upon the person, enters 2301
into an agreement with the property owner for the payment of the 2302
amount specified in the demand but does not make that payment in 2303
accordance with the agreement, the time between the entering of 2304
the agreement and the failure to make that payment shall not be 2305
computed as any part of the period within which a civil action 2306
based on the willful property damage or theft offense must be 2307
brought under the Revised Code. 2308

(F) A civil action to recover damages for willful property 2309
damage or for a theft offense may be joined with a civil action 2310
that is brought pursuant to Chapter 2737. of the Revised Code to 2311
recover the property. If the two actions are joined, any 2312
compensatory damages recoverable by the property owner shall be 2313
limited to the value of the property. 2314

(G)(1) In a civil action to recover damages for willful 2315
property damage or for a theft offense, the trier of fact may 2316
determine that an owner's property was willfully damaged or that a 2317
theft offense involving the owner's property has been committed, 2318
whether or not any person has pleaded guilty to or has been 2319
convicted of any criminal offense or has been adjudicated a 2320
delinquent child in relation to any act involving the owner's 2321
property. 2322

(2) This section does not affect the prosecution of any 2323
criminal action or proceeding or any action to obtain a delinquent 2324
child adjudication in connection with willful property damage or a 2325
theft offense. 2326

(H) As used in this section: 2327

(1) "Administrative costs" includes the costs of written 2328
demands for payment and associated postage under division (A)(2) 2329
of this section. 2330

(2) "Value of the property" means one of the following: 2331

(a) The retail value of any property that is offered for sale 2332
by a mercantile establishment, irrespective of whether the 2333
property is destroyed or otherwise damaged, is modified or 2334
otherwise altered, or otherwise is not resalable at its full 2335
market price; 2336

(b) The face value of any check or other negotiable 2337
instrument that is not honored due to insufficient funds in the 2338
drawer's account, the absence of any drawer's account, or another 2339
reason, and all charges imposed by a bank, savings and loan 2340
association, credit union, or other financial institution upon the 2341
holder of the check or other negotiable instrument; 2342

(c) The replacement value of any property not described in 2343
division (H)(1) or (2) of this section. 2344

Section 2. That existing sections 109.572, 135.63, 1181.05, 2345
1181.21, 1181.25, 1315.99, 1321.02, 1321.15, 1321.21, 1321.99, 2346
1345.01, 1349.71, 1349.72, 1733.25, and 2307.61 of the Revised 2347
Code are hereby repealed. 2348

Section 3. That sections 1315.35, 1315.36, 1315.37, 1315.38, 2349
1315.39, 1315.40, 1315.41, 1315.42, 1315.43, and 1315.44 of the 2350
Revised Code are hereby repealed. 2351

Section 4. (A) All licenses issued pursuant to sections 2352
1315.35 to 1315.44 of the Revised Code, and in effect on the date 2353
this section becomes effective, shall remain in effect, unless 2354
suspended or revoked by the superintendent of financial 2355
institutions, until such time as the license would be subject to 2356
renewal pursuant to sections 1315.35 to 1315.44 of the Revised 2357
Code as those sections existed prior to the effective date of this 2358
act. The superintendent shall recognize any such license holder as 2359
a valid license holder under sections 1321.35 to 1321.48 of the 2360
Revised Code as enacted by this act, and such license holder 2361
thereafter is subject to all provisions of sections 1321.35 to 2362
1321.48 of the Revised Code. 2363

(B) If any person licensed under sections 1315.35 to 1315.44 2364
of the Revised Code on the effective date of this section applies 2365
for a license to operate under sections 1321.01 to 1321.19 of the 2366
Revised Code for the 2008 licensing period ending June 30, 2009, 2367
that person shall pay only one-half of the license fee provided 2368
for under section 1321.03 of the Revised Code. 2369

Section 5. Within thirty days of the effective date of this 2370
act, the Director of Budget and Management shall make a one-time 2371
transfer of five per cent of the balance of the consumer finance 2372
fund, created under section 1321.21 of the Revised Code, to the 2373
financial literacy education fund created under section 121.085 of 2374

the Revised Code as enacted by this act.

2375