

**As Reported by the House Financial Institutions, Real Estate and
Securities Committee**

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

Sub. H. B. No. 545

Representative Widener

Cosponsors: Representatives Koziura, Batchelder, Budish, Stewart, D.

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A B I L L

To amend sections 109.572, 135.63, 1109.15, 1151.29, 1
1181.05, 1181.21, 1181.25, 1315.99, 1321.02, 2
1321.21, 1321.99, 1345.01, 1349.71, 1349.72, 3
1733.25, and 2307.61, to enact sections 121.085, 4
135.68, 135.69, 135.70, 1321.35, 1321.36, 1321.37, 5
1321.38, 1321.39, 1321.40, 1321.41, 1321.42, 6
1321.43, 1321.44, 1321.45, 1321.46, 1321.47, and 7
1321.48, and to repeal sections 1315.35, 1315.36, 8
1315.37, 1315.38, 1315.39, 1315.40, 1315.41, 9
1315.42, 1315.43, and 1315.44 of the Revised Code 10
to repeal the Check-Cashing Lender Law, to 11
establish the short-term lender law, to authorize 12
savings and loan associations and credit unions to 13
make short-term loans with special terms, to 14
create a short-term installment loan linked 15
deposit program, and to expand the 16
responsibilities of the Consumer Finance Education 17
Board. 18

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

Section 1. That sections 109.572, 135.63, 1109.15, 1151.29, 19

1181.05, 1181.21, 1181.25, 1315.99, 1321.02, 1321.21, 1321.99, 20
1345.01, 1349.71, 1349.72, 1733.25, and 2307.61 be amended, and 21
sections 121.085, 135.68, 135.69, 135.70, 1321.35, 1321.36, 22
1321.37, 1321.38, 1321.39, 1321.40, 1321.41, 1321.42, 1321.43, 23
1321.44, 1321.45, 1321.46, 1321.47, and 1321.48 of the Revised 24
Code be enacted to read as follows: 25

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

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

minor drug possession offense; 52

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

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

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

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

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

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

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

(4) On receipt of a request pursuant to section 3701.881 of the Revised Code with respect to an applicant for employment with

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

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

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

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

criminal records check in the manner described in division (B) of 148
this section to determine whether any information exists that 149
indicates that the person who is the subject of the request 150
previously has been convicted of, has pleaded guilty to, or has 151
been found eligible for intervention in lieu of conviction for any 152
of the following: 153

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

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

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

impressions obtained in the manner described in division (C)(2) of 180
this section, the superintendent of the bureau of criminal 181
identification and investigation shall conduct a criminal records 182
check. The superintendent shall conduct the criminal records check 183
in the manner described in division (B) of this section to 184
determine whether any information exists that indicates that the 185
person who is the subject of the request previously has been 186
convicted of or pleaded guilty to any of the following: 187

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

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

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

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

section, the superintendent of the bureau of criminal 212
identification and investigation shall conduct a criminal records 213
check in the manner described in division (B) of this section to 214
determine whether any information exists that indicates that the 215
person who is the subject of the request previously has been 216
convicted of or pleaded guilty to any of the following: 217

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

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

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

records check or a request pursuant to section 5104.012 of the Revised Code for a person who is an applicant for employment in a center, type A home, or certified type B home, the superintendent, in addition to the determination made under division (A)(1) of this section, shall determine whether any information exists that indicates that the person has been convicted of or pleaded guilty to any of the following:

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

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03,

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

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

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

require information from the federal bureau of investigation as 308
described in division (B)(2) of this section. The superintendent 309
shall report the findings of the criminal records check and any 310
information the federal bureau of investigation provides to the 311
director of public safety. 312

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

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

4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 340
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 341
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 342
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 343
a completed form prescribed under division (C)(1) of this section 344
and a set of fingerprint impressions obtained in the manner 345
described in division (C)(2) of this section, the superintendent 346
of the bureau of criminal identification and investigation shall 347
conduct a criminal records check in the manner described in 348
division (B) of this section to determine whether any information 349
exists that indicates that the person who is the subject of the 350
request has been convicted of or pleaded guilty to any criminal 351
offense in this state or any other state. The superintendent shall 352
send the results of a check requested under section 113.041 of the 353
Revised Code to the treasurer of state and shall send the results 354
of a check requested under any of the other listed sections to the 355
licensing board specified by the individual in the request. 356

357

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

(9), (10), (11), or (12) of this section, as appropriate. If the request was made under section 3701.881 of the Revised Code with regard to an applicant who may be both responsible for the care, custody, or control of a child and involved in providing direct care to an older adult, the superintendent shall provide a list of the offenses specified in divisions (A)(4) and (6) of this section.

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

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

(1) The superintendent shall review or cause to be reviewed any relevant information gathered and compiled by the bureau under division (A) of section 109.57 of the Revised Code that relates to the person who is the subject of the request, including any

relevant information contained in records that have been sealed 405
under section 2953.32 of the Revised Code; 406

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

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

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

(2) The superintendent shall prescribe standard impression 434
sheets to obtain the fingerprint impressions of any person for 435
whom a criminal records check is requested under section 113.041 436

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

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

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

(4) The superintendent of the bureau of criminal 487
identification and investigation may prescribe methods of 488
forwarding fingerprint impressions and information necessary to 489
conduct a criminal records check, which methods shall include, but 490
not be limited to, an electronic method. 491

(D) A determination whether any information exists that 492
indicates that a person previously has been convicted of or 493
pleaded guilty to any offense listed or described in division 494
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 495
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 496
(A)(9)(a) or (b), (A)(10)(a) or (b), or (A)(12) of this section, 497
or that indicates that a person previously has been convicted of 498
or pleaded guilty to any criminal offense in this state or any 499
other state regarding a criminal records check of a type described 500
in division (A)(13) of this section, and that is made by the 501

superintendent with respect to information considered in a 502
criminal records check in accordance with this section is valid 503
for the person who is the subject of the criminal records check 504
for a period of one year from the date upon which the 505
superintendent makes the determination. During the period in which 506
the determination in regard to a person is valid, if another 507
request under this section is made for a criminal records check 508
for that person, the superintendent shall provide the information 509
that is the basis for the superintendent's initial determination 510
at a lower fee than the fee prescribed for the initial criminal 511
records check. 512

(E) As used in this section: 513

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

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

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

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

throughout the state. The director of commerce shall deliver to 533
the president of the senate, the speaker of the house of 534
representatives, the minority leader of the senate, the minority 535
leader of the house of representatives, and the governor an annual 536
report that includes an outline of each adult financial literacy 537
education program developed or implemented, the number of 538
individuals who were educated by each program, and an accounting 539
for all funds distributed. 540

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

Sec. 135.68. As used in sections 135.68 to 135.70 of the 563

<u>Revised Code:</u>	564
<u>(A) "Eligible individual" means a person in this state.</u>	565
<u>(B) "Eligible lending institution" means a financial</u>	566
<u>institution that is eligible to make loans, is a public depository</u>	567
<u>of state funds under section 135.03 of the Revised Code, and</u>	568
<u>agrees to participate in the short-term installment loan linked</u>	569
<u>deposit program.</u>	570
<u>(C) "Short-term installment loan" means an extension of</u>	571
<u>credit that does not exceed eight hundred dollars, the duration of</u>	572
<u>which is not less than ninety days and six installments, and the</u>	573
<u>interest on the loan is calculated in compliance with 15 U.S.C.</u>	574
<u>1606 and does not exceed an annual percentage rate of twenty-eight</u>	575
<u>per cent. For the purpose of this section, interest and annual</u>	576
<u>percentage rate have the same meaning as in section 1321.35 of the</u>	577
<u>Revised Code.</u>	578
<u>(D) "Short-term installment loan linked deposit" means a</u>	579
<u>certificate of deposit placed by the treasurer of state with an</u>	580
<u>eligible lending institution at up to three per cent below current</u>	581
<u>market rates, as determined and calculated by the treasurer of</u>	582
<u>state, provided the institution agrees to lend the value of such</u>	583
<u>deposit, according to the deposit agreement provided for section</u>	584
<u>135.69 of the Revised Code, to eligible individuals in the form of</u>	585
<u>short-term installment loans.</u>	586
<u>Sec. 135.69. (A) An eligible lending institution shall enter</u>	587
<u>into a deposit agreement with the treasurer of state, which</u>	588
<u>agreement shall include requirements necessary to carry out the</u>	589
<u>purposes of sections 135.68 to 135.70 of the Revised Code. These</u>	590
<u>requirements shall reflect the market conditions prevailing in the</u>	591
<u>eligible lending institution's lending area.</u>	592
<u>(B)(1) The deposit agreement required by division (A) of this</u>	593

section shall include provisions for certificates of deposit to be 594
placed for any maturity considered appropriate by the treasurer of 595
state not to exceed two years, but may be renewed for up to an 596
additional two years at the option of the treasurer of state. 597
Interest shall be paid at the times determined by the treasurer of 598
state. 599

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

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

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

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

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

Sec. 135.70. (A) The treasurer of state may accept or reject 622
a short-term installment loan linked deposit loan package or any 623

portion of the package required by section 135.69 of the Revised Code, based on the treasurer's evaluation of the package and the amount of state funds to be deposited. 624
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(B) Upon acceptance of the short-term installment loan linked deposit loan package or any portion of the package, the treasurer of state may place certificates of deposit with the eligible lending institution at three per cent below current market rates, as determined and calculated by the treasurer of state. However, when necessary, the treasurer of state may place certificates of deposit prior to acceptance of a short-term installment loan linked deposit loan package. 627
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(C) The treasurer of state shall take all steps, including the development of guidelines, necessary to implement the short-term installment loan linked deposit program established under sections 135.68 to 135.70 of the Revised Code and monitor compliance of eligible lending institutions. 635
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(D)(1) Annually, by the first day of February, the treasurer of state shall report on the short-term installment loan linked deposit program established under sections 135.68 to 135.70 of the Revised Code for the preceding calendar year to the governor, the speaker of the house of representatives, and the president of the senate. 640
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(2) The report required by division (D)(1) of this section shall set forth the short-term installment loan linked deposits made by the treasurer of state under the program during the year and shall include the following information: 646
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(a) The number of short-term installment loans made by each eligible lending institution pursuant to a short-term installment loan linked deposit, categorized by United States postal zip code; 650
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(b) A representation of the number or percentage of loans, 654

pursuant to each short-term installment loan linked deposit, that 655
were paid late or in default. 656

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

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

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

Sec. 1109.15. (A)(1) Subject to the restrictions and 674
limitations of the Revised Code, a bank may do any of the 675
following: 676

(a) Loan money, with or without security, and payable on 677
demand, at maturity, in installments, or by any combination of 678
these; 679

(b) Issue, advise, and confirm letters of credit authorizing 680
the beneficiaries of the letters to draw upon the bank or its 681
correspondents; 682

(c) Purchase open accounts, whether or not the accounts 683
represent an evidence of debt. 684

(2) Subject to the margin requirements the superintendent of 685
financial institutions may prescribe by rule, a bank may make 686
loans secured by stocks, bonds, or other securities. 687

(B) Subject to sections 1109.22, 1109.32, and 1109.47 of the 688
Revised Code and any rules the superintendent prescribes, a bank 689
may purchase obligations of any kind with or without recourse. 690

(C) A bank may acquire personal property for lease to others, 691
if the transaction, as a whole, has the character of an extension 692
of credit. 693

(D)(1) Subject to division (D)(2) of this section, any other 694
restrictions and limitations of the Revised Code, and any 695
restrictions or requirements established by the superintendent, a 696
bank may enter into a debt suspension agreement or debt 697
cancellation contract with a borrower or borrowers in connection 698
with any loan or extension of credit. 699

(2) A bank shall not offer or finance, directly or 700
indirectly, a debt suspension agreement or debt cancellation 701
contract requiring a lump sum, single payment for the agreement or 702
contract payable at the outset of the agreement or contract, if 703
the debt subject to the agreement or contract is secured by one to 704
four family, residential real property. 705

(3) For purposes of division (D) of this section, "debt 706
cancellation contract" and "debt suspension agreement" have the 707
same meanings as in 12 C.F.R part 37. 708

(E) Unless otherwise expressly agreed in writing, the 709
relationship between a bank and its obligor, with respect to any 710
extension of credit, is that of a creditor and debtor, and creates 711
no fiduciary or other relationship between the parties. 712

(F) A bank, that is a public depository, may make loans 713
pursuant to sections 135.68 to 135.70 of the Revised Code, and 714
collect interest and fees authorized therein for such loans, 715

notwithstanding the interest rate permitted under section 1109.20 716
of the Revised Code. 717

Sec. 1151.29. A savings and loan association may make, invest 718
in, sell, purchase, participate, or otherwise deal in loans to 719
members and others on such terms as are provided by the 720
association, subject to the provisions of this section and section 721
1151.292 of the Revised Code. 722

(A) Loans may be made upon the security of real estate which 723
is improved residential property, a combination of residential and 724
business property, or a farm under cultivation, as follows: 725

(1) The amount loaned upon any one such property shall not 726
exceed ninety per cent of the appraised value, except as otherwise 727
provided in divisions (A)(2) and (3) of this section. 728

(2) The maximum amount loaned upon any one such property 729
shall be ninety-five per cent of the appraised value of the 730
security property if all of the following criteria are met: 731

(a) The loan contract requires that, in addition to principal 732
and interest payments on the loan, one-twelfth of the estimated 733
annual taxes and assessments on the security property be paid 734
monthly in advance; 735

(b) The borrower shall have executed a certificate stating 736
that the borrower occupies or in good faith intends to occupy the 737
property or one dwelling on the property as his the borrower's 738
principal residence. 739

(3) The maximum loan to value ratios under divisions (A)(1) 740
and (2) of this section shall not be applicable if one or more of 741
the following criteria apply: 742

(a) That portion of the loan in excess of ninety-five per 743
cent is insured or guaranteed by a mortgage insurance company 744
acceptable to the superintendent of savings and loan associations, 745

or the association establishes and maintains a specific reserve of 746
one per cent of the original principal balance until reduced to 747
ninety per cent of the value of the security property; 748

(b) The loan is secured by a single-family dwelling or a 749
one-family condominium unit and it is: 750

(i) Made under regulations for the housing opportunity 751
allowance program authorized by the "Emergency Home Finance Act of 752
1970," 47 Stat. 736, 12 U.S.C. 1437, and amendments thereto; 753

(ii) Insured or guaranteed by an agency or instrumentality of 754
this state. 755

(4) For purposes of this section, "value" means market value. 756
Loans made pursuant to divisions (A)(1), (2), and (3) of this 757
section shall be payable in weekly, monthly, quarterly, 758
semiannual, or annual installments sufficient to retire the loan 759
within forty years or less. For purposes of this section, 760
"installments" means regular periodic payments, equal or unequal, 761
sufficient to retire the debt, interest and principal, within the 762
contract period. Such contracts may be granted without provision 763
for amortization or may provide for periods of negative 764
amortization. Payments on all installment loans, except 765
construction loans, shall begin not later than ninety days after 766
the advance of the loan; on installment construction loans, such 767
payments shall begin not later than thirty-six months after the 768
date of the first advance for construction. 769

(B) Loans may be made on the security of building lots and 770
sites which, by reason of off-site or other improvements as are 771
available and common to the area, are ready for the construction 772
on each such building lot or site of a structure designed 773
primarily for residential use. Such loans shall comply with the 774
following requirements: 775

(1) Single-family-dwelling loans for a borrower's principal 776

residence, as evidenced by a borrower's certification of intention 777
executed at the time the loan is made, shall not exceed 778
seventy-five per cent of the value of the security property and 779
shall be repayable within fifteen years, with interest payable at 780
least semiannually. The loan contract shall provide for monthly 781
payments sufficient to amortize at least thirty per cent of the 782
original principal amount before the end of the loan term. 783

(2) Loans other than for a borrower's principal residence 784
shall not exceed seventy-five per cent of the value of the 785
security property and shall be repayable within five years, with 786
interest payable at least semiannually beginning not more than one 787
year after the initial disbursement. 788

(C) Loans may be made on the security of unimproved real 789
estate but such loans shall not exceed sixty-six and two-thirds 790
per cent of the value of the security property, and shall be 791
repayable within three years with interest payable at least 792
semiannually. 793

(D) An association may make a collateral loan to the extent 794
that it could, under applicable law and regulations, make or 795
purchase the underlying assigned loans. For purposes of this 796
division, a "collateral loan" means a loan which is secured by an 797
assignment of loans. 798

(E) Notwithstanding the limitations set forth in any other 799
section of the Revised Code, an association may impose a 800
prepayment penalty. On a loan secured by a lien upon a home 801
occupied or to be occupied by the borrower, the prepayment penalty 802
shall comply with the following: 803

(1) The loan contract shall expressly provide for a 804
prepayment penalty. 805

(2) If the loan contract provides that the interest rate may 806
be adjusted periodically, no prepayment penalty may be imposed 807

within ninety days following notice of an adjustment to the 808
borrower. 809

(3) If the association gives written notice to the borrower 810
that the loan is due pursuant to a due-on-sale clause, or 811
commences a foreclosure proceeding to enforce a due-on-sale clause 812
or to seek payment in full as a result of invoking such clause, no 813
prepayment penalty may be imposed. 814

(F) A savings and loan association may make unsecured loans 815
that meet the conditions set forth in sections 1321.39, 1321.40, 816
and 1321.41 of the Revised Code. 817

Sec. 1181.05. (A) As used in this section, "consumer finance 818
company" means any person required to be licensed or registered 819
under Chapter 1321., 1322., 4712., 4727., or 4728.7 or sections 820
1315.21 to 1315.30, ~~or sections 1315.35 to 1315.44~~ of the Revised 821
Code. 822

(B) Neither the superintendent of financial institutions nor 823
any other employee of the division of financial institutions shall 824
do any of the following: be interested, directly or indirectly, in 825
any bank, savings and loan association, savings bank, credit 826
union, or consumer finance company, that is under the supervision 827
of the superintendent of financial institutions; directly or 828
indirectly borrow money from any such financial institution or 829
company; serve as a director or officer of or be employed by any 830
such financial institution or company; or own an equity interest 831
in any such financial institution or company. For purposes of this 832
section, an equity interest does not include the ownership of an 833
account in a mutual savings and loan association or in a savings 834
bank that does not have permanent stock or the ownership of a 835
share account in a credit union. 836

(C) Subject to division (G) of this section, an employee of 837
the division of financial institutions may retain any extension of 838

credit that otherwise would be prohibited by division (B) of this 839
section if both of the following apply: 840

(1) The employee obtained the extension of credit prior to 841
October 29, 1995, or the commencement of the employee's employment 842
with the division, or as a result of a change in the employee's 843
marital status, the consummation of a merger, acquisition, 844
transfer of assets, or other change in corporate ownership beyond 845
the employee's control, or the sale of the extension of credit in 846
the secondary market or other business transaction beyond the 847
employee's control. 848

(2) The employee liquidates the extension of credit under its 849
original terms and without renegotiation. 850

If the employee chooses to retain the extension of credit, 851
the employee shall immediately provide written notice of the 852
retention to the employee's supervisor. Thereafter, the employee 853
shall be disqualified from participating in any decision, 854
examination, audit, or other action that may affect that 855
particular creditor. 856

(D) Subject to division (G) of this section, an employee of 857
the division of financial institutions may retain any ownership of 858
or beneficial interest in the securities of a financial 859
institution or consumer finance company that is under the 860
supervision of the division of financial institutions, or of a 861
holding company or subsidiary of such a financial institution or 862
company, which ownership or beneficial interest otherwise would be 863
prohibited by division (B) of this section, if the ownership or 864
beneficial interest is acquired by the employee through 865
inheritance or gift, prior to October 29, 1995, or the 866
commencement of the employee's employment with the division, or as 867
a result of a change in the employee's marital status or the 868
consummation of a merger, acquisition, transfer of assets, or 869
other change in corporate ownership beyond the employee's control. 870

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

(E) Notwithstanding division (B) of this section, an employee of the division of financial institutions may have an indirect interest in the securities of a financial institution or consumer finance company that is under the supervision of the division of financial institutions, which interest arises through ownership of or beneficial interest in the securities of a publicly held mutual fund or investment trust, if the employee owns or has a beneficial interest in less than five per cent of the securities of the mutual fund or investment trust, and the mutual fund or investment trust is not advised or sponsored by a financial institution or consumer finance company that is under the supervision of the division of financial institutions. If the mutual fund or investment trust is subsequently advised or sponsored by a financial institution or consumer finance company that is under the supervision of the division of financial institutions, the employee shall immediately provide written notice of the ownership of or beneficial interest in the securities to the employee's supervisor. Thereafter, the employee shall be disqualified from participating in any decision, examination, audit, or other action that may affect the financial institution or consumer finance company. However, if the ownership of or beneficial interest in the securities and the subsequent disqualification required by this division impair the employee's ability to perform the

employee's duties, the employee may be ordered to divest self of 904
the ownership of or beneficial interest in the securities. 905

(F)(1) For purposes of this section, the interests of an 906
employee's spouse or dependent child arising through the ownership 907
or control of securities shall be considered the interests of the 908
employee, unless the interests are solely the financial interest 909
and responsibility of the spouse or dependent child, the interests 910
are not in any way derived from the income, assets, or activity of 911
the employee, and any financial or economic benefit from the 912
interests is for the personal use of the spouse or dependent 913
child. 914

(2) If an employee's spouse or dependent child obtains 915
interests arising through the ownership or control of securities 916
and, pursuant to division (F)(1) of this section, the interests 917
are not considered the interests of the employee, the employee 918
shall immediately provide written notice of the interests to the 919
employee's supervisor. Thereafter, the employee shall be 920
disqualified from participating in any decision, examination, 921
audit, or other action that may affect the issuer of the 922
securities. 923

(G) For purposes of divisions (C) and (D) of this section, 924
both of the following apply: 925

(1) With respect to any employee of the former division of 926
consumer finance who, on the first day of the first pay period 927
commencing after the effective date of this section, becomes an 928
employee of the division of financial institutions, the employee's 929
employment with the division of financial institutions is deemed 930
to commence on the first day of the first pay period commencing 931
after the effective date of this section. 932

(2) With respect to any employee who, on October 29, 1995, 933
became an employee of the division of financial institutions, the 934

employee may, notwithstanding divisions (C) and (D) of this 935
section, retain any extension of credit by a consumer finance 936
company that was obtained at any time prior to the first day of 937
the first pay period commencing after the effective date of this 938
section, or retain any ownership of or beneficial interest in the 939
securities of a consumer finance company, or of a holding company 940
or subsidiary of such a company, that was acquired at any time 941
prior to the first day of the first pay period commencing after 942
the effective date of this section. If the employee chooses to 943
retain the extension of credit or the ownership or beneficial 944
interest, the employee shall comply with divisions (C) and (D) of 945
this section. 946

Sec. 1181.21. (A) As used in this section, "consumer finance 947
company" has the same meaning as in section 1181.05 of the Revised 948
Code. 949

(B) The superintendent of financial institutions shall see 950
that the laws relating to consumer finance companies are executed 951
and enforced. 952

(C) The deputy superintendent for consumer finance shall be 953
the principal supervisor of consumer finance companies. In that 954
position the deputy superintendent for consumer finance shall, 955
notwithstanding division ~~(C)~~(E) of section ~~1315.42~~ 1321.42, 956
division (A) of section 1321.76, and sections 1321.07, 1321.55, 957
1322.06, 4727.05, and 4728.05 of the Revised Code, be responsible 958
for conducting examinations and preparing examination reports 959
under those sections. In addition, the deputy superintendent for 960
consumer finance shall, notwithstanding sections 1315.27, ~~1315.43~~, 961
1321.10, 1321.43, 1321.54, 1321.77, 1322.12, 4712.14, 4727.13, and 962
4728.10 of the Revised Code, have the authority to adopt rules and 963
standards in accordance with those sections. In performing or 964
exercising any of the examination, rule-making, or other 965

regulatory functions, powers, or duties vested by this division in 966
the deputy superintendent for consumer finance, the deputy 967
superintendent for consumer finance shall be subject to the 968
control of the superintendent of financial institutions and the 969
director of commerce. 970

Sec. 1181.25. The superintendent of financial institutions 971
may introduce into evidence or disclose, or authorize to be 972
introduced into evidence or disclosed, information that, under 973
sections 1121.18, 1155.16, 1163.20, 1315.122, 1321.09, 1321.48, 974
1321.55, 1321.76, 1322.06, 1322.061, 1733.32, 1733.327, and 975
4727.18 of the Revised Code, is privileged, confidential, or 976
otherwise not public information or a public record, provided that 977
the superintendent acts only as provided in those sections or in 978
the following circumstances: 979

(A) When in the opinion of the superintendent, it is 980
appropriate with regard to any enforcement actions taken and 981
decisions made by the superintendent under Chapters 1315., 1321., 982
1322., 1733., 4712., 4727., and 4728. of the Revised Code or Title 983
XI of the Revised Code; 984

(B) When litigation has been initiated by the superintendent 985
in furtherance of the powers, duties, and obligations imposed upon 986
the superintendent by Chapters 1315., 1321., 1322., 1733., 4712., 987
4727., and 4728. of the Revised Code or Title XI of the Revised 988
Code; 989

(C) When in the opinion of the superintendent, it is 990
appropriate with regard to enforcement actions taken or decisions 991
made by other financial institution regulatory authorities to whom 992
the superintendent has provided the information pursuant to 993
authority in Chapters 1315., 1321., 1322., 1733., 4712., 4727., 994
and 4728. of the Revised Code or Title XI of the Revised Code. 995

Sec. 1315.99. (A) Whoever violates division (A) or (B) of 996
section 1315.28, ~~section 1315.41~~, or division (E)(2) of section 997
1315.53 of the Revised Code is guilty of a misdemeanor of the 998
first degree. 999

(B) Whoever violates division (F)(1) of section 1315.53 or 1000
division (B) of section 1315.54 of the Revised Code is guilty of a 1001
felony of the fourth degree. 1002

(C) Whoever violates division (A) of section 1315.55 of the 1003
Revised Code is guilty of money laundering. A violation of 1004
division (A)(1), (2), (3), (4), or (5) of that section is a felony 1005
of the third degree, and, in addition, the court may impose a fine 1006
of seven thousand five hundred dollars or twice the value of the 1007
property involved, whichever is greater. 1008

(D) Whoever knowingly violates division (A) of section 1009
1315.02, or intentionally violates division (B)(1) of section 1010
1315.081, of the Revised Code is guilty of a felony of the fourth 1011
degree. 1012

Sec. 1321.02. No person shall engage in the business of 1013
lending money, credit, or choses in action in amounts of five 1014
thousand dollars or less, or exact, contract for, or receive, 1015
directly or indirectly, on or in connection with any such loan, 1016
any interest and charges that in the aggregate are greater than 1017
the interest and charges that the lender would be permitted to 1018
charge for a loan of money if the lender were not a licensee, 1019
without first having obtained a license from the division of 1020
financial institutions under sections 1321.01 to 1321.19 of the 1021
Revised Code. 1022

Sections 1321.01 to 1321.19 of the Revised Code do not apply 1023
to any person doing business under and as permitted by any law of 1024
this state, another state, or the United States relating to banks, 1025

savings banks, savings societies, trust companies, credit unions, 1026
savings and loan associations substantially all the business of 1027
which is confined to loans on real estate mortgages and evidences 1028
of their own indebtedness; to registrants conducting business 1029
pursuant to sections 1321.51 to 1321.60 of the Revised Code; to 1030
licensees conducting business pursuant to sections 1321.71 to 1031
1321.83 of the Revised Code; to licensees doing business pursuant 1032
to sections ~~1315.35 to 1315.44~~ 1321.35 to 1321.48 of the Revised 1033
Code; or to any entity who is licensed pursuant to Title XXXIX of 1034
the Revised Code, who makes advances or loans to any person who is 1035
licensed to sell insurance pursuant to that Title, and who is 1036
authorized in writing by that entity to sell insurance. No person 1037
engaged in the business of selling tangible goods or services 1038
related thereto may receive or retain a license under sections 1039
1321.01 to 1321.19 of the Revised Code for such place of business. 1040

The first paragraph of this section applies to any person, 1041
who by any device, subterfuge, or pretense, charges, contracts 1042
for, or receives greater interest, consideration, or charges than 1043
that authorized by this section for any such loan or use of money 1044
or for any such loan, use, or sale of credit, or who for a fee or 1045
any manner of compensation arranges or offers to find or arrange 1046
for another person to make any such loan, use, or sale of credit. 1047
This section does not preclude the acquiring, directly or 1048
indirectly, by purchase or discount, of a bona fide obligation for 1049
goods or services when such obligation is payable directly to the 1050
person who provided the goods or services. 1051

Any contract of loan in the making or collection of which an 1052
act is done by the lender that violates this section is void and 1053
the lender has no right to collect, receive, or retain any 1054
principal, interest, or charges. 1055

Sec. 1321.21. All fees, charges, penalties, and forfeitures 1056

collected under Chapters 1321., 1322., 4712., 4727., and 4728., 1057
sections 1315.21 to 1315.30, ~~sections 1315.35 to 1315.44~~, and 1058
sections 1349.25 to 1349.37 of the Revised Code shall be paid to 1059
the superintendent of financial institutions and shall be 1060
deposited by the superintendent into the state treasury to the 1061
credit of the consumer finance fund, which is hereby created. The 1062
fund may be expended or obligated by the superintendent for the 1063
defrayment of the costs of administration of Chapters 1321., 1064
1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, 1065
~~sections 1315.35 to 1315.44~~, and sections 1349.25 to 1349.37 of 1066
the Revised Code by the division of financial institutions. All 1067
actual and necessary expenses incurred by the superintendent, 1068
including any services rendered by the department of commerce for 1069
the division's administration of Chapters 1321., 1322., 4712., 1070
4727., and 4728., sections 1315.21 to 1315.30, ~~sections 1315.35 to~~ 1071
~~1315.44~~, and sections 1349.25 to 1349.37 of the Revised Code, 1072
shall be paid from the fund. The fund shall be assessed a 1073
proportionate share of the administrative costs of the department 1074
and the division. The proportionate share of the administrative 1075
costs of the division of financial institutions shall be 1076
determined in accordance with procedures prescribed by the 1077
superintendent and approved by the director of budget and 1078
management. Such assessment shall be paid from the consumer 1079
finance fund to the division of administration fund or the 1080
financial institutions fund. 1081

Periodically, in accordance with a schedule the director 1082
establishes by rule, but at least once every three months, the 1083
director of budget and management shall transfer five per cent of 1084
all charges, penalties, and forfeitures received into the consumer 1085
finance fund to the financial literacy education fund created 1086
under section 121.085 of the Revised Code. 1087

Sec. 1321.35. As used in sections 1321.35 to 1321.48 of the 1088

<u>Revised Code:</u>	1089
<u>(A) "Short-term loan" means a loan made pursuant to sections 1321.35 to 1321.48 of the Revised Code.</u>	1090 1091
<u>(B) "Superintendent of financial institutions" includes the deputy superintendent for consumer finance as provided in section 1181.21 of the Revised Code.</u>	1092 1093 1094
<u>(C) "Interest" means all charges payable directly or indirectly by a borrower to a licensee as a condition to a loan, including fees, loan origination charges, service charges, renewal charges, credit insurance premiums, and any ancillary product sold in connection with a loan made pursuant to sections 1321.35 to 1321.48 of the Revised Code.</u>	1095 1096 1097 1098 1099 1100
<u>(D) "Annual percentage rate" has the same meaning as in the "Truth in Lending Act," 82 Stat. 149 (1980), 15 U.S.C. 1606, as implemented by regulations of the board of governors of the federal reserve system. All fees and charges shall be included in the computation of the annual percentage rate. Fees and charges for single premium credit insurance and other ancillary products sold in connection with the credit transaction shall be included in the calculation of the annual percentage rate.</u>	1101 1102 1103 1104 1105 1106 1107 1108
<u>Sec. 1321.36. (A) No person shall engage in the business of making short-term loans to a borrower in Ohio, or, in whole or in part, make, offer, or broker a loan, or assist a borrower in Ohio to obtain such a loan, without first having obtained a license from the superintendent of financial institutions under sections 1321.35 to 1321.48 of the Revised Code. No licensee shall make, offer, or broker a loan, or assist a borrower to obtain such a loan, when the borrower is not physically present in the licensee's business location.</u>	1109 1110 1111 1112 1113 1114 1115 1116 1117
<u>(B) No person not located in Ohio shall make a short-term</u>	1118

loan to a borrower in Ohio from an office not located in Ohio. 1119
Nothing in this section prohibits a business not located or 1120
licensed in Ohio from lending funds to Ohio borrowers who 1121
physically visit the out-of-state office of the business and 1122
obtain the disbursement of loan funds at that location. No person 1123
shall make, offer, or broker a loan, or assist a borrower to 1124
obtain a loan, via the telephone, mail, or internet. 1125

Sec. 1321.37. (A) Application for an original or renewal 1126
license to make short-term loans shall be in writing, under oath, 1127
and in the form prescribed by the superintendent of financial 1128
institutions, and shall contain the name and address of the 1129
applicant, the approximate location where the business of making 1130
loans is to be conducted, and any further information as the 1131
superintendent requires. At the time of making an application for 1132
an original license, the applicant shall pay to the superintendent 1133
a nonrefundable investigation fee of two hundred dollars. No 1134
investigation fee or any portion thereof shall be refunded after 1135
an original license has been issued. The application for an 1136
original or renewal license shall be accompanied by an original or 1137
renewal license fee, for each business location of one thousand 1138
dollars, except that applications for original licenses issued on 1139
or after the first day of July for any year shall be accompanied 1140
by an original license fee of five hundred dollars, and except 1141
that an application for an original or renewal license, for a 1142
nonprofit corporation that is incorporated under Chapter 1702. of 1143
the Revised Code, shall be accompanied by an original or renewal 1144
license fee, for each business location, that is one-half of the 1145
fee otherwise required. All fees paid to the superintendent 1146
pursuant to this division shall be deposited into the state 1147
treasury to the credit of the consumer finance fund. 1148

(B) Upon the filing of an application for an original or 1149
1150

renewal license and the payment of fees in accordance with 1151
division (A) of this section, the superintendent shall investigate 1152
the facts concerning the applicant and the requirements provided 1153
by this division. The superintendent shall request the 1154
superintendent of the bureau of criminal identification and 1155
investigation, or a vendor approved by the bureau, to conduct a 1156
criminal records check based on the applicant's fingerprints in 1157
accordance with division (A)(12) of section 109.572 of the Revised 1158
Code. Notwithstanding division (K) of section 121.08 of the 1159
Revised Code, the superintendent of financial institutions shall 1160
request that criminal record information from the federal bureau 1161
of investigation be obtained as part of the criminal records 1162
check. The superintendent of financial institutions shall conduct 1163
a civil records check. The superintendent shall approve an 1164
application and issue an original or renewal license to the 1165
applicant if the superintendent finds all of the following: 1166

(1) The financial responsibility, experience, reputation, and 1167
general fitness of the applicant are such as to warrant the belief 1168
that the business of making loans will be operated lawfully, 1169
honestly, and fairly under sections 1321.35 to 1321.48 of the 1170
Revised Code and within the purposes of those sections; that the 1171
applicant has fully complied with those sections and any rule or 1172
order adopted or issued pursuant to section 1321.43 of the Revised 1173
Code; and that the applicant is qualified to engage in the 1174
business of making loans under sections 1321.35 to 1321.48 of the 1175
Revised Code. 1176

(2) The applicant is financially sound and has a net worth of 1177
not less than one hundred thousand dollars, or in the case of a 1178
nonprofit corporation that is incorporated under Chapter 1702. of 1179
the Revised Code, a net worth of not less than fifty thousand 1180
dollars. The applicant's net worth shall be computed according to 1181
generally accepted accounting principles. 1182

(3) The applicant has never had revoked a license to make 1183
loans under sections 1321.35 to 1321.48 of the Revised Code, under 1184
former sections 1315.35 to 1315.44 of the Revised Code, or to do 1185
business under sections 1315.21 to 1315.30 of the Revised Code. 1186

1187
(4) Neither the applicant nor any senior officer, or partner 1188
of the applicant, has pleaded guilty to or been convicted of any 1189
criminal offense involving theft, receiving stolen property, 1190
embezzlement, forgery, fraud, passing bad checks, money 1191
laundering, or drug trafficking, or any criminal offense involving 1192
money or securities or any violation of an existing or former law 1193
of this state, any other state, or the United States that 1194
substantially is equivalent to a criminal offense described in 1195
that division. However, if the applicant or any of those other 1196
persons has pleaded guilty to or been convicted of any such 1197
offense other than theft, the superintendent shall not consider 1198
the offense if the applicant has proven to the superintendent, by 1199
a preponderance of the evidence, that the applicant's or other 1200
person's activities and employment record since the conviction 1201
show that the applicant or other person is honest, truthful, and 1202
of good reputation, and there is no basis in fact for believing 1203
that the applicant or other person will commit such an offense 1204
again. 1205

(5) Neither the applicant nor any senior officer, or partner 1206
of the applicant, has been subject to any adverse judgment for 1207
conversion, embezzlement, misappropriation of funds, fraud, 1208
misfeasance or malfeasance, or breach of fiduciary duty, or if the 1209
applicant or any of those other persons has been subject to such a 1210
judgment, the applicant has proven to the superintendent, by a 1211
preponderance of the evidence, that the applicant's or other 1212
person's activities and employment record since the judgment show 1213
that the applicant or other person is honest, truthful, and of 1214

good reputation, and there is no basis in fact for believing that 1215
the applicant or other person will be subject to such a judgment 1216
again. 1217

(C) If the superintendent finds that the applicant does not 1218
meet the requirements of division (B) of this section, or the 1219
superintendent finds that the applicant knowingly or repeatedly 1220
contracts with or employs persons to directly engage in lending 1221
activities who have been convicted of a felony crime listed in 1222
division (B)(5) of this section, the superintendent shall issue an 1223
order denying the application for an original or renewal license 1224
and giving the applicant an opportunity for a hearing on the 1225
denial in accordance with Chapter 119. of the Revised Code. The 1226
superintendent shall notify the applicant of the denial, the 1227
grounds for the denial, and the applicant's opportunity for a 1228
hearing. If the application is denied, the superintendent shall 1229
return the annual license fee but shall retain the investigation 1230
fee. 1231

(D) No person licensed under sections 1321.35 to 1321.48 of 1232
the Revised Code shall conduct business in this state unless the 1233
licensee has obtained and maintains in effect at all times a 1234
corporate surety bond issued by a bonding company or insurance 1235
company authorized to do business in this state. The bond shall be 1236
in favor of the superintendent and in the penal sum of at least 1237
one hundred thousand dollars, or in the case of a nonprofit 1238
corporation that is incorporated under Chapter 1702. of the 1239
Revised Code, in the amount of fifty thousand dollars. The term of 1240
the bond shall coincide with the term of the license. The licensee 1241
shall file a copy of the bond with the superintendent. The bond 1242
shall be for the exclusive benefit of any borrower injured by a 1243
violation by a licensee or any employee of a licensee, of any 1244
provision of sections 1321.35 to 1321.48 of the Revised Code. 1245

Sec. 1321.38. (A) A license issued by the superintendent of 1246
financial institutions pursuant to sections 1321.35 to 1321.48 of 1247
the Revised Code shall state the address at which the business of 1248
making loans is to be conducted and shall state the full name of 1249
the business. Each license issued shall be conspicuously posted in 1250
the place of business and is not transferable or assignable. 1251

(B)(1) Not more than one place of business shall be 1252
maintained under the same license issued under sections 1321.35 to 1253
1321.48 of the Revised Code, but the superintendent may issue 1254
additional licenses to the same applicant upon compliance with 1255
those sections. 1256

(2) No change in the place of business of a licensee to a 1257
location outside the original municipal corporation shall be 1258
permitted under the same license. When a licensee wishes to change 1259
its place of business within the same municipal corporation, 1260
written notice thereof shall be given in advance to the 1261
superintendent who shall provide without cost a license pursuant 1262
to sections 1321.35 to 1321.48 of the Revised Code for the new 1263
address. 1264

Sec. 1321.39. A licensee under sections 1321.35 to 1321.48 of 1265
the Revised Code may engage in the business of making loans 1266
provided that each loan meets all of the following conditions: 1267

(A) The total amount of the loan does not exceed five hundred 1268
dollars. 1269

(B) The duration of the loan, as specified in the loan 1270
contract required under division (C) of this section, is not less 1271
than thirty-one days. 1272

(C) The loan is made pursuant to a written loan contract that 1273
sets forth the terms and conditions of the loan. A copy of the 1274
loan contract shall be provided to the borrower. The loan contract 1275

<u>shall disclose in a clear and concise manner all of the following:</u>	1276
	1277
<u>(1) The total amount of fees and charges the borrower will be required to pay in connection with the loan pursuant to the loan contract;</u>	1278
	1279
	1280
<u>(2) The total amount of each payment, when each payment is due, and the total number of payments that the borrower will be required to make under the loan contract;</u>	1281
	1282
	1283
<u>(3) A statement, printed in boldface type of the minimum size of ten points, as follows: "WARNING: The cost of this loan is higher than the average cost charged by financial institutions on substantially similar loans."</u>	1284
	1285
	1286
	1287
<u>(4) A statement, printed in a minimum font size of ten points, which informs the borrower that complaints regarding the loan or lender may be submitted to the department of commerce division of financial institutions and includes the correct telephone number and mailing address for the department;</u>	1288
	1289
	1290
	1291
	1292
<u>(5) Any disclosures required under the "Truth in Lending Act," 82 Stat. 146 (1974), 15 U.S.C. 1601, et seq.;</u>	1293
	1294
<u>(6) The rate of interest contracted for under the loan contract as an annual percentage rate based on the sum of the principal of the loan and the loan origination fee, check collection charge, and all other fees or charges contracted for under the loan contract.</u>	1295
	1296
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	1299
<u>(D) The loan contract includes a provision that offers the borrower an optional extended payment plan that may be invoked by the borrower at any time before the maturity date of the loan. To invoke the extended payment plan, the borrower shall return to the office where the loan was made and sign an amendment to the original loan agreement reflecting the extended terms of the loan. The extended payment plan shall allow the borrower to repay the</u>	1300
	1301
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balance by not less than sixty days from the original maturity 1307
date. No additional fees or charges may be applied to the loan 1308
upon the borrower entering the extended payment plan. The person 1309
originating the loan for the licensee shall identify verbally to 1310
the borrower the contract provision regarding the extended payment 1311
plan, and the borrower shall verify that the provision has been 1312
identified by initialing the contract adjacent to the provision. 1313
1314

Sec. 1321.40. A person licensed pursuant to sections 1321.35 1315
to 1321.48 of the Revised Code may charge, collect, and receive 1316
the following fees and charges in connection with a short-term 1317
loan: 1318

(A) Interest calculated in compliance with 15 U.S.C. 1606, 1319
and not exceeding an annual percentage rate greater than 1320
twenty-eight per cent; 1321

(B) One check collection charge per loan not exceeding an 1322
amount equal to twenty dollars plus any amount passed on from 1323
other financial institutions for each check, negotiable order of 1324
withdrawal, share draft, or other negotiable instrument returned 1325
or dishonored for any reason, provided that the terms and 1326
conditions upon which check collection charges will be charged to 1327
the borrower are set forth in the written loan contract described 1328
in division (C) of section 1321.39 of the Revised Code; 1329

(C) Damages, costs, and disbursements to which the licensee 1330
may become entitled to by law in connection with any civil action 1331
to collect a loan after default. 1332

Sec. 1321.41. No person licensed pursuant to sections 1321.35 1333
to 1321.48 of the Revised Code shall do any of the following: 1334

(A) Violate section 1321.36 of the Revised Code; 1335
1336

(B) Make a loan that does not comply with section 1321.39 of 1337
the Revised Code; 1338

(C) Charge, collect, or receive, directly or indirectly, any 1339
additional fees, interest, or charges in connection with a loan, 1340
other than fees and charges permitted by section 1321.40 of the 1341
Revised Code and costs or disbursements to which the licensee may 1342
become entitled to by law in connection with any civil action to 1343
collect a loan after default; 1344

(D) Collect treble damages pursuant to division (A)(1)(b)(ii) 1345
of section 2307.61 of the Revised Code in connection with any 1346
civil action to collect a loan after a default due to a check, 1347
negotiable order of withdrawal, share draft, or other negotiable 1348
instrument that was returned or dishonored for insufficient funds; 1349

(E) Make a short-term loan to a borrower if there exists an 1350
outstanding loan between the licensee and that borrower, if a loan 1351
between any licensee and that borrower was terminated on the same 1352
business day, if the borrower has more than one outstanding loan, 1353
if the loan would obligate the borrower to repay a total amount of 1354
more than five hundred dollars to licensees, or indebted the 1355
borrower, to licensees, for an amount that is more than 1356
twenty-five per cent of the borrowers gross monthly salary not 1357
including bonus, overtime, or other such compensation, based on a 1358
payroll verification statement presented by the borrower; 1359

(F) Bring or threaten to bring an action or complaint against 1360
the borrower for the borrower's failure to comply with the terms 1361
of the loan contract solely due to the check, negotiable order of 1362
withdrawal, share draft, or negotiable instrument being returned 1363
or dishonored for insufficient funds. Nothing herein prohibits 1364
such conduct, action, or complaint if the borrower has 1365
intentionally engaged in fraud by, including but not limited to, 1366
closing or using any closed or false account to evade payment; 1367

<u>(G) Make a short-term loan to a borrower for purposes of</u>	1368
<u>retiring an existing short-term loan between any licensee and that</u>	1369
<u>borrower;</u>	1370
<u>(H) Require the borrower to waive the borrower's right to</u>	1371
<u>legal recourse under any otherwise applicable provision of state</u>	1372
<u>or federal law;</u>	1373
<u>(I) Accept the title of a vehicle, real property, physical</u>	1374
<u>assets, or other collateral as security for the obligation;</u>	1375
<u>(J) Engage in any device or subterfuge to evade the</u>	1376
<u>requirements of sections 1321.35 to 1321.48 of the Revised Code</u>	1377
<u>including assisting a borrower to obtain a loan on terms that</u>	1378
<u>would be prohibited by sections 1321.35 to 1321.48 of the Revised</u>	1379
<u>Code, making loans disguised as personal property sales and</u>	1380
<u>leaseback transactions, or disguising loan proceeds as cash</u>	1381
<u>rebates for the pretextual installment sale of goods or services;</u>	1382
<u>(K) Assess or charge a borrower a fee for prepaying the loan</u>	1383
<u>in full prior to the maturity date;</u>	1384
<u>(L) Fail to comply with section 1321.45 of the Revised Code;</u>	1385
<u>(M) Recommend to a borrower that the borrower obtain a loan</u>	1386
<u>for a dollar amount that is higher than the borrower has</u>	1387
<u>requested;</u>	1388
<u>(N) Make a loan to a borrower that has received two loans</u>	1389
<u>within the previous ninety days from licensees, unless the</u>	1390
<u>borrower has completed during that period a financial literacy</u>	1391
<u>program approved by the superintendent;</u>	1392
<u>(O) Draft funds electronically from any depository financial</u>	1393
<u>institution in this state, or bill any credit card issued by such</u>	1394
<u>an institution. Nothing in this division shall prohibit the</u>	1395
<u>conversion of a negotiable instrument into an electronic form for</u>	1396
<u>processing through the automated clearing house system.</u>	1397

(P) Make, publish, or otherwise disseminate, directly or indirectly, any misleading or false advertisement, or engage in any other deceptive trade practice; 1398
1399
1400

(Q) Offer any incentive to a borrower in exchange for the borrower taking out multiple loans over any period of time, or provide a short-term loan at no charge or at a discounted charge as compensation for any previous or future business. 1401
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(R) Make a loan to a borrower if the borrower has received a total of four or more loans, from licensees, in the calendar year. 1405
1406

(S) Present a check, negotiable order of withdrawal, share draft, or other negotiable instrument, that has been previously presented by the licensee and subsequently returned or dishonored for any reason, without prior written approval from the borrower. 1407
1408
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1410

(T) Change the check number, or in any other way alter a check, negotiable order of withdrawal, or share draft, prior to submitting such check, negotiable order of withdrawal, or share draft for processing through the automated clearing house system, or submit false information about any check, negotiable order of withdrawal, or share draft to the automated clearing house system. 1411
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Sec. 1321.42. (A) The superintendent of financial institutions shall, in accordance with Chapter 119. of the Revised Code, suspend or revoke a license issued pursuant to sections 1321.35 to 1321.48 of the Revised Code, if the superintendent determines that any of the following applies: 1417
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1420
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(1) The licensee has failed to comply with any order issued by the superintendent pursuant to section 1321.43 of the Revised Code. 1422
1423
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(2) The licensee has continued to violate any provision of sections 1321.35 to 1321.48 of the Revised Code or any rule adopted under section 1321.43 of the Revised Code after receiving 1425
1426
1427

notice of such violation or violations from the superintendent. 1428

(3) Any fact or condition exists that if it had existed or 1429
had been known to exist at the time of original or renewal 1430
licensure pursuant to sections 1321.35 to 1321.48 of the Revised 1431
Code, the fact or condition clearly would have warranted the 1432
superintendent to refuse to issue a license pursuant to those 1433
sections. 1434

(B) The superintendent may make any investigation and conduct 1435
any hearing the superintendent considers necessary to determine 1436
whether any person has violated sections 1321.35 to 1321.48 of the 1437
Revised Code, or any rule or order adopted or issued under section 1438
1321.43 of the Revised Code, or has engaged in conduct that would 1439
justify the suspension, revocation, or refusal of an original or 1440
renewal license. 1441

(C) In making any investigation or conducting any hearing 1442
pursuant to this section, the superintendent, or any person 1443
designated by the superintendent, at any time may compel by 1444
subpoena witnesses, may take depositions of witnesses residing 1445
without the state in the manner provided for in civil actions, pay 1446
any witnesses the fees and mileage for their attendance provided 1447
for witnesses in civil actions, and administer oaths. The 1448
superintendent also may compel by order or subpoena duces tecum 1449
the production of, and examine, all relevant books, records, 1450
accounts, and other documents. If a person does not comply with a 1451
subpoena or subpoena duces tecum, the superintendent may apply to 1452
the court of common pleas of Franklin county for an order 1453
compelling the person to comply with the subpoena or subpoena 1454
duces tecum or, for failure to do so, an order to be held in 1455
contempt of court. 1456

(D) In connection with any investigation under this section, 1457
the superintendent may file an action in the court of common pleas 1458
of Franklin county or the court of common pleas of the county in 1459

which the person who is the subject of the investigation resides, 1460
or is engaging in or proposing to engage in actions in violation 1461
of sections 1321.35 to 1321.48 of the Revised Code, to obtain an 1462
injunction, temporary restraining order, or other appropriate 1463
relief. 1464

(E) As often as the superintendent considers it necessary, 1465
the superintendent may examine the records of a licensee, but in 1466
any case, the superintendent shall examine the records of a 1467
licensee at least annually. 1468

Sec. 1321.43. The superintendent of financial institutions, 1469
in accordance with Chapter 119. of the Revised Code, may adopt 1470
rules and issue specific orders to enforce and carry out the 1471
purposes of sections 1321.35 to 1321.48 of the Revised Code. The 1472
superintendent shall issue a rule defining "senior officer" for 1473
the purpose of section 1321.37 of the Revised Code. The 1474
superintendent may adopt, amend, and repeal substantive rules 1475
defining with reasonable specificity acts or practices that 1476
violate section 1321.45 of the Revised Code. 1477

Sec. 1321.44. (A) A violation of section 1321.41 of the 1478
Revised Code is deemed an unfair or deceptive act or practice in 1479
violation of section 1345.02 of the Revised Code. A borrower 1480
injured by a violation of section 1321.41 of the Revised Code 1481
shall have a cause of action and be entitled to the same relief 1482
available to a consumer under section 1345.09 of the Revised Code, 1483
and all powers and remedies available to the attorney general to 1484
enforce sections 1345.01 to 1345.13 of the Revised Code are 1485
available to the attorney general to enforce section 1321.41 of 1486
the Revised Code. 1487

(B) The superintendent of financial institutions or a 1488
borrower may bring directly an action to enjoin a violation of 1489

sections 1321.35 to 1321.48 of the Revised Code. The prosecuting attorney of the county in which the action may be brought may bring an action to enjoin a violation of sections 1321.35 to 1321.48 of the Revised Code only if the prosecuting attorney first presents any evidence of the violation to the attorney general and, within a reasonable period of time, the attorney general has not agreed to bring the action.

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

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

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

(F) When a judgment under this section becomes final, the 1522
clerk of court shall mail a copy of the judgment, including 1523
supporting opinions, to the superintendent. 1524

Sec. 1321.45. (A) As used in this section: 1525

(1) "Debt collector" means a licensee, officer, employee, or 1526
agent of a licensee, or any person acting as a debt collector for 1527
a licensee, or any person while serving or attempting to serve 1528
legal process on any other person in connection with the judicial 1529
enforcement of any debt resulting from a short-term loan made by a 1530
licensee. 1531

(2) "Borrower" means a person who has an outstanding or 1532
delinquent short-term loan. For the purpose of this section, the 1533
term "borrower" includes the borrower's spouse, parent, if the 1534
borrower is a minor, guardian, executor, or administrator. 1535

(3) "Communication" means the conveying of information 1536
regarding a debt directly or indirectly to any person through any 1537
medium. 1538

(4) "Consumer reporting agency" means any person that, for 1539
monetary fees, dues, or on a cooperative nonprofit basis, 1540
regularly engages in whole or in part in the practice of 1541
assembling or evaluating consumer credit information or other 1542
information on consumers for the purpose of furnishing consumer 1543
reports to third parties and that uses any means or facility for 1544
the purpose of preparing or furnishing consumer reports. 1545

(5) "Location information" means a consumer's residence, 1546
telephone number, or place of employment. 1547

(B) When communicating with any person other than the 1548
borrower for the purpose of acquiring location information about 1549
the borrower, the debt collector shall identify self, state that 1550
the purpose for the communication is to confirm or correct 1551

location information concerning a person, and, only if expressly 1552
requested, identify the debt collector's employer. The debt 1553
collector shall not do any of the following: 1554

(1) State that the person for whom location information is 1555
being sought is a borrower or owes any debt; 1556

(2) Communicate with any person more than once unless 1557
requested to do so by such person or unless the debt collector 1558
reasonably believes that the earlier response of such person is 1559
erroneous or incomplete and that such person now has correct or 1560
complete location information; 1561

(3) Communicate by post card; 1562

(4) Use any language or symbol on any envelope or in the 1563
contents of any communication effected by the mails or telegram 1564
that indicates that the communication relates to the collection of 1565
a debt; 1566

(5) After the debt collector knows the borrower is 1567
represented by an attorney with regard to the subject debt and has 1568
knowledge of, or can readily ascertain, such attorney's name and 1569
address, not communicate with any person other than that attorney, 1570
unless the attorney fails to respond within a reasonable period of 1571
time to communication from the debt collector. 1572

(C) A debt collector, without the prior consent of the 1573
borrower given directly to the debt collector or without the 1574
express permission of a court of competent jurisdiction, may not 1575
communicate with a borrower in connection with the collection of 1576
any debt: 1577

(1) At any unusual time or place or a time or place known or 1578
which should be known to be inconvenient to the borrower. In the 1579
absence of knowledge of circumstances to the contrary, a debt 1580
collector shall assume that the convenient time for communicating 1581
with a borrower is after eight a.m. eastern standard time and 1582

before nine p.m. eastern standard time at the borrower's location. 1583

(2) If the debt collector knows the borrower is represented 1584
by an attorney with respect to such debt and has knowledge of, or 1585
can readily ascertain, such attorney's name and address, unless 1586
the attorney fails to respond within a reasonable period of time 1587
to a communication from the debt collector or unless the attorney 1588
consents to direct communication with the borrower; 1589

(3) At the borrower's place of employment if the debt 1590
collector knows or has reason to know that the borrower's employer 1591
prohibits the borrower from receiving such communication. 1592

(D) A debt collector, when communicating with a third party 1593
without the prior consent of the borrower given directly to the 1594
debt collector, or without the express permission of a court of 1595
competent jurisdiction, or as reasonably necessary to effectuate a 1596
postjudgment judicial remedy, may not communicate, in connection 1597
with the collection of any debt, with any person other than the 1598
borrower, the borrower's attorney, a consumer reporting agency if 1599
otherwise permitted by law, or the attorney of the debt collector. 1600

(E) If a borrower provides written notification, to a person 1601
licensed under section 1321.35 to 1321.48 of the Revised Code or a 1602
debt collector, that the borrower refuses to pay a debt or that 1603
the borrower wishes the debt collector to cease further 1604
communication with the borrower, the debt collector shall not 1605
communicate further with the borrower with respect to such debt, 1606
except: 1607

(1) To advise the borrower that the debt collector's further 1608
efforts are being terminated; 1609

(2) To notify the borrower that the debt collector or 1610
licensee may invoke specified remedies that are ordinarily invoked 1611
by such debt collector or licensee; 1612

(3) Where applicable, to notify the borrower that the debt 1613

collector or licensee intends to invoke a specified remedy. If 1614
such notice from the borrower is made by mail, notification shall 1615
be complete upon receipt. 1616

(F) A debt collector may not engage in any conduct the 1617
natural consequence of which is to harass, oppress, or abuse any 1618
person in connection with the collection of a debt, including, but 1619
not limited to, any of the following: 1620

(1) Using or threatening to use violence or other criminal 1621
means to harm the physical person, reputation, or property of any 1622
person; 1623

(2) Using obscene or profane language or language the natural 1624
consequence of which is to abuse the hearer or reader; 1625

(3) Publication of a list of borrowers who allegedly refuse 1626
to pay debts, except to a consumer-reporting agency; 1627

(4) Causing a telephone to ring or engaging any person in 1628
telephone conversation repeatedly or continuously with intent to 1629
annoy, abuse, or harass any person at the called number. 1630

(G) A debt collector may not use any false, deceptive, or 1631
misleading representation or means in connection with the 1632
collection of any debt, including, but not limited to, any of the 1633
following: 1634

(1) Falsely representing or implying that the debt collector 1635
is vouched for, bonded by, or affiliated with the United States or 1636
any state, including the use of any badge, uniform, or facsimile 1637
thereof; 1638

(2) Falsely representing the character, amount, or legal 1639
status of any debt, or any services rendered, or compensation 1640
which may be lawfully received by any debt collector for the 1641
collection of a debt; 1642

(3) Falsely representing or implying that any individual is 1643

<u>an attorney or that any communication is from an attorney;</u>	1644
<u>(4) Representing or implying that nonpayment of any debt will result in the arrest or imprisonment of any person or the seizure, garnishment, attachment, or sale of any property or wages of any person unless such action is lawful and the debt collector intends to take such action;</u>	1645 1646 1647 1648 1649
<u>(5) Threatening to take any action that cannot legally be taken or that is not intended to be taken;</u>	1650 1651
<u>(6) Falsely representing or implying that a sale, referral, or other transfer of any interest in a debt shall cause the borrower to lose any claim or defense to payment of the debt;</u>	1652 1653 1654
<u>(7) Falsely representing or implying that the borrower committed any crime or other conduct in order to disgrace the borrower;</u>	1655 1656 1657
<u>(8) Communicating or threatening to communicate to any person credit information that is known or that should be known to be false, including the failure to communicate that a disputed debt is disputed;</u>	1658 1659 1660 1661
<u>(9) Using or distributing any written communication that simulates or is falsely represented to be a document authorized, issued, or approved by any court, official, or agency of the United States or any state, or that creates a false impression as to its source, authorization, or approval;</u>	1662 1663 1664 1665 1666
<u>(10) Using any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a borrower;</u>	1667 1668 1669
<u>(11) Failing to disclose in the initial written communication with the borrower, and in addition, if the initial communication with the borrower is oral, in that initial oral communication, that the debt collector is attempting to collect a debt and that</u>	1670 1671 1672 1673

any information obtained will be used for that purpose, and the 1674
failure to disclose in subsequent communications that the 1675
communication is from a debt collector, except that division 1676
(G)(11) of this section shall not apply to a formal pleading made 1677
in connection with a legal action; 1678

(12) Falsely representing or implying that accounts have been 1679
turned over to innocent purchasers for value; 1680

(13) Falsely representing or implying that documents are 1681
legal process; 1682

(14) Using any business, company, or organization name other 1683
than the true name of the debt collector's business, company, or 1684
organization; 1685

(15) Falsely representing or implying that documents are not 1686
legal process forms or do not require action by the consumer; 1687

(16) Falsely representing or implying that a debt collector 1688
operates or is employed by a consumer reporting agency. 1689

(H) A debt collector may not use unfair or unconscionable 1690
means to collect or attempt to collect any debt, including, but 1691
not limited to, any of the following: 1692

(1) Collecting any amount, including any interest, fee, 1693
charge, or expense incidental to the principal obligation, unless 1694
the amount is expressly authorized by the agreement creating the 1695
debt or permitted by law; 1696

(2) Accepting from any person a check or other payment 1697
instrument postdated by more than five days unless the person is 1698
notified in writing of the debt collector's intent to deposit the 1699
check or instrument not more than ten nor less than three business 1700
days prior to deposit; 1701

(3) Soliciting any postdated check or other postdated payment 1702
instrument for the purpose of threatening or instituting criminal 1703

<u>prosecution;</u>	1704
<u>(4) Depositing or threatening to deposit any postdated check</u>	1705
<u>or other postdated payment instrument prior to the date on the</u>	1706
<u>check or instrument;</u>	1707
<u>(5) Causing charges to be made to any person for</u>	1708
<u>communications by concealment of the true purpose of the</u>	1709
<u>communication. The charges include, but are not limited to,</u>	1710
<u>collect telephone calls and telegram fees;</u>	1711
<u>(6) Taking or threatening to take any nonjudicial action to</u>	1712
<u>effect dispossession or disablement of property if there is no</u>	1713
<u>present right to possession of the property claimed as collateral</u>	1714
<u>through an enforceable security interest, there is no present</u>	1715
<u>intention to take possession of the property, or the property is</u>	1716
<u>exempt by law from dispossession or disablement;</u>	1717
<u>(7) Communicating with a borrower regarding a debt by post</u>	1718
<u>card;</u>	1719
<u>(8) Using any language or symbol, other than the debt</u>	1720
<u>collector's address, on any envelope when communicating with a</u>	1721
<u>borrower by use of the mails or by telegram, except that a debt</u>	1722
<u>collector may use the collector's business name if the name does</u>	1723
<u>not indicate that the collector is in the debt collection</u>	1724
<u>business;</u>	1725
<u>(9) Designing, compiling, and furnishing any form knowing</u>	1726
<u>that the form would be used to create the false belief in a</u>	1727
<u>borrower that a person other than the licensee is participating in</u>	1728
<u>the collection of or in an attempt to collect a debt the borrower</u>	1729
<u>allegedly owes the creditor, when in fact the person is not so</u>	1730
<u>participating.</u>	1731
<u>(I) In addition to the requirements of this section, a debt</u>	1732
<u>collector shall follow the practices set forth in the federal</u>	1733
<u>"Fair Debt Collection Practices Act," 91 Stat. 874 (1977),</u>	1734

sections 15 U.S.C. 1692b, 15 U.S.C. 1692c, 15 U.S.C. 1692d, 15 1735
U.S.C. 1692e, and 15 U.S.C. 1692f, as those sections of federal 1736
law exist on the effective date of this section. In the event of a 1737
conflict between described practices in the federal act and 1738
described practices in this section, this section shall prevail. 1739

Sec. 1321.46. (A) The superintendent of financial 1740
institutions shall develop and make a statewide common database, 1741
as implemented by the superintendent, accessible at all times to 1742
persons licensed under sections 1321.35 to 1321.48 of the Revised 1743
Code and to the superintendent through an internet connection. 1744
Licensees shall use the database to determine if a borrower is 1745
eligible for a loan. Licensees shall submit the required data in a 1746
format as the superintendent prescribes by rule, and verify 1747
eligibility before entering into each loan transaction. 1748

(B) The superintendent shall adopt rules to administer and 1749
enforce this section and to ensure that the database is used by 1750
licensees in accordance with this section, including: 1751

(1) A rule requiring that data are retained in the database 1752
only as required to ensure licensee compliance with this section; 1753

(2) A rule requiring that identifying borrower information is 1754
deleted from the database on a regular and routine basis, twelve 1755
months after the transaction is closed; 1756

(3) A rule authorizing the archiving of deleted data, should 1757
the superintendent determine that archiving is necessary for the 1758
enforcement of this section; 1759

(4) A rule prohibiting the database from ranking the credit 1760
worthiness of a borrower and limiting the database so that it may 1761
only be used to determine a borrower's eligibility or 1762
ineligibility for a loan based on the provisions of this chapter; 1763

(5) A rule requiring that data collected pursuant to this 1764

section be used only as prescribed in this section and for no 1765
other purpose; 1766

(6) A rule authorizing the database operator to impose a per 1767
transaction fee to be paid by the licensee for data required to be 1768
submitted; 1769

(7) A rule prohibiting the database operator from including, 1770
in the database, the social security number of any borrower. 1771

(C) The database operator, whether the superintendent or a 1772
third party selected by the superintendent pursuant to Chapter 1773
125. of the Revised Code, shall do all of the following: 1774

(1) Establish and maintain a process for responding to 1775
transaction verification requests due to technical difficulties 1776
with the database that prevent the licensee from accessing the 1777
database through the internet; 1778

(2) Provide accurate and secure receipt, transmission, and 1779
storage of borrower data; 1780

(3) Designate a transaction as closed within one business day 1781
of receiving notification from a licensee; 1782

(4) Take all reasonable measures to ensure the 1783
confidentiality of the database and to prevent identity theft. 1784

(D) A licensee may rely on the information contained in the 1785
database as accurate and is not subject to any administrative 1786
penalty or civil liability as a result of relying on inaccurate 1787
information contained in the database. 1788

(E) With respect to the database prescribed in division (A) 1789
of this section, any information submitted for incorporation into 1790
the database, information in the database itself, or archived 1791
information as maintained by the superintendent pursuant to this 1792
section is not a public record under section 149.43 of the Revised 1793
Code. 1794

(F) If approved by the superintendent, the database operator 1795
may impose a per transaction fee for the actual costs of entering, 1796
accessing, and maintaining data in the database. The fee shall be 1797
payable to the database operator in a manner prescribed by the 1798
superintendent. A licensee may not charge a customer all or part 1799
of the fee. 1800

Sec. 1321.47. (A) A person licensed, and any person required 1801
to be licensed under sections 1321.35 to 1321.48 of the Revised 1802
Code, in addition to duties imposed by other statutes or common 1803
law, shall do all of the following: 1804

(1) Follow reasonable and lawful instructions from the 1805
borrower; 1806

(2) Act with reasonable skill, care, and diligence; 1807

(3) Act in good faith and fair dealing in any transaction or 1808
practice or course of business in connection with a short-term 1809
loan. 1810

(B) The duties and standards of care created in this section 1811
may not be waived or modified. 1812

(C) A borrower injured by a violation of this section may 1813
bring an action for recovery of damages. Damages awarded shall not 1814
be less than all compensation paid directly or indirectly to a 1815
licensee from any source, plus reasonable attorney's fees and 1816
court costs. The borrower may be awarded punitive damages. 1817

Sec. 1321.48. (A) The superintendent of financial 1818
institutions shall report semiannually to the governor and the 1819
general assembly on the operations of the division of financial 1820
institutions with respect to the following: 1821

(1) Enforcement actions instituted by the superintendent for 1822
a violation of or failure to comply with any provision of sections 1823

1321.35 to 1321.48 of the Revised Code, and the final dispositions 1824
of each such enforcement action; 1825

(2) Suspensions, revocations, or refusals to issue or renew 1826
licenses under sections 1321.35 to 1321.48 of the Revised Code. 1827

(B) The information required under divisions (A)(1) and (2) 1828
of this section does not include information that, pursuant to 1829
division (C) of this section, is confidential. 1830

(C) The following information is confidential: 1831

(1) Examination information, and any information leading to 1832
or arising from an examination; 1833

(2) Investigation information, and any information arising 1834
from or leading to an investigation. 1835

(D) The information described in division (A)(1) of this 1836
section shall remain confidential for all purposes except when it 1837
is necessary for the superintendent to take official action 1838
regarding the affairs of a licensee, or in connection with 1839
criminal or civil proceedings to be initiated by a prosecuting 1840
attorney or the attorney general. This information also may be 1841
introduced into evidence or disclosed when, and in the manner, 1842
authorized by section 1181.25 of the Revised Code. 1843

(E) All application information, except social security 1844
numbers, employer identification numbers, financial account 1845
numbers, the identity of the institution where financial accounts 1846
are maintained, personal financial information, fingerprint cards 1847
and the information contained on such cards, and criminal 1848
background information, is a public record as defined in section 1849
149.43 of the Revised Code. 1850

Sec. 1321.99. (A) Whoever violates section 1321.02 of the 1851
Revised Code is guilty of a felony of the fifth degree. 1852

(B) Whoever violates section 1321.13 of the Revised Code 1853

shall be fined not less than one hundred nor more than five 1854
hundred dollars or imprisoned not more than six months, or both. 1855

(C) Whoever violates section 1321.14 of the Revised Code 1856
shall be fined not less than fifty nor more than two hundred 1857
dollars for a first offense; for a second offense such person 1858
shall be fined not less than two hundred nor more than five 1859
hundred dollars and imprisoned for not more than six months. 1860

(D) Whoever willfully violates section 1321.57, 1321.58, 1861
1321.59, or 1321.60 of the Revised Code shall be fined not less 1862
than one nor more than five hundred dollars. 1863

(E) Whoever violates section 1321.52 of the Revised Code is 1864
guilty of a felony of the fifth degree. 1865

(F) Whoever violates division (A) of section 1321.73 of the 1866
Revised Code shall be fined not more than five hundred dollars or 1867
imprisoned not more than six months, or both. 1868

(G) Whoever violates section 1321.41 of the Revised Code is 1869
guilty of a misdemeanor of the first degree. 1870

Sec. 1345.01. As used in sections 1345.01 to 1345.13 of the 1871
Revised Code: 1872

(A) "Consumer transaction" means a sale, lease, assignment, 1873
award by chance, or other transfer of an item of goods, a service, 1874
a franchise, or an intangible, to an individual for purposes that 1875
are primarily personal, family, or household, or solicitation to 1876
supply any of these things. "Consumer transaction" does not 1877
include transactions between persons, defined in sections 4905.03 1878
and 5725.01 of the Revised Code, and their customers, except for 1879
transactions involving a loan made pursuant to sections 1321.35 to 1880
1321.48 of the Revised Code; transactions in connection with 1881
residential mortgages between loan officers, mortgage brokers, or 1882
nonbank mortgage lenders and their customers; transactions between 1883

certified public accountants or public accountants and their 1884
clients; transactions between attorneys, physicians, or dentists 1885
and their clients or patients; and transactions between 1886
veterinarians and their patients that pertain to medical treatment 1887
but not ancillary services. 1888

(B) "Person" includes an individual, corporation, government, 1889
governmental subdivision or agency, business trust, estate, trust, 1890
partnership, association, cooperative, or other legal entity. 1891

(C) "Supplier" means a seller, lessor, assignor, franchisor, 1892
or other person engaged in the business of effecting or soliciting 1893
consumer transactions, whether or not the person deals directly 1894
with the consumer. If the consumer transaction is in connection 1895
with a residential mortgage, "supplier" does not include an 1896
assignee or purchaser of the loan for value, except as otherwise 1897
provided in section 1345.091 of the Revised Code. For purposes of 1898
this division, in a consumer transaction in connection with a 1899
residential mortgage, "seller" means a loan officer, mortgage 1900
broker, or nonbank mortgage lender. 1901

(D) "Consumer" means a person who engages in a consumer 1902
transaction with a supplier. 1903

(E) "Knowledge" means actual awareness, but such actual 1904
awareness may be inferred where objective manifestations indicate 1905
that the individual involved acted with such awareness. 1906

(F) "Natural gas service" means the sale of natural gas, 1907
exclusive of any distribution or ancillary service. 1908

(G) "Public telecommunications service" means the 1909
transmission by electromagnetic or other means, other than by a 1910
telephone company as defined in section 4927.01 of the Revised 1911
Code, of signs, signals, writings, images, sounds, messages, or 1912
data originating in this state regardless of actual call routing. 1913
"Public telecommunications service" excludes a system, including 1914

its construction, maintenance, or operation, for the provision of 1915
telecommunications service, or any portion of such service, by any 1916
entity for the sole and exclusive use of that entity, its parent, 1917
a subsidiary, or an affiliated entity, and not for resale, 1918
directly or indirectly; the provision of terminal equipment used 1919
to originate telecommunications service; broadcast transmission by 1920
radio, television, or satellite broadcast stations regulated by 1921
the federal government; or cable television service. 1922

(H) "Loan officer" has the same meaning as in section 1322.01 1923
of the Revised Code, except that it does not include an employee 1924
of a bank, savings bank, savings and loan association, credit 1925
union, or credit union service organization organized under the 1926
laws of this state, another state, or the United States; an 1927
employee of a subsidiary of such a bank, savings bank, savings and 1928
loan association, or credit union; or an employee of an affiliate 1929
that (1) controls, is controlled by, or is under common control 1930
with, such a bank, savings bank, savings and loan association, or 1931
credit union and (2) is subject to examination, supervision, and 1932
regulation, including with respect to the affiliate's compliance 1933
with applicable consumer protection requirements, by the board of 1934
governors of the federal reserve system, the comptroller of the 1935
currency, the office of thrift supervision, the federal deposit 1936
insurance corporation, or the national credit union 1937
administration. 1938

(I) "Residential mortgage" or "mortgage" means an obligation 1939
to pay a sum of money evidenced by a note and secured by a lien 1940
upon real property located within this state containing two or 1941
fewer residential units or on which two or fewer residential units 1942
are to be constructed and includes such an obligation on a 1943
residential condominium or cooperative unit. 1944

(J) "Mortgage broker" has the same meaning as in section 1945
1322.01 of the Revised Code, except that it does not include a 1946

bank, savings bank, savings and loan association, credit union, or 1947
credit union service organization organized under the laws of this 1948
state, another state, or the United States; a subsidiary of such a 1949
bank, savings bank, savings and loan association, or credit union; 1950
an affiliate that (1) controls, is controlled by, or is under 1951
common control with, such a bank, savings bank, savings and loan 1952
association, or credit union and (2) is subject to examination, 1953
supervision, and regulation, including with respect to the 1954
affiliate's compliance with applicable consumer protection 1955
requirements, by the board of governors of the federal reserve 1956
system, the comptroller of the currency, the office of thrift 1957
supervision, the federal deposit insurance corporation, or the 1958
national credit union administration; or an employee of any such 1959
entity. 1960

(K) "Nonbank mortgage lender" means any person that engages 1961
in a consumer transaction in connection with a residential 1962
mortgage, except for a bank, savings bank, savings and loan 1963
association, credit union, or credit union service organization 1964
organized under the laws of this state, another state, or the 1965
United States; a subsidiary of such a bank, savings bank, savings 1966
and loan association, or credit union; or an affiliate that (1) 1967
controls, is controlled by, or is under common control with, such 1968
a bank, savings bank, savings and loan association, or credit 1969
union and (2) is subject to examination, supervision, and 1970
regulation, including with respect to the affiliate's compliance 1971
with applicable consumer protection requirements, by the board of 1972
governors of the federal reserve system, the comptroller of the 1973
currency, the office of thrift supervision, the federal deposit 1974
insurance corporation, or the national credit union 1975
administration. 1976

(L) For purposes of divisions (H), (J), and (K) of this 1977
section: 1978

(1) "Control" of another entity means ownership, control, or 1979
power to vote twenty-five per cent or more of the outstanding 1980
shares of any class of voting securities of the other entity, 1981
directly or indirectly or acting through one or more other 1982
persons. 1983

(2) "Credit union service organization" means a CUSO as 1984
defined in 12 C.F.R. 702.2. 1985

Sec. 1349.71. (A) There is hereby created a consumer finance 1986
education board, consisting of the following twelve members, 1987
~~appointed jointly by the governor, the speaker of the house of~~ 1988
~~representatives, and the president of the senate with the advice~~ 1989
~~and consent of the house and senate. One member shall be appointed~~ 1990
~~from, or as a representative of, each of the following:~~ 1991

(1) ~~The~~ An employee of the Ohio attorney general's office, 1992
appointed by the governor; 1993

(2) ~~The~~ An employee of the department of commerce, appointed 1994
by the governor; 1995

(3) ~~The~~ An employee of the Ohio housing finance agency, 1996
appointed by the governor; 1997

(4) A representative of Ohio minority advocacy groups, 1998
appointed by the governor; 1999

(5) ~~The~~ A member of the Ohio bankers league, appointed by the 2000
speaker of the house of representatives; 2001

(6) ~~The~~ A member of the Ohio mortgage bankers association, 2002
appointed by the speaker of the house of representatives; 2003

(7) ~~The~~ A member of the Ohio credit union league, appointed 2004
by the speaker of the house of representatives; 2005

(8) A member of the Ohio community bankers association, 2006
appointed by the speaker of the house of representatives; 2007

(9) The <u>A representative of the</u> Ohio real estate industry, <u>appointed by the president of the senate;</u>	2008 2009
(10) The <u>A member of the</u> Ohio mortgage brokers association, <u>appointed by the president of the senate;</u>	2010 2011
(11) The <u>A representative of the</u> financial services industry, <u>appointed by the president of the senate;</u>	2012 2013
(12) Consumer <u>A representative of consumer</u> advocacy organizations, <u>appointed by the president of the senate.</u>	2014 2015
(B) Geographically diverse representation of the state shall be considered in making appointments. Of the initial appointments to the board, four shall be for a term ending December 31, 2008, four shall be for a term ending December 31, 2009, and four shall be for a term ending December 31, 2010. Thereafter, terms of office are for three years, commencing on the first day of January and ending on the thirty-first day of December. Each member shall hold office from the date of the member's appointment until the end of the term for which the member is appointed. Prior to assuming the duties of office, each member shall subscribe to, and file with the secretary of state, the constitutional oath of office. Vacancies that occur on the board shall be filled in the manner prescribed for regular appointments to the board. A member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that predecessor's term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until sixty days have elapsed, whichever occurs first. No person shall serve as a member of the board for more than two consecutive terms. The governor may remove a member pursuant to section 3.04 of the Revised Code.	2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037
(C) Annually, upon the qualification of the members appointed	2038

in that year, the board shall organize by selecting from its 2039
members a chairperson. The board shall meet at least once each 2040
calendar quarter to conduct its business with the place of future 2041
meetings to be decided by a vote of its members. Each member shall 2042
be provided with written notice of the time and place of each 2043
board meeting at least ten days prior to the scheduled date of the 2044
meeting. A majority of the members of the board constitutes a 2045
quorum to transact and vote on all business coming before the 2046
board. 2047

(D)(1) The governor shall call the first meeting of the 2048
consumer finance education board. At that meeting, and annually 2049
thereafter, the board shall elect a chairperson for a one-year 2050
term and may elect members to other positions on the board as the 2051
board considers necessary or appropriate. 2052

(2) Each member of the board shall receive an amount fixed 2053
pursuant to division (J) of section 124.15 of the Revised Code for 2054
each day employed in the discharge of the member's official 2055
duties, and the member's actual and necessary expenses incurred in 2056
the discharge of those duties. 2057

(E) The board may obtain services from any state agency, 2058
including, but not limited to, the department of commerce or its 2059
successor agency. 2060

(F) The board shall assemble an advisory committee of 2061
representatives from the following organizations or groups for the 2062
purpose of receiving recommendations on policy, rules, and 2063
activities of the board: 2064

- (1) The department of aging; 2065
- (2) The department of rehabilitation and correction; 2066
- (3) The department of development; 2067
- (4) The department of job and family services; 2068

- (5) The Ohio treasurer of state's office; 2069
- (6) The county treasurers association of Ohio; 2070
- (7) Ohio college professors; 2071
- (8) Ohio university professors; 2072
- (9) The Ohio board of regents; 2073
- (10) The Ohio community development corporations association; 2074
- (11) The Ohio council for economic education; 2075
- (12) The Ohio state university extension service. 2076

Sec. 1349.72. (A) In addition to any other duties imposed on 2077
the consumer finance education board by section 1349.71 of the 2078
Revised Code, the board shall: 2079

(1) Analyze and investigate, on its own initiative, the 2080
policies and practices of state agencies, nonprofit entities, and 2081
businesses, inasmuch as such policies and practices address 2082
financial literacy, access by state residents to financial 2083
information, education, and resources, prevention of foreclosures 2084
and bankruptcies, ~~and~~ prepurchase and postpurchase counseling and 2085
education for homebuyers, and small loan counseling and education 2086
for borrowers; 2087

(2) Provide an annual report and consultation and 2088
recommendations to the governor, the general assembly, state 2089
agencies, nonprofit entities, and businesses based on the board's 2090
findings; 2091

(3) Coordinate and provide resources and assistance to state 2092
agencies, nonprofit entities, and businesses in the furtherance of 2093
those entities' efforts to improve financial literacy, access by 2094
state residents to financial information, education, and 2095
resources, prevention of foreclosures and bankruptcies, ~~and~~ 2096
prepurchase and postpurchase counseling and education for 2097

<u>homebuyers, and small loan counseling and education for borrowers.</u>	2098
	2099
(4) Provide financial assistance to Ohioans through grants funded through the consumer finance fund created under section 1321.21 of the Revised Code and utilize these same funds to provide grants to design, develop, and implement any other programs described in this section.	2100
	2101
	2102
	2103
	2104
(5) Receive grants from the consumer finance fund for the implementation of this section.	2105
	2106
(B) The board may assign and delegate the execution of its duties to smaller groups of its own members, which shall include committees specifically chartered to address all of the following issues:	2107
	2108
	2109
	2110
(1) The needs of persons, ages eighteen to twenty-five, in the context of the objectives enumerated in division (A) of this section;	2111
	2112
	2113
(2) The needs of persons, classified as needy, based on a household adjusted gross income equal to or less than two hundred per cent of the poverty level, as determined by the Ohio office of budget and management, or the earned income amount described in section thirty-two of the Internal Revenue Code of 1986, taking into account the size of the household, in the context of the objectives enumerated in division (A) of this section;	2114
	2115
	2116
	2117
	2118
	2119
	2120
(3) The needs of persons, previously convicted of one or more felonies, in the context of the objectives enumerated in division (A) of this section;	2121
	2122
	2123
(4) The needs of persons, characterized as vulnerable by reason of advanced age, disability, minority, or other demographic consideration, in the context of the objectives enumerated in division (A) of this section;	2124
	2125
	2126
	2127

(5) Any other group or issue identified by the board as 2128
worthy of particular attention. 2129

(C) The board shall create a pilot financial literacy and 2130
counseling program funded through the consumer finance fund, to be 2131
operated in the five counties with the highest mortgage 2132
foreclosure rates as of ~~the effective date of this section~~ the 2133
effective date of this amendment, and completion of which shall be 2134
recommended by mortgage brokers and loan officers for any consumer 2135
seeking a mortgage loan with origination fees greater than five 2136
per cent. Before a mortgage broker permits a consumer to commit to 2137
such a loan, the broker shall notify the consumer that the loan 2138
may have attributes that are predatory. No person who offers 2139
education, advice, or counseling through the financial literacy 2140
and counseling program shall be held liable for any damages 2141
incurred from actions taken based on the education, advice, or 2142
counseling given. 2143

Sec. 1733.25. (A) A credit union may make loans or other 2144
extensions of credit to members for provident and productive 2145
purposes as authorized by law, including rules adopted by the 2146
superintendent of credit unions; the articles; and the 2147
regulations; and subject to policies adopted by the credit 2148
committee and approved by the board of directors. 2149

(B) Upon the approval of the board of directors, a credit 2150
union may make loans or other extensions of credit to other credit 2151
unions, provided that loans or other extensions of credit made to 2152
other credit unions need not have the approval of the board of 2153
directors on a per case basis. The total of all such loans or 2154
other extensions of credit, including the aggregate of all money 2155
paid into any trust established by one or more credit unions for 2156
the purpose of making loans or other extensions of credit to other 2157
credit unions, shall not exceed twenty-five per cent of the shares 2158

and undivided earnings of the lending credit union, except that 2159
this percentage limitation does not apply to corporate credit 2160
unions. 2161

(C) The (1) Except as authorized under division (C)(2) of 2162
this section, the interest on any loan or other extension of 2163
credit made by a credit union shall not exceed one and one-half 2164
per cent per month on unpaid balances. Such interest may accrue 2165
and be chargeable upon a monthly basis, and may be computed upon 2166
the unpaid balance of the loan or other extension of credit as of 2167
the end of the previous calendar month. 2168

Such interest may be accrued and charged by any technique 2169
approved by the superintendent so long as the effective interest 2170
rate on any loan or other extension of credit does not exceed the 2171
amount permitted to be charged by the computation authorized in 2172
this division. 2173

(2) A credit union may make unsecured loans that meet the 2174
conditions set forth in sections 1321.39, 1321.40, and 1321.41 of 2175
the Revised Code. 2176

(D) A credit union may accept security in such form and under 2177
rules as shall be set forth in the articles, the regulations, or 2178
established by the credit committee and approved by the board of 2179
directors. 2180

(E)(1) The credit union shall have a lien on the membership 2181
share, shares, deposits, and accumulated dividends and interest of 2182
a member in an individual, joint, trust, or payable on death 2183
account for any obligation owed to the credit union by that member 2184
or for any loan co-signed or guaranteed by the member or account 2185
holder; provided, however, that a credit union shall not have a 2186
lien upon the funds in an individual retirement account or an 2187
account established pursuant to the Internal Revenue Code of the 2188
United States. 2189

(2) A credit union may refuse to allow withdrawals from any 2190
share or deposit account by a member while the member has any 2191
outstanding obligation to the credit union. 2192

(F) Notwithstanding any limitation provided in any other 2193
provision of this chapter or Chapter 1343. of the Revised Code, a 2194
credit union may enter into a loan agreement with a member in 2195
accordance with all of the following: 2196

(1) The loan is for any amount up to one thousand dollars. 2197

(2) The term of the loan is thirty days or less. 2198

(3) The credit union may charge a fee in addition to any 2199
interest authorized by law in connection with the loan, which fee 2200
is not to be included in the computation of interest for any 2201
provision of the Revised Code, including division (C) of this 2202
section, that prescribes, regulates, or limits interest charged, 2203
collected, or received in connection with a transaction. 2204

(4) The total interest, fees, and other costs of the loan 2205
does not exceed ten per cent of the principal amount. 2206

(5) A member shall not have more than one loan under division 2207
(F) of this section outstanding at any one time with the credit 2208
union. 2209

(6) The loan is not being made to a member for purposes of 2210
retiring an existing loan between the credit union and that 2211
member, which existing loan was made pursuant to division (F) of 2212
this section. 2213

(G)(1) Subject to division (G)(2) of this section and any 2214
restrictions or requirements established by the superintendent, in 2215
connection with any loan or extension of credit, a credit union 2216
may enter into a debt suspension agreement or debt cancellation 2217
contract with the borrower or borrowers. 2218

(2) A credit union shall not offer or finance, directly or 2219

indirectly, a debt suspension agreement or debt cancellation 2220
contract requiring a lump sum, single payment for the agreement or 2221
contract payable at the outset of the agreement or contract, if 2222
the debt subject to the agreement or contract is secured by one to 2223
four family, residential real property. 2224

(3) For purposes of division (G) of this section, "debt 2225
cancellation contract" and "debt suspension agreement" have the 2226
same meanings as in 12 C.F.R. part 37. 2227

Sec. 2307.61. (A) If a property owner brings a civil action 2228
pursuant to division (A) of section 2307.60 of the Revised Code to 2229
recover damages from any person who willfully damages the owner's 2230
property or who commits a theft offense, as defined in section 2231
2913.01 of the Revised Code, involving the owner's property, the 2232
property owner may recover as follows: 2233

(1) In the civil action, the property owner may elect to 2234
recover moneys as described in division (A)(1)(a) or (b) of this 2235
section: 2236

(a) Compensatory damages that may include, but are not 2237
limited to, the value of the property and liquidated damages in 2238
whichever of the following amounts applies: 2239

(i) Fifty dollars, if the value of the property was fifty 2240
dollars or less at the time it was willfully damaged or was the 2241
subject of a theft offense; 2242

(ii) One hundred dollars, if the value of the property was 2243
more than fifty dollars, but not more than one hundred dollars, at 2244
the time it was willfully damaged or was the subject of a theft 2245
offense; 2246

(iii) One hundred fifty dollars, if the value of the property 2247
was more than one hundred dollars at the time it was willfully 2248
damaged or was the subject of a theft offense. 2249

(b) Liquidated damages in whichever of the following amounts	2250
is greater:	2251
(i) Two hundred dollars;	2252
(ii) Three times the value of the property at the time it was	2253
willfully damaged or was the subject of a theft offense,	2254
irrespective of whether the property is recovered by way of	2255
replevin or otherwise, is destroyed or otherwise damaged, is	2256
modified or otherwise altered, or is resalable at its full market	2257
price. This division does not apply to a check, negotiable order	2258
of withdrawal, share draft, or other negotiable instrument that	2259
was returned or dishonored for insufficient funds by a financial	2260
institution if the check, negotiable order of withdrawal, share	2261
draft, or other negotiable instrument was presented by an	2262
individual borrower to a check-cashing business licensed pursuant	2263
to <u>licensee under sections 1315.35 to 1315.44 1321.35 to 1321.48</u>	2264
of the Revised Code for a check-cashing loan transaction.	2265
(2) In a civil action in which the value of the property that	2266
was willfully damaged or was the subject of a theft offense is	2267
less than five thousand dollars, the property owner may recover	2268
damages as described in division (A)(1)(a) or (b) of this section	2269
and additionally may recover the reasonable administrative costs,	2270
if any, of the property owner that were incurred in connection	2271
with actions taken pursuant to division (A)(2) of this section,	2272
the cost of maintaining the civil action, and reasonable	2273
attorney's fees, if all of the following apply:	2274
(a) The property owner, at least thirty days prior to the	2275
filing of the civil action, serves a written demand for payment of	2276
moneys as described in division (A)(1)(a) of this section and the	2277
reasonable administrative costs, if any, of the property owner	2278
that have been incurred in connection with actions taken pursuant	2279
to division (A)(2) of this section, upon the person who willfully	2280
damaged the property or committed the theft offense.	2281

(b) The demand conforms to the requirements of division (C) 2282
of this section and is sent by certified mail, return receipt 2283
requested. 2284

(c) Either the person who willfully damaged the property or 2285
committed the theft offense does not make payment to the property 2286
owner of the amount specified in the demand within thirty days 2287
after the date of its service upon that person and does not enter 2288
into an agreement with the property owner during that thirty-day 2289
period for that payment or the person who willfully damaged the 2290
property or committed the theft offense enters into an agreement 2291
with the property owner during that thirty-day period for that 2292
payment but does not make that payment in accordance with the 2293
agreement. 2294

(B) If a property owner who brings a civil action pursuant to 2295
division (A) of section 2307.60 of the Revised Code to recover 2296
damages for willful damage to property or for a theft offense 2297
attempts to collect the reasonable administrative costs, if any, 2298
of the property owner that have been incurred in connection with 2299
actions taken pursuant to division (A)(2) of this section, the 2300
cost of maintaining the civil action, and reasonable attorney's 2301
fees under authority of that division and if the defendant 2302
prevails in the civil action, the defendant may recover from the 2303
property owner reasonable attorney's fees, the cost of defending 2304
the civil action, and any compensatory damages that may be proven. 2305

(C) For purposes of division (A)(2) of this section, a 2306
written demand for payment shall include a conspicuous notice to 2307
the person upon whom the demand is to be served that indicates all 2308
of the following: 2309

(1) The willful property damage or theft offense that the 2310
person allegedly committed; 2311

(2) That, if the person makes payment of the amount specified 2312

in the demand within thirty days after its service upon the person 2313
or enters into an agreement with the property owner during that 2314
thirty-day period for that payment and makes that payment in 2315
accordance with the agreement, the person cannot be sued by the 2316
property owner in a civil action in relation to the willful 2317
property damage or theft offense; 2318

(3) That, if the person fails to make payment of the amount 2319
specified in the demand within thirty days after the date of its 2320
service upon the person and fails to enter into an agreement for 2321
that payment with the property owner during that thirty-day period 2322
or enters into an agreement for that payment with the property 2323
owner during that thirty-day period but does not make that payment 2324
in accordance with the agreement, the person may be sued in a 2325
civil action in relation to the willful property damage or theft 2326
offense; 2327

(4) The potential judgment that the person may be required to 2328
pay if the person is sued in a civil action in relation to the 2329
willful property damage or theft offense and judgment is rendered 2330
against the person in that civil action; 2331

(5) That, if the person is sued in a civil action by the 2332
property owner in relation to the willful property damage or theft 2333
offense, if the civil action requests that the person be required 2334
to pay the reasonable administrative costs, if any, of the 2335
property owner that have been incurred in connection with actions 2336
taken pursuant to division (A)(2) of this section, the cost of 2337
maintaining the action, and reasonable attorney's fees, and if the 2338
person prevails in the civil action, the person may recover from 2339
the property owner reasonable attorney's fees, the cost of 2340
defending the action, and any compensatory damages that can be 2341
proved. 2342

(D) If a property owner whose property was willfully damaged 2343
or was the subject of a theft offense serves a written demand for 2344

payment upon a person who willfully damaged the property or 2345
committed the theft offense and if the person makes payment of the 2346
amount specified in the demand within thirty days after the date 2347
of its service upon the person or the person enters into an 2348
agreement with the property owner during that thirty-day period 2349
for that payment and makes payment in accordance with the 2350
agreement, the property owner shall not file a civil action 2351
against the person in relation to the willful property damage or 2352
theft offense. 2353

(E) If a property owner whose property was willfully damaged 2354
or was the subject of a theft offense serves a written demand for 2355
payment upon a person who willfully damaged the property or 2356
committed the theft offense and if the person, within thirty days 2357
after the date of service of the demand upon the person, enters 2358
into an agreement with the property owner for the payment of the 2359
amount specified in the demand but does not make that payment in 2360
accordance with the agreement, the time between the entering of 2361
the agreement and the failure to make that payment shall not be 2362
computed as any part of the period within which a civil action 2363
based on the willful property damage or theft offense must be 2364
brought under the Revised Code. 2365

(F) A civil action to recover damages for willful property 2366
damage or for a theft offense may be joined with a civil action 2367
that is brought pursuant to Chapter 2737. of the Revised Code to 2368
recover the property. If the two actions are joined, any 2369
compensatory damages recoverable by the property owner shall be 2370
limited to the value of the property. 2371

(G)(1) In a civil action to recover damages for willful 2372
property damage or for a theft offense, the trier of fact may 2373
determine that an owner's property was willfully damaged or that a 2374
theft offense involving the owner's property has been committed, 2375
whether or not any person has pleaded guilty to or has been 2376

convicted of any criminal offense or has been adjudicated a 2377
delinquent child in relation to any act involving the owner's 2378
property. 2379

(2) This section does not affect the prosecution of any 2380
criminal action or proceeding or any action to obtain a delinquent 2381
child adjudication in connection with willful property damage or a 2382
theft offense. 2383

(H) As used in this section: 2384

(1) "Administrative costs" includes the costs of written 2385
demands for payment and associated postage under division (A)(2) 2386
of this section. 2387

(2) "Value of the property" means one of the following: 2388

(a) The retail value of any property that is offered for sale 2389
by a mercantile establishment, irrespective of whether the 2390
property is destroyed or otherwise damaged, is modified or 2391
otherwise altered, or otherwise is not resalable at its full 2392
market price; 2393

(b) The face value of any check or other negotiable 2394
instrument that is not honored due to insufficient funds in the 2395
drawer's account, the absence of any drawer's account, or another 2396
reason, and all charges imposed by a bank, savings and loan 2397
association, credit union, or other financial institution upon the 2398
holder of the check or other negotiable instrument; 2399

(c) The replacement value of any property not described in 2400
division (H)(1) or (2) of this section. 2401

Section 2. That existing sections 109.572, 135.63, 1109.15, 2402
1151.29, 1181.05, 1181.21, 1181.25, 1315.99, 1321.02, 1321.21, 2403
1321.99, 1345.01, 1349.71, 1349.72, 1733.25, and 2307.61 of the 2404
Revised Code are hereby repealed. 2405

Section 3. That sections 1315.35, 1315.36, 1315.37, 1315.38, 2406
1315.39, 1315.40, 1315.41, 1315.42, 1315.43, and 1315.44 of the 2407
Revised Code are hereby repealed. 2408

Section 4. The Superintendent of Financial Institutions shall 2409
develop, implement, and maintain a statewide common database in 2410
accordance with section 1321.46 of the Revised Code within 120 2411
days of the effective date of this act. In the period of time 2412
between the effective date of this act and the availability of a 2413
statewide common database, a licensee shall require a borrower to 2414
sign a written declaration confirming that the borrower is 2415
eligible to receive a loan. 2416

Section 5. All licenses issued pursuant to sections 1315.35 2417
to 1315.44 of the Revised Code, and in effect on the date this 2418
section becomes effective, shall remain in effect, unless 2419
suspended or revoked by the superintendent of financial 2420
institutions, until such time as the license would be subject to 2421
renewal pursuant to sections 1315.35 to 1315.44 of the Revised 2422
Code as those sections existed prior to the effective date of this 2423
act. The superintendent shall recognize any such license holder as 2424
a valid license holder under sections 1321.35 to 1321.48 of the 2425
Revised Code as enacted by this act, and such license holder 2426
thereafter is subject to all provisions of sections 1321.35 to 2427
1321.48 of the Revised Code. 2428

Section 6. Within thirty days of the effective date of this 2429
act, the Director of Budget and Management shall make a one-time 2430
transfer of five per cent of the balance of the consumer finance 2431
fund, created under section 1321.21 of the Revised Code, to the 2432
financial literacy education fund created under section 121.085 of 2433
the Revised Code as enacted by this act. 2434