

**As Reported by the Senate Finance and Financial Institutions  
Committee**

**127th General Assembly  
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**Sub. H. B. No. 545**

**Representative Widener**

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

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**A B I L L**

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

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

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it

existed prior to July 1, 1996, a violation of section 2919.23 of 48  
the Revised Code that would have been a violation of section 49  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 50  
had the violation been committed prior to that date, or a 51  
violation of section 2925.11 of the Revised Code that is not a 52  
minor drug possession offense; 53

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 77  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 78  
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 79

2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 80  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 81  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 82  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 83  
2925.03, or 3716.11 of the Revised Code; 84

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

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

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

(b) An existing or former law of this state, any other state, 112  
or the United States that is substantially equivalent to any of 113  
the offenses listed in division (A)(3)(a) of this section. 114

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

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

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

(5) On receipt of a request pursuant to section 5111.032, 142  
5111.033, or 5111.034 of the Revised Code, a completed form 143

prescribed pursuant to division (C)(1) of this section, and a set 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. 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, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 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, 2913.48, 2913.49, 2913.51, 2917.11, 2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date;

(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)(5)(a) of this section.

(6) 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 in a position that involves providing direct care to an older adult, 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. 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)(6)(a) of this section.

(7) When conducting a criminal records check upon a request pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, in addition to the determination made under division (A)(1) of this section, the superintendent shall 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 offense specified in section

3319.31 of the Revised Code. 208

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

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

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

(9) When conducting a criminal records check on a request 239



pursuant to section 5104.013 of the Revised Code for a person who 240  
is an owner, licensee, or administrator of a child day-care center 241  
or type A family day-care home, an authorized provider of a 242  
certified type B family day-care home, or an adult residing in a 243  
type A or certified type B home, or when conducting a criminal 244  
records check or a request pursuant to section 5104.012 of the 245  
Revised Code for a person who is an applicant for employment in a 246  
center, type A home, or certified type B home, the superintendent, 247  
in addition to the determination made under division (A)(1) of 248  
this section, shall determine whether any information exists that 249  
indicates that the person has been convicted of or pleaded guilty 250  
to any of the following: 251

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

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

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

check in the manner described in division (B) of this section to 272  
determine whether any information exists that indicates that the 273  
person who is the subject of the request previously has been 274  
convicted of or pleaded guilty to any of the following: 275

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

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

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

section to determine whether any information exists indicating 304  
that the person who is the subject of the request has been 305  
convicted of or pleaded guilty to a felony in this state or in any 306  
other state. If the individual indicates that a firearm will be 307  
carried in the course of business, the superintendent shall 308  
require information from the federal bureau of investigation as 309  
described in division (B)(2) of this section. The superintendent 310  
shall report the findings of the criminal records check and any 311  
information the federal bureau of investigation provides to the 312  
director of public safety. 313

(12) On receipt of a request pursuant to section 1321.37, 314  
1322.03, 1322.031, or 4763.05 of the Revised Code, a completed 315  
form prescribed pursuant to division (C)(1) of this section, and a 316  
set of fingerprint impressions obtained in the manner described in 317  
division (C)(2) of this section, the superintendent of the bureau 318  
of criminal identification and investigation shall conduct a 319  
criminal records check with respect to any person who has applied 320  
for a license, permit, or certification from the department of 321  
commerce or a division in the department. The superintendent shall 322  
conduct the criminal records check in the manner described in 323  
division (B) of this section to determine whether any information 324  
exists that indicates that the person who is the subject of the 325  
request previously has been convicted of or pleaded guilty to any 326  
of the following: a violation of section 2913.02, 2913.11, 327  
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 328  
criminal offense involving theft, receiving stolen property, 329  
embezzlement, forgery, fraud, passing bad checks, money 330  
laundering, or drug trafficking, or any criminal offense involving 331  
money or securities, as set forth in Chapters 2909., 2911., 2913., 332  
2915., 2921., 2923., and 2925. of the Revised Code; or any 333  
existing or former law of this state, any other state, or the 334  
United States that is substantially equivalent to those offenses. 335

(13) On receipt of a request for a criminal records check 337  
from the treasurer of state under section 113.041 of the Revised 338  
Code or from an individual under section 4701.08, 4715.101, 339  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 340  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 341  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 342  
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 343  
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 344  
a completed form prescribed under division (C)(1) of this section 345  
and a set of fingerprint impressions obtained in the manner 346  
described in division (C)(2) of this section, the superintendent 347  
of the bureau of criminal identification and investigation shall 348  
conduct a criminal records check in the manner described in 349  
division (B) of this section to determine whether any information 350  
exists that indicates that the person who is the subject of the 351  
request has been convicted of or pleaded guilty to any criminal 352  
offense in this state or any other state. The superintendent shall 353  
send the results of a check requested under section 113.041 of the 354  
Revised Code to the treasurer of state and shall send the results 355  
of a check requested under any of the other listed sections to the 356  
licensing board specified by the individual in the request. 357

(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  
369

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

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

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

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

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

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

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

electronic formats. 434

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

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

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

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



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

(E) As used in this section: 514

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(F) An eligible lending institution shall certify compliance 620

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

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

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

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

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

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

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

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

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

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

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

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

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(B) Neither the superintendent of financial institutions nor

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

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

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

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

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

particular creditor. 713

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

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

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



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

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

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

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

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

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

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

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

(B) The superintendent of financial institutions shall see 807

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

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

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

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

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

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

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

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

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

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

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

degree. 869

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

1037  
(B) Upon the filing of an application for an original license 1038  
and, with respect to an application filed for a renewal license, 1039  
on a schedule determined by the superintendent by rule adopted 1040  
pursuant to section 1321.43 of the Revised Code, and the payment 1041  
of fees in accordance with division (A) of this section, the 1042  
superintendent shall investigate the facts concerning the 1043  
applicant and the requirements provided by this division. The 1044  
superintendent shall request the superintendent of the bureau of 1045  
criminal identification and investigation, or a vendor approved by 1046  
the bureau, to conduct a criminal records check based on the 1047  
applicant's fingerprints in accordance with division (A)(12) of 1048  
section 109.572 of the Revised Code. Notwithstanding division (K) 1049  
of section 121.08 of the Revised Code, the superintendent of 1050  
financial institutions shall request that criminal record 1051  
information from the federal bureau of investigation be obtained 1052  
as part of the criminal records check. The superintendent of 1053  
financial institutions shall conduct a civil records check. The 1054  
superintendent shall approve an application and issue an original 1055  
or renewal license to the applicant if the superintendent finds 1056

all of the following: 1057

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Violate section 1321.36 of the Revised Code;

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Communicate by post card; 1480

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<u>not limited to, any of the following:</u>	1610
<u>(1) Collecting any amount, including any interest, fee,</u>	1611
<u>charge, or expense incidental to the principal obligation, unless</u>	1612
<u>the amount is expressly authorized by the agreement creating the</u>	1613
<u>debt or permitted by law;</u>	1614
<u>(2) Accepting from any person a check or other payment</u>	1615
<u>instrument postdated by more than five days unless the person is</u>	1616
<u>notified in writing of the debt collector's intent to deposit the</u>	1617
<u>check or instrument not more than ten nor less than three business</u>	1618
<u>days prior to deposit;</u>	1619
<u>(3) Soliciting any postdated check or other postdated payment</u>	1620
<u>instrument for the purpose of threatening or instituting criminal</u>	1621
<u>prosecution;</u>	1622
<u>(4) Depositing or threatening to deposit any postdated check</u>	1623
<u>or other postdated payment instrument prior to the date on the</u>	1624
<u>check or instrument;</u>	1625
<u>(5) Causing charges to be made to any person for</u>	1626
<u>communications by concealment of the true purpose of the</u>	1627
<u>communication. The charges include, but are not limited to,</u>	1628
<u>collect telephone calls and telegram fees;</u>	1629
<u>(6) Taking or threatening to take any nonjudicial action to</u>	1630
<u>effect dispossession or disablement of property if there is no</u>	1631
<u>present right to possession of the property claimed as collateral</u>	1632
<u>through an enforceable security interest, there is no present</u>	1633
<u>intention to take possession of the property, or the property is</u>	1634
<u>exempt by law from dispossession or disablement;</u>	1635
<u>(7) Communicating with a borrower regarding a debt by post</u>	1636
<u>card;</u>	1637
<u>(8) Using any language or symbol, other than the debt</u>	1638
<u>collector's address, on any envelope when communicating with a</u>	1639

borrower by use of the mails or by telegram, except that a debt collector may use the collector's business name if the name does not indicate that the collector is in the debt collection business; 1640  
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(9) Designing, compiling, and furnishing any form knowing that the form would be used to create the false belief in a borrower that a person other than the licensee is participating in the collection of or in an attempt to collect a debt the borrower allegedly owes the creditor, when in fact the person is not so participating. 1644  
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(I) In addition to the requirements of this section, a debt collector shall follow the practices set forth in the federal "Fair Debt Collection Practices Act," 91 Stat. 874 (1977), sections 15 U.S.C. 1692b, 15 U.S.C. 1692c, 15 U.S.C. 1692d, 15 U.S.C. 1692e, and 15 U.S.C. 1692f, as those sections of federal law exist on the effective date of this section. In the event of a conflict between described practices in the federal act and described practices in this section, this section shall prevail. 1650  
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**Sec. 1321.46.** (A) If more than four hundred persons are licensed under sections 1321.35 to 1321.48 of the Revised Code at any point after September 1, 2009, the superintendent of financial institutions shall develop and make a statewide common database, as implemented by the superintendent, accessible at all times to persons licensed under sections 1321.35 to 1321.48 of the Revised Code and to the superintendent through an internet connection. Licensees shall use the database to determine if a borrower is eligible for a loan. Licensees shall submit the required data in a format as the superintendent prescribes by rule, and verify eligibility before entering into each loan transaction. 1658  
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(B) If a statewide common database is developed pursuant to 1669  
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division (A) of this section, the superintendent shall adopt rules 1671  
to administer and enforce this section and to ensure that the 1672  
database is used by licensees in accordance with this section, 1673  
including: 1674

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

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

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

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

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

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

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

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

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

database through the internet; 1701

(2) Provide accurate and secure receipt, transmission, and storage of borrower data; 1702  
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(3) Designate a transaction as closed within one business day of receiving notification from a licensee; 1704  
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(4) Take all reasonable measures to ensure the confidentiality of the database and to prevent identity theft. 1706  
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(D) A licensee may rely on the information contained in the database as accurate and is not subject to any administrative penalty or civil liability as a result of relying on inaccurate information contained in the database. 1708  
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(E) With respect to the database prescribed in division (A) of this section, any information submitted for incorporation into the database, information in the database itself, or archived information as maintained by the superintendent pursuant to this section is not a public record under section 149.43 of the Revised Code. 1712  
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(F) If approved by the superintendent, the database operator may impose a per transaction fee for the actual costs of entering, accessing, and maintaining data in the database. The fee shall be payable to the database operator in a manner prescribed by the superintendent. A licensee may not charge a customer all or part of the fee. 1718  
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**Sec. 1321.461.** (A) If a statewide common database is not developed under section 1321.46 of the Revised Code, each licensee shall subscribe to, report to, and use an electronic database tracking service that permits the licensee to determine whether the borrower has an outstanding unpaid check or debit authorization that is, or reasonably appears to be, connected to a short-term loan. In the absence of an electronic database tracking 1724  
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service, each licensee shall require a borrower to sign a written 1731  
declaration confirming that, pursuant to section 1321.41 of the 1732  
Revised Code, the borrower is eligible to receive a loan. 1733

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

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

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

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

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

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

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

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

(1) Enforcement actions instituted by the superintendent for a violation of or failure to comply with any provision of sections 1321.35 to 1321.48 of the Revised Code, and the final dispositions of each such enforcement action; 1760  
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(2) Suspensions, revocations, or refusals to issue or renew licenses under sections 1321.35 to 1321.48 of the Revised Code. 1764  
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(B) The information required under divisions (A)(1) and (2) of this section does not include information that, pursuant to division (C) of this section, is confidential. 1766  
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(C) The following information is confidential: 1769

(1) Examination information, and any information leading to or arising from an examination; 1770  
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(2) Investigation information, and any information arising from or leading to an investigation. 1772  
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(D) The information described in division (A)(1) of this section shall remain confidential for all purposes except when it is necessary for the superintendent to take official action regarding the affairs of a licensee, or in connection with criminal or civil proceedings to be initiated by a prosecuting attorney or the attorney general. This information also may be introduced into evidence or disclosed when, and in the manner, authorized by section 1181.25 of the Revised Code. 1774  
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(E) All application information, except social security numbers, employer identification numbers, financial account numbers, the identity of the institution where financial accounts are maintained, personal financial information, fingerprint cards and the information contained on such cards, and criminal background information, is a public record as defined in section 149.43 of the Revised Code. 1782  
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(F) This section does not prevent the division from releasing 1789

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

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

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

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

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

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

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

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

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

Revised Code: 1819

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

successor agency. 2007

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

(1) The department of aging; 2012

(2) The department of rehabilitation and correction; 2013

(3) The department of development; 2014

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

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

(6) The county treasurers association of Ohio; 2017

(7) Ohio college professors; 2018

(8) Ohio university professors; 2019

(9) The Ohio board of regents; 2020

(10) The Ohio community development corporations association; 2021

(11) The Ohio council for economic education; 2022

(12) The Ohio state university extension service. 2023

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

offense;	2189
(iii) One hundred fifty dollars, if the value of the property was more than one hundred dollars at the time it was willfully damaged or was the subject of a theft offense.	2190 2191 2192
(b) Liquidated damages in whichever of the following amounts is greater:	2193 2194
(i) Two hundred dollars;	2195
(ii) Three times the value of the property at the time it was willfully damaged or was the subject of a theft offense, irrespective of whether the property is recovered by way of replevin or otherwise, is destroyed or otherwise damaged, is modified or otherwise altered, or is resalable at its full market price. This division does not apply to a check, negotiable order of withdrawal, share draft, or other negotiable instrument that was returned or dishonored for insufficient funds by a financial institution if the check, negotiable order of withdrawal, share draft, or other negotiable instrument was presented by an individual borrower to a <del>check-cashing business licensed pursuant to</del> <u>licensee under sections 1315.35 to 1315.44 1321.35 to 1321.48</u> of the Revised Code for a <del>check-cashing</del> loan transaction.	2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208
(2) In a civil action in which the value of the property that was willfully damaged or was the subject of a theft offense is less than five thousand dollars, the property owner may recover damages as described in division (A)(1)(a) or (b) of this section and additionally may recover the reasonable administrative costs, if any, of the property owner that were incurred in connection with actions taken pursuant to division (A)(2) of this section, the cost of maintaining the civil action, and reasonable attorney's fees, if all of the following apply:	2209 2210 2211 2212 2213 2214 2215 2216 2217
(a) The property owner, at least thirty days prior to the filing of the civil action, serves a written demand for payment of	2218 2219



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

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

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

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

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

of the following: 2252

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

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

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

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

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

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

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

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

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

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

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

(H) As used in this section:

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

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

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

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

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

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

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

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

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

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

the Revised Code as enacted by this act.

2375