

As Introduced

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

S. B. No. 308

Senator Spada

Cosponsors: Senators Schaffer, Schuring, Fedor, Miller, D.

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A B I L L

To enact section 1349.181 of the Revised Code to 1
require certain creditors and utility service 2
providers to recognize the postmark date of a 3
payment as the date received with respect to the 4
applicability of late charges and to prohibit 5
certain late payment penalties. 6

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

Section 1. That section 1349.181 of the Revised Code be 7
enacted to read as follows: 8

Sec. 1349.181. (A) No revolving credit provider or utility 9
service provider shall assess or charge a borrower or consumer a 10
penalty or late fee against a payment that is received by the 11
creditor or utility service provider on or before the payment due 12
date, or postmarked two days or more before the payment due date. 13
Any payment with respect to any account made by a borrower or 14
consumer via the internet web site of the revolving credit 15
provider or utility service provider or by telephone directly to 16
the revolving credit provider or utility service provider, before 17
five p.m. eastern standard time on any business day, shall be 18
credited to the borrower's or consumer's account that business 19
day. 20

(B) As used in this section: 21

(1) "Revolving credit provider" means an entity that agrees 22
to extend credit to a borrower pursuant to a credit agreement that 23
specifies a credit limit, the terms under which advances of credit 24
will be made, and provides for a finance charge that may be 25
computed from time to time against the outstanding unpaid balance. 26

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(2) "Postmark" means a postal marking made by the United 28
States postal service on a letter, package, postcard, or the like 29
indicating the date that the item was delivered into the care of 30
the postal service. 31

(3) "Utility service provider" includes any telephone 32
company, electric light company, gas company, natural gas company, 33
water-works company, heating or cooling company, or sewage 34
disposal system company, as described in section 4905.03 of the 35
Revised Code, including any electric light company operated not 36
for profit, owned and operated exclusively by and solely for its 37
customers, or owned or operated by a municipal corporation. 38