

As Introduced

**128th General Assembly
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H. B. No. 12

Representatives Lundy, Schneider

**Cosponsors: Representatives Fende, Newcomb, Koziura, Dyer, Harris,
Murray, DeGeeter, Phillips, Williams, B., DeBose, Hagan, Skindell, Okey,
Luckie, Letson, Williams, S.**

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A B I L L

To amend section 1349.99 and to enact sections 1
1349.38 and 3345.331 of the Revised Code to 2
prohibit campus credit card marketing activities 3
and to prohibit institutions of higher education 4
from releasing student directory information to 5
any person or group for use in a profit-making 6
plan or activity. 7

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

Section 1. That section 1349.99 be amended and sections 8
1349.38 and 3345.331 of the Revised Code be enacted to read as 9
follows: 10

Sec. 1349.38. (A) No person shall knowingly engage in campus 11
credit card marketing activities. 12

(B) No person shall knowingly mail an advertisement or offer 13
for a credit card to an on-campus student housing address. 14

(C) As used in this section: 15

(1) "Credit card" and "card issuer" have the same meanings as 16

in section 1602 of the "Truth in Lending Act," 82 Stat. 146 17
(1968), 15 U.S.C. 1601. 18

(2) "Campus" means the land and buildings located in this 19
state that a state institution of higher education or a private 20
institution of higher education uses for instruction or student 21
services. 22

(3) "Campus credit card marketing activity" means any 23
activity conducted by an agent or employee of a card issuer that 24
meets both of the following criteria: 25

(a) The activity is designed to encourage and enable 26
students to apply for a credit card and includes the act of 27
placing on the campus a display or poster together with a form 28
that can be returned to the card issuer as a credit card 29
application, even if an employee or agent of the card issuer is 30
not present at the display; 31

(b) The activity is conducted in either of the following 32
ways: 33

(i) On property owned or operated by, located on the campus 34
of, or at an event sanctioned by a state institution of higher 35
education; 36

(ii) On property owned or operated in this state by a private 37
institution of higher education, located on the campus of a 38
private institution of higher education, or at an event in this 39
state sanctioned by a private institution of higher education. 40

(4) "On-campus student housing" means a dormitory or other 41
student residence that is located on the campus of a state 42
institution of higher education or a private institution of higher 43
education or is located in this state and owned or operated by an 44
institution. 45

Sec. 1349.99. (A) Whoever violates section 1349.06 or 1349.17 46

of the Revised Code is guilty of a minor misdemeanor. 47

(B)(1) Whoever violates section 1349.45 of the Revised Code 48
is guilty of a misdemeanor of the first degree. 49

(2) Notwithstanding division (B)(1) of this section, the only 50
remedies that are available for a violation of section 1349.45 of 51
the Revised Code by a registrant or licensee under sections 52
1322.01 to 1322.12 of the Revised Code are those set forth in 53
section 1322.10 of the Revised Code or otherwise provided by 54
statute or common law. 55

(3) The provisions of division (B) of this section are not 56
intended to be exclusive remedies and do not preclude the use of 57
any other remedy provided by law. 58

(C) Whoever violates section 1349.38 of the Revised Code 59
shall be fined twenty-five hundred dollars for each violation. 60

Sec. 3345.331. (A) No state institution of higher education 61
or an agent, employee, student or alumni organization, booster 62
organization, or affiliate, of a state institution of higher 63
education, shall do any of the following: 64

(1) Release, through sale or otherwise, student directory 65
information to any person or group for use in a profit-making plan 66
or activity; 67

(2) Enter into, renew, or rollover a contract or agreement 68
with any entity to market credit cards to students; 69

(3) Permit a card issuer to promote a credit card business or 70
to solicit or distribute applications for a credit card on the 71
property of the state institution of higher education or at any 72
event sanctioned by the state institution of higher education; 73

(4) Promote a credit card business on the state institution 74
of higher education's internet site, or include on the internet 75
site an electronic link to the internet site of a credit card 76

business. 77

(B) No private institution of higher education operating in 78
this state or an agent, employee, student, or alumni organization, 79
booster organization, or affiliate, of a private institution of 80
higher education operating in this state shall do any of the 81
following: 82

(1) Release, through sale or otherwise, student directory 83
information regarding a student in this state to any person or 84
group for use in a profit-making plan or activity; 85

(2) Enter into, renew, or rollover a contract or agreement 86
with any entity to market credit cards to students in this state; 87

(3) Permit a card issuer to promote a credit card business or 88
to solicit or distribute applications for a credit card on the 89
property of the private institution of higher education in this 90
state or at any event in this state sanctioned by the private 91
institution of higher education; 92

(4) Promote a credit card business on the private institution 93
of higher education's internet site, or include on the internet 94
site an electronic link to the internet site of a credit card 95
business if the private institution of higher education only has 96
campuses in this state. 97

(C) As used in this section: 98

(1) "State institution of higher education" has the same 99
meaning as in section 3345.011 of the Revised Code. 100

(2) "Student directory information" means the name, address, 101
telephone listing, date and place of birth, social security 102
number, or e-mail address of a student. 103

(3) "Credit card" and "card issuer" have the same meanings as 104
in section 1602 of the "Truth in Lending Act," 82 Stat. 146 105
(1968), 15 U.S.C. 1601. 106

Section 2. That existing section 1349.99 of the Revised Code 107
is hereby repealed. 108

Section 3. The Ohio Board of Regents shall provide a written 109
report to the Speaker of the House of Representatives and the 110
President of the Senate within thirty days after the effective 111
date of this act. The report shall list each contract or agreement 112
in effect between a state institution of higher education with any 113
entity to market credit cards to students, the name of the entity, 114
and the termination date of the contract or agreement. The report 115
also shall list each contract or agreement in effect between a 116
state institution of higher education or an agent, employee, 117
student or alumni organization, or affiliate, of a state 118
institution of higher education, and any entity, for the release, 119
through sale or otherwise, of student directory information to any 120
person or group for use in a profit-making plan or activity, the 121
name of the entities subject to the contract or agreement, and the 122
termination date of the contract or agreement. 123