

**As Reported by the House Consumer Affairs and Economic
Protection Committee**

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Sub. 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., Sykes**

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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 in section 1602 of the "Truth in Lending Act," 82 Stat. 146 (1968), 15 U.S.C. 1601, except that "credit card" does not include a debit card or other access device that is a means to withdraw funds or initiate an electronic funds transfer from a deposit account. 16
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(2) "Campus" means the land and buildings located in this state that a state institution of higher education or a private institution of higher education uses for instruction or student services. 22
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(3)(a) "Campus credit card marketing activity" means any activity conducted by an agent or employee of a card issuer that meets both of the following criteria: 26
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(i) The activity is designed to encourage and enable students to apply for a credit card and includes the act of placing on the campus a display or poster together with a form that can be returned to the card issuer as a credit card application, even if an employee or agent of the card issuer is not present at the display; 29
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(ii) The activity is conducted in this state on property owned or operated by, located on the campus of, or at an event sanctioned by a private or state institution of higher education. 35
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(b) "Campus credit card marketing activity" does not include any of the following activities: 38
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(i) Those that are conducted inside a banking office, as defined in sections 1101.01, 1151.01, and 1161.01 of the Revised Code; inside the office of a credit union, as defined in section 1733.01 of the Revised Code; or at an automated teller machine or other money transmission device owned, leased, or operated by a bank, savings and loan association, savings bank, or credit union; 40
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(ii) Displaying a company logo or otherwise advertising a 46

business in a manner that does not encourage and enable students 47
to apply for a credit card; 48

(iii) Marketing a credit card at an athletic event that is 49
sanctioned by a private or state institution of higher education 50
or located on property owned or operated by a private or state 51
institution of higher education, provided that students are not 52
permitted to complete a credit card application. 53

(4) "On-campus student housing" means a dormitory or other 54
student residence that is located on the campus of a state 55
institution of higher education or a private institution of higher 56
education or is located in this state and owned or operated by an 57
institution. 58

Sec. 1349.99. (A) Whoever violates section 1349.06 or 1349.17 59
of the Revised Code is guilty of a minor misdemeanor. 60

(B)(1) Whoever violates section 1349.45 of the Revised Code 61
is guilty of a misdemeanor of the first degree. 62

(2) Notwithstanding division (B)(1) of this section, the only 63
remedies that are available for a violation of section 1349.45 of 64
the Revised Code by a registrant or licensee under sections 65
1322.01 to 1322.12 of the Revised Code are those set forth in 66
section 1322.10 of the Revised Code or otherwise provided by 67
statute or common law. 68

(3) The provisions of division (B) of this section are not 69
intended to be exclusive remedies and do not preclude the use of 70
any other remedy provided by law. 71

(C) Whoever violates section 1349.38 of the Revised Code 72
shall be fined twenty-five hundred dollars for each violation. 73

Sec. 3345.331. (A) No state institution of higher education 74
or an agent, employee, student or alumni organization, booster 75

organization, or affiliate, of a state institution of higher 76
education, shall do any of the following: 77

(1) Release, through sale or otherwise, student directory 78
information to any person or group for use in a profit-making plan 79
or activity; 80

(2) Enter into, renew, or rollover a contract or agreement 81
with any entity to market credit cards to students who are 82
currently enrolled in the institution of higher education; 83

(3) Permit a card issuer to promote a credit card business or 84
to solicit or distribute applications for a credit card on the 85
property of the state institution of higher education or at any 86
event sanctioned by the state institution of higher education, 87
except that a state institution of higher education may allow a 88
card issuer to engage in any activity that is excluded from the 89
definition of campus credit card marketing activity under division 90
(C)(3)(b) of section 1349.38 of the Revised Code; 91

(4) Promote a credit card business on the state institution 92
of higher education's internet site, or include on the internet 93
site an electronic link to the internet site of a credit card 94
business. 95

(B) No private institution of higher education operating in 96
this state or an agent, employee, student, or alumni organization, 97
booster organization, or affiliate, of a private institution of 98
higher education operating in this state shall do any of the 99
following: 100

(1) Release, through sale or otherwise, student directory 101
information regarding a student in this state who is currently 102
enrolled in the institution of higher education to any person or 103
group for use in a profit-making plan or activity; 104

(2) Enter into, renew, or rollover a contract or agreement 105

with any entity to market credit cards to students in this state 106
who are currently enrolled in the institution of higher education; 107

(3) Permit a card issuer to promote a credit card business or 108
to solicit or distribute applications for a credit card on the 109
property of the private institution of higher education in this 110
state or at any event in this state sanctioned by the private 111
institution of higher education, except that a private institution 112
of higher education may allow a card issuer to engage in any 113
activity that is excluded from the definition of campus credit 114
card marketing activity under division (C)(3)(b) of section 115
1349.38 of the Revised Code; 116

(4) Promote a credit card business on the private institution 117
of higher education's internet site, or include on the internet 118
site an electronic link to the internet site of a credit card 119
business if the private institution of higher education only has 120
campuses in this state. 121

(C) Private and state institutions of higher education 122
operating in this state shall adopt and adhere to policies that 123
provide for both of the following: 124

(1) Financial literacy education, as part of student 125
orientation; 126

(2) Oversight and enforcement of credit card marketing that 127
occurs at athletic events pursuant to division (A)(3) or (B)(3) of 128
this section. 129

(D) A state institution of higher education may enter into a 130
contract or agreement with an alumni organization that permits the 131
alumni organization to use the state institution of higher 132
education's name, image, and likeness, but only if the contract or 133
agreement contains a provision under which the alumni organization 134
is required to provide the state institution of higher education 135
with a full and unredacted copy of any contract or agreement the 136

alumni organization has with another entity to market credit cards 137
to former students of the state institution of higher education 138
for the state institution of higher education to keep as a public 139
record with no part redacted. Any state institution of higher 140
education that receives funds from those agreements between an 141
alumni organization and another entity shall use a portion of the 142
funds, the portion to be determined by the state institution of 143
higher education, for either the financial literacy education 144
required under division (C)(1) of this section or another program 145
of financial literacy provided to students by the institution of 146
higher education. 147

(E) As used in this section: 148

(1) "State institution of higher education" has the same 149
meaning as in section 3345.011 of the Revised Code. 150

(2) "Student directory information" means the name, address, 151
telephone listing, date and place of birth, social security 152
number, or e-mail address of a student who is currently enrolled 153
in the institution of higher education. 154

(3) "Credit card" and "card issuer" have the same meanings as 155
in section 1602 of the "Truth in Lending Act," 82 Stat. 146 156
(1968), 15 U.S.C. 1601, except that "credit card" does not include 157
a debit card or other access device that is a means to withdraw 158
funds or initiate an electronic funds transfer from a deposit 159
account. 160

Section 2. That existing section 1349.99 of the Revised Code 161
is hereby repealed. 162

Section 3. Section 3345.331 of the Revised Code shall 163
prohibit only acts that a private or state institution of higher 164
education is not legally obligated to perform under a contract 165
entered into before the effective date of this section. The 166

section only shall apply to contracts entered into, renewed, or 167
rolled over on or after the effective date of this section. 168

Section 4. The Ohio Board of Regents shall provide a written 169
report to the Speaker of the House of Representatives and the 170
President of the Senate within thirty days after the effective 171
date of this act. The report shall list each contract or agreement 172
in effect between a state institution of higher education with any 173
entity to market credit cards to students, the name of the entity, 174
and the termination date of the contract or agreement. The report 175
also shall list each contract or agreement in effect between a 176
state institution of higher education or an agent, employee, 177
student or alumni organization, or affiliate, of a state 178
institution of higher education, and any entity, for the release, 179
through sale or otherwise, of student directory information to any 180
person or group for use in a profit-making plan or activity, the 181
name of the entities subject to the contract or agreement, and the 182
termination date of the contract or agreement. 183