

As Introduced

**130th General Assembly
Regular Session
2013-2014**

H. B. No. 272

Representative Hagan, R.

**Cosponsors: Representatives Foley, Sheehy, Antonio, Letson, Reece,
Lundy, Ramos**

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A BILL

To enact sections 1319.30, 1319.31, 1319.32, 1319.33, 1
and 1319.34 of the Revised Code to prohibit debt 2
collectors and creditors from failing to provide 3
consumers with certain information regarding the 4
consumer's debt. 5

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

Section 1. That sections 1319.30, 1319.31, 1319.32, 1319.33, 6
and 1319.34 of the Revised Code be enacted to read as follows: 7

Sec. 1319.30. As used in sections 1319.30 to 1319.34 of the 8
Revised Code: 9

(A) "Consumer" means a person residing in this state who owes 10
or is alleged to owe a debt, or who has incurred or is alleged to 11
have incurred liability for the debt in this state, including a 12
comaker, guarantor, surety, parent, if the consumer is under 13
eighteen years of age, or the consumer's guardian, executor, or 14
administrator. 15

(B) "Creditor" means both of the following: 16

(1) A person to whom a debt is owed or alleged to be owed, 17
including an agent, servant, or employee conducting business under 18

the name of the person in this state; 19

(2) A person while collecting or attempting to collect any 20
debt owed or due or asserted to be owed or due to another to the 21
extent such activity is incidental to a bona fide fiduciary 22
obligation or a bona fide escrow arrangement or to the extent such 23
activity concerns a debt which was originated by such person, was 24
not in default at the time it was obtained by such person, or was 25
obtained by such person as a secured party in a commercial credit 26
transaction involving the creditor. 27

(C)(1) "Debt" means both of the following: 28

(a) An actual or alleged past due obligation, claim, demand, 29
note, or other similar liability of a consumer to pay money, 30
arising out of a single account as a result of either of the 31
following: 32

(i) A purchase, lease, or loan of goods, services, or real or 33
personal property for personal, family, or household purposes; 34

(ii) A loan of money or extension of credit which is obtained 35
primarily for personal, family, or household purposes. 36

(b) Any tax, assessment, interest, penalty, fee, or other 37
collectable amount, owed to a political subdivision of this state. 38

(2) "Debt" does not mean either of the following: 39

(a) Money which is owed or alleged to be owed as a result of 40
a loan secured by a purchase money mortgage on real estate; 41

(b) Any tax, assessment, interest, penalty, fee, or other 42
collectable amount owed to the state or the United States. 43

(D)(1) "Debt collector" means all of the following: 44

(a) A person who is not a creditor conducting business in 45
this state, is acting on behalf of a creditor, and engages or aids 46
directly or indirectly in collecting a debt owed or alleged to be 47
owed to a creditor or assignee of a creditor; 48

(b) An officer or employee of a creditor who uses a name other than the creditor's while collecting a debt for the creditor that would indicate that a third person is collecting or attempting to collect the debt; 49
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(c) An attorney, whenever such attorney attempts to collect a debt, except in connection with the filing or service of pleadings or discovery or the prosecution of a lawsuit to reduce a debt to judgment; 53
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(d) A person who sells or offers to sell forms represented to be a collection system, device, or scheme which is intended or designed to collect debts; 57
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(e) A person, other than an elected or appointed official of any political subdivision of this state, who collects or attempts to collect a tax or assessment owed to any political subdivision of this state. 60
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(2) "Debt collector" does not mean any of the following: 64

(a) An officer or employee of a creditor while collecting debts for the creditor in that creditor's name; 65
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(b) A person while attempting to collect a debt on behalf of a creditor, both of whom are related by common ownership or affiliated by corporate control, if the person acting as a debt collector does so only for creditors to whom the collector is so related or affiliated and if the principal business of the person is not the collection of debts; 67
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(c) A person serving or attempting to serve legal process on another person in connection with the judicial enforcement of a debt; 73
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(d) A person who is an elected or appointed official of any political subdivision of this state and who collects or attempts to collect a tax or assessment owed to the political subdivision 76
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which employs the person, while that person is acting within the 79
scope of that person's elected or appointed position or 80
employment. 81

Sec. 1319.31. (A) No debt collector or creditor shall fail to 82
provide a consumer with either of the following regarding a debt 83
or judgment on the debt for which the consumer is subject: 84

(1) Written verification of the debt or judgment on the debt; 85

(2) Written notice informing the consumer that the applicable 86
statute of limitations has expired on the debt or judgment on the 87
debt or that the debt or judgment is no longer legally 88
enforceable. 89

(B) The written verification under division (A)(1) of this 90
section shall be the information specified in the "Fair Debt 91
Collection Practices Act," 91 Stat. 879 (1977), 15 U.S.C. 1692g, 92
as amended. 93

Sec. 1319.32. A violation of section 1319.31 of the Revised 94
Code shall be deemed an unfair or deceptive act or practice in 95
violation of section 1345.02 of the Revised Code. 96

Sec. 1319.33. A consumer injured by a violation of section 97
1319.31 of the Revised Code shall have a cause of action and be 98
entitled to the same relief available to a consumer under section 99
1345.09 of the Revised Code. 100

Sec. 1319.34. All powers and remedies available to the 101
attorney general to enforce sections 1345.01 to 1345.13 of the 102
Revised Code are available to the attorney general to enforce 103
sections 1319.30 to 1319.33 of the Revised Code. 104