

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 553

Representatives Williams, Upchurch

Cosponsors: Representatives Humphrey, Willis, Brennan, Dobos



A BILL

To amend section 1321.21 and to enact sections 1
1320.01, 1320.02, 1320.03, 1320.04, 1320.05, 2
1320.06, 1320.07, 1320.08, 1320.09, and 1320.10 3
of the Revised Code to regulate the provision of 4
earned wage access services. 5

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

Section 1. That section 1321.21 be amended and sections 6
1320.01, 1320.02, 1320.03, 1320.04, 1320.05, 1320.06, 1320.07, 7
1320.08, 1320.09, and 1320.10 of the Revised Code be enacted to 8
read as follows: 9

Sec. 1320.01. As used in this chapter: 10

(A) "Certificate" means a certificate of registration 11
issued under this chapter. 12

(B) "Company" means a business entity other than an 13
individual or sole proprietorship, including a firm, business 14
trust, partnership, limited liability company, association, 15
corporation, or general partnership. 16

(C) "Consumer" means any individual who resides in this 17

state and has accrued earned but unpaid income. A provider may 18
use the mailing address or state of residence provided by a 19
consumer to determine the consumer's state of residence for 20
purposes of this chapter. 21

(D) "Consumer-directed wage access services" means the 22
business of delivering to consumers access to earned but unpaid 23
income based on the consumer's representation, and the 24
provider's reasonable determination, of the consumer's earned 25
but unpaid income. 26

(E) "Earned but unpaid income" means salary, wages, 27
compensation, or other income that an individual or an employer 28
has represented, and that a provider has reasonably determined, 29
has been earned or has accrued to the benefit of the individual 30
in exchange for the individual's provision of services to the 31
employer or on behalf of the employer, including services 32
provided on an hourly, project-based, piecework, or other basis, 33
and where the individual acts as an independent contractor of 34
the employer, for which the individual has not been paid by the 35
employer at the time of the payment of proceeds. 36

(F) "Earned wage access services" means the business of 37
providing consumer-directed wage access services, employer- 38
integrated wage access services, or both. 39

(G) (1) "Employer" means a person that employs a consumer, 40
or any other person who is contractually obligated to pay a 41
consumer earned but unpaid income in exchange for a consumer's 42
provision of services to the employer or on behalf of the 43
employer, including services provided on an hourly, project- 44
based, piecework, or other basis and where the consumer acts as 45
an independent contractor with respect to the employer. 46

(2) "Employer" does not mean a customer of an employer or any other person whose obligation to make a payment of salary, wages, compensation, or other income to a consumer is not based on the provision of services by that consumer for or on behalf of such person. 47
48
49
50
51

(H) "Employer-integrated wage access services" means the business of delivering to consumers access to earned but unpaid income that is based on employment, income, and attendance data obtained directly or indirectly from an employer. 52
53
54
55

(I) "Fee" means any of the following: 56

(1) An amount charged by a provider for delivery or expedited delivery of proceeds to a consumer; 57
58

(2) A subscription or membership charge imposed by a provider for a bona fide group of services that includes earned wage access services; 59
60
61

(3) An amount paid by an employer to a provider on a consumer's behalf, which entitles the consumer to receive proceeds at reduced or no cost to the consumer. 62
63
64

(J) "Key officer" means a chief executive officer, chief financial officer, or chief compliance officer. 65
66

(K) "Outstanding proceeds" means a payment of proceeds to a consumer by a provider that has not yet been repaid to that provider. 67
68
69

(L) "Proceeds" means a payment of money to a consumer by a provider pursuant to an agreement to provide earned wage access services to that consumer. 70
71
72

(M) "Provider" means a company who is in the business of offering and providing earned wage access services to consumers. 73
74

(N) "Registrant" means a company to whom one or more 75
certificates of registration have been issued under this 76
chapter. 77

(O) "Superintendent of financial institutions" includes 78
the deputy superintendent for consumer finance as provided in 79
section 1181.21 of the Revised Code. 80

Sec. 1320.02. (A) No person shall offer or provide earned 81
wage access services in this state without having a valid 82
certificate of registration under this chapter. Each company 83
issued a certificate of registration is subject to all 84
provisions of this chapter and any associated rules. 85

(B) For the purpose of registering companies under and 86
requiring compliance with this chapter, the superintendent of 87
financial institutions may do both of the following: 88

(1) Require any company registered, or applying for 89
registration, under this chapter to do both of the following: 90

(a) Utilize the nationwide multistate licensing system for 91
application, renewal, amendment, or surrender of a certificate 92
of registration or for any other activity as the superintendent 93
may require; 94

(b) Pay all applicable charges to utilize the nationwide 95
multistate licensing system. 96

(2) Establish requirements as necessary for the use of the 97
nationwide multistate licensing system to meet the purposes of 98
these sections, including: 99

(a) Background checks of key officers for any of the 100
following: 101

(i) Criminal history through fingerprint or other 102

<u>databases;</u>	103
<u>(ii) Civil or administrative records;</u>	104
<u>(iii) Credit history;</u>	105
<u>(iv) Any other information considered necessary by the</u> <u> nationwide multistate licensing system or the superintendent.</u>	106 107
<u>(b) Payment of fees to apply for or renew registrations</u> <u>through the nationwide multistate licensing system;</u>	108 109
<u>(c) Setting or resetting of renewal or reporting dates;</u>	110
<u>(d) Requirements for amending or surrendering a</u> <u>registration or any other such activities as the superintendent</u> <u>considers necessary for participation in the nationwide</u> <u>multistate licensing system.</u>	111 112 113 114
<u>Sec. 1320.03. (A) (1) An application for a certificate of</u> <u>registration under this chapter shall be in writing, under oath,</u> <u>and in the form prescribed by the division of financial</u> <u>institutions. The application shall include an affirmation that</u> <u>the applicant will abide by this chapter and shall contain any</u> <u>information that the division may require. The division shall</u> <u>not issue or renew a certificate of registration under this</u> <u>chapter for an applicant that is a foreign corporation unless</u> <u>that applicant first obtains and maintains a license pursuant to</u> <u>Chapter 1703. of the Revised Code.</u>	115 116 117 118 119 120 121 122 123 124
<u>(2) Upon the filing of the application and the payment by</u> <u>the applicant of a nonrefundable two-hundred-dollar</u> <u>investigation fee and a nonrefundable three-hundred-dollar</u> <u>annual registration fee, the division shall investigate the</u> <u>applicant. If the application involves investigation outside</u> <u>this state, and it appears that the actual expenses of the</u>	125 126 127 128 129 130

investigation will exceed two hundred dollars, the division may 131
require the applicant to advance sufficient funds to pay for 132
those actual expenses. The division shall furnish to the 133
applicant an itemized statement of any expenses in excess of the 134
standard two-hundred-dollar investigation fee which the 135
applicant is required to pay. The division shall not issue a 136
certificate unless all the required fees have been submitted to 137
the division. 138

(3) The investigation required by this section shall 139
include both a civil and criminal records check of the key 140
officers of the applicant and any individual whose identity is 141
required to be disclosed in the application. Where the applicant 142
is a business entity, the superintendent of financial 143
institutions may require a civil and criminal background check 144
of any persons that the superintendent determines have the 145
authority to direct and control the operations of the applicant. 146

(4) (a) Notwithstanding division (L) of section 121.08 of 147
the Revised Code, the superintendent shall obtain a criminal 148
history records check and, as part of that records check, 149
request that criminal record information from the federal bureau 150
of investigation be obtained. To fulfill this requirement, the 151
superintendent of financial institutions shall request the 152
superintendent of the bureau of criminal identification and 153
investigation, or a vendor approved by the bureau, to conduct a 154
criminal records check based on the applicant's fingerprints or, 155
if the fingerprints are unreadable, based on the applicant's 156
social security number, in accordance with section 109.572 of 157
the Revised Code. 158

(b) Any fee required under division (C) (3) of section 159
109.572 of the Revised Code shall be paid by the applicant. 160

(5) If an application for a certificate of registration 161
does not contain all of the information required under division 162
(A) of this section, and if such information is not submitted to 163
the division within ninety days after the superintendent of 164
financial institutions requests the information in writing, 165
including by electronic transmission or facsimile, the 166
superintendent may consider the application withdrawn. 167

(6) If the division finds that the financial 168
responsibility, experience, and general fitness of the applicant 169
command the confidence of the public and warrant the belief that 170
the business will be operated honestly and fairly in compliance 171
with the purposes of this chapter and the rules adopted 172
thereunder, and that the applicant has the applicable net worth 173
and assets required by division (D) of this section, the 174
division shall issue a certificate of registration to the 175
applicant. The superintendent shall not use a credit score as 176
the sole basis for denying registration under this chapter. 177

(7) Certificates of registration annually expire on the 178
last day of December, unless renewed by the filing of a renewal 179
application and payment of a three-hundred-dollar nonrefundable 180
annual registration fee on or before that date. 181

(8) Registrants shall timely file renewal applications on 182
forms prescribed by the division and provide any further 183
information that the division may require. If a renewal 184
application does not contain all of the information required 185
under this section, and if that information is not submitted to 186
the division within ninety days after the superintendent 187
requests the information in writing, including by electronic 188
transmission or facsimile, the superintendent may consider the 189
application withdrawn. 190

(9) The superintendent shall not grant a renewal if the applicant's certificate of registration is subject to an order of suspension, revocation, or an unpaid and past due fine or assessment imposed by the superintendent. 191
192
193
194

(10) If the division finds the applicant does not meet the conditions set forth in this section, the division shall issue notice to the applicant of the denial, the grounds for the denial, and the applicant's reasonable opportunity to be heard on the action in accordance with Chapter 119. of the Revised Code. 195
196
197
198
199
200

(11) If there is a change of five per cent or more in the ownership of a registrant, the division may make any investigation necessary to determine whether any fact or condition exists that, if it had existed at the time of the original application for a certificate of registration, the fact or condition would have warranted the division to deny the application under division (A) (6) of this section. If such a fact or condition is found, the division may, in accordance with Chapter 119. of the Revised Code, revoke the registrant's certificate. 201
202
203
204
205
206
207
208
209
210

(B) (1) If the annual registration fees collected by the superintendent pursuant to division (A) of this section are less than the estimated expenditures of the consumer finance section of the division of financial institutions in administering this chapter for the following fiscal year, as determined by the superintendent, the superintendent may assess each registrant an additional fee at a rate sufficient to equal in the aggregate the difference between the renewal fees billed and the estimated expenditures. 211
212
213
214
215
216
217
218
219

(2) Each registrant shall pay the assessed amount to the 220

superintendent prior to the last day of June. 221

(3) In no case shall the assessment exceed ten cents for 222
each one hundred dollars of fees, tips, gratuities, and 223
donations received by that registrant during the previous 224
calendar year. 225

(4) Subject to division (B)(3) of this section, the 226
assessment shall not be less than two hundred fifty dollars per 227
registrant and shall not exceed two thousand dollars per 228
registrant. 229

(C) Notwithstanding any contrary provision of division (A) 230
of this section, the division shall issue a certificate of 231
registration in accordance with Chapter 4796. of the Revised 232
Code to an applicant if the applicant holds a license or 233
registration to offer earned wage access services in another 234
state. Issuance of a license to such an applicant is contingent 235
upon the applicant's payment of the three-hundred-dollar annual 236
registration fee and any assessment charged under division (B) 237
of this section. 238

(D) Each registrant that offers or provides earned wage 239
access services under this chapter shall maintain both of the 240
following: 241

(1) A net worth of at least fifty thousand dollars; 242

(2) For each certificate of registration, assets of at 243
least fifty thousand dollars either in use or readily available 244
for use in the conduct of the business. 245

(E) A registrant may operate in this state online or at 246
one or more physical places of business. Not more than one place 247
of business shall be maintained under the same certificate, but 248
the division may issue additional certificates to the same 249

registrant. No change in the place of business of a registrant 250
to a location outside the original municipal corporation or 251
township shall be permitted under the same certificate without 252
the approval of a new application, the payment of the 253
registration fee, and, if required by the superintendent, the 254
payment of an investigation fee of two hundred dollars. When a 255
registrant wishes to change its place of business within the 256
same municipal corporation or township, it shall give written 257
notice of the change in advance to the division, which shall 258
provide a certificate for the new address without cost. If a 259
registrant changes its name, prior to offering or providing 260
earned wage access services under the new name, it shall give 261
written notice of the change to the division, which shall 262
provide a certificate in the new name without cost. This chapter 263
does not limit the services of any registrant to residents of 264
the municipal corporation or township in which the registrant's 265
place of business is situated. A registrant that operates online 266
shall post evidence of its registration on its internet web 267
site. A registrant that operates at one or more physical places 268
of business shall conspicuously post its registration in its 269
places of business. Registrations are not transferable or 270
assignable. 271

(F) This chapter does not apply to any entities chartered 272
and lawfully doing business under the authority of any law of 273
this state, another state, or the United States as a bank, 274
savings bank, trust company, savings and loan association, or 275
credit union, or a subsidiary of any such entity, which 276
subsidiary is regulated by a federal banking agency and is owned 277
and controlled by such a depository institution. 278

(G) Neither the state nor any political subdivision of the 279
state shall require a registrant to pay any fee or assessment, 280

other than those expressly authorized by this section, as a 281
condition of providing earned wage access services in this 282
state. 283

Sec. 1320.04. As often as the superintendent of financial 284
institutions considers it necessary, the superintendent may 285
examine the records of a registrant. 286

Sec. 1320.05. A provider subject to this chapter shall do 287
all of the following: 288

(A) Develop and implement policies and procedures to 289
respond to questions raised by consumers and address complaints 290
from consumers in an expedient manner; 291

(B) Offer to consumers at least one reasonable option to 292
obtain proceeds at no cost and clearly explain how to elect that 293
no-cost option; 294

(C) Before entering into an agreement with a consumer for 295
the provision of earned wage access services, do both of the 296
following: 297

(1) Inform the consumer of the consumer's rights under the 298
agreement; 299

(2) Fully and clearly disclose all fees associated with 300
the earned wage access services. 301

(D) Inform the consumer of any material changes to the 302
terms and conditions of the earned wage access services before 303
implementing those changes for that consumer; 304

(E) Allow the consumer to cancel use of the provider's 305
earned wage access services at any time, without incurring a 306
cancellation fee or penalty imposed by the provider; 307

<u>(F) Comply with all applicable local, state, and federal</u>	308
<u>privacy and information security laws;</u>	309
<u>(G) If a provider solicits, charges, or receives a tip,</u>	310
<u>gratuity, or other donation from a consumer, both of the</u>	311
<u>following:</u>	312
<u>(1) Clearly and conspicuously disclose to the consumer</u>	313
<u>immediately prior to each transaction that a tip, gratuity, or</u>	314
<u>other donation amount may be zero and is voluntary;</u>	315
<u>(2) Clearly and conspicuously disclose in its service</u>	316
<u>contract with the consumer and elsewhere that tips, gratuities,</u>	317
<u>or donations are voluntary and that the offering of earned wage</u>	318
<u>access services, including the amount of proceeds a consumer is</u>	319
<u>eligible to request and the frequency with which proceeds are</u>	320
<u>provided to a consumer, is not contingent on whether the</u>	321
<u>consumer pays any tip, gratuity, or other donation or on the</u>	322
<u>size of the tip, gratuity, or other donation.</u>	323
<u>(H) Provide proceeds to a consumer by any means mutually</u>	324
<u>agreed upon by the consumer and the provider;</u>	325
<u>(I) If the provider will seek repayment of outstanding</u>	326
<u>proceeds or payment of fees or other amounts owed in connection</u>	327
<u>with the activities covered by this chapter, including voluntary</u>	328
<u>tips, gratuities, or other donations, from a consumer's</u>	329
<u>depository institution, including by means of electronic funds</u>	330
<u>transfer, do both of the following:</u>	331
<u>(1) Comply with applicable provisions of the "Electronic</u>	332
<u>Funds Transfer Act," 15 U.S.C. 1693 to 1693r, and regulations</u>	333
<u>adopted under that act;</u>	334
<u>(2) Reimburse the consumer for the full amount of any</u>	335
<u>overdraft or nonsufficient funds fees imposed on a consumer by</u>	336

the consumer's depository institution that were caused by the 337
provider attempting to seek payment of any outstanding proceeds, 338
fees, or other payments in connection with the activities 339
covered by this chapter, including voluntary tips, gratuities, 340
or other donations, on a date before, or in an incorrect amount 341
from, the date or amount disclosed to the consumer. The provider 342
is not subject to the requirements of division (I)(2) of this 343
section with respect to payments of outstanding amounts or fees 344
incurred by a consumer through fraudulent or other unlawful 345
means. 346

Sec. 1320.06. A provider subject to this chapter shall not 347
do any of the following: 348

(A) Share with an employer a portion of any fees, 349
voluntary tips, gratuities, or other donations that were 350
received from or charged to a consumer for earned wage access 351
services; 352

(B) Require a consumer's credit report or credit score 353
provided or issued by a consumer reporting agency to determine a 354
consumer's eligibility for earned wage access services; 355

(C) Accept payment of outstanding proceeds, fees, 356
voluntary tips, gratuities, or other donations from a consumer 357
by means of a credit card or charge card; 358

(D) Charge a late fee, deferral fee, interest, or any 359
other penalty or charge for failure to pay outstanding proceeds, 360
fees, voluntary tips, gratuities, or other donations; 361

(E) Report to a consumer reporting agency or debt 362
collector any information about a consumer regarding the 363
consumer's inability to repay outstanding proceeds, fees, 364
voluntary tips, gratuities, or other donations to a provider; 365

(F) (1) Compel or attempt to compel payment by a consumer 366
of outstanding proceeds, fees, voluntary tips, gratuities, or 367
other donations to the provider through any of the following 368
means: 369

(a) An action against the consumer in a court of competent 370
jurisdiction; 371

(b) Use of a third party to pursue collection from the 372
consumer on the provider's behalf; 373

(c) Sale of outstanding amounts to a third-party debt 374
collector or debt buyer for collection from the consumer. 375

(2) Nothing in this section shall be interpreted as doing 376
either of the following: 377

(a) Precluding the use by a provider of any of the methods 378
described in division (F) (1) of this section to compel payment 379
of outstanding proceeds or fees incurred by a consumer through 380
fraudulent or other unlawful means; 381

(b) Precluding a provider from pursuing an employer for 382
breach of its contractual obligations to the provider. 383

(G) If the provider solicits, charges, or receives tips, 384
gratuities, or other donations from a consumer, mislead or 385
deceive consumers about the voluntary nature of the tips, 386
gratuities, or donations or make representations that tips, 387
gratuities, or other donations will benefit any specific 388
individuals. 389

Sec. 1320.07. (A) Every registered provider shall keep and 390
use in the provider's business such books, accounts, and records 391
as will enable the division of financial institutions to 392
determine whether the provider is complying with this chapter 393

and with the orders and rules made by the division under this 394
chapter. Such books, accounts, and records shall be segregated 395
from those pertaining to transactions that are not subject to 396
this chapter. Every provider shall preserve the books, accounts, 397
and records pertaining to earned wage access services 398
transactions made under this chapter for at least two years 399
after extending proceeds to a consumer. Accounting systems 400
maintained in whole or in part by mechanical or electronic data 401
processing methods that provide information equivalent to that 402
otherwise required are acceptable for the purposes of this 403
division. 404

(B)(1) Each registered provider shall file with the 405
division of financial institutions each year a report under oath 406
or affirmation, on forms supplied by the division, concerning 407
the business and its operations for the preceding calendar year. 408
If a provider has more than one place of business in this state, 409
the provider shall furnish a report for each location. 410

(2) The division shall annually publish and make available 411
to the public an analysis of the information reported under 412
division (B)(1) of this section, but the individual reports are 413
not public records for the purposes of Chapter 149. of the 414
Revised Code and shall not be open to public inspection. 415

(3) The published analysis shall include all of the 416
following: 417

(a) Gross revenue attributable to earned wage access 418
services; 419

(b) The total number of transactions in which proceeds 420
were remitted to consumers; 421

(c) The total number of unique consumers to whom proceeds 422

<u>were remitted;</u>	423
<u>(d) The total dollar amount of proceeds remitted to</u>	424
<u>consumers;</u>	425
<u>(e) The total dollar amount of fees, tips, gratuities, and</u>	426
<u>donations received from consumers;</u>	427
<u>(f) The total number of transactions in which proceeds</u>	428
<u>were remitted to consumers for which providers did not receive</u>	429
<u>repayment of any outstanding proceeds;</u>	430
<u>(g) The total dollar amount of transactions described in</u>	431
<u>division (B) (3) (f) of this section;</u>	432
<u>(h) The total number of transactions in which proceeds</u>	433
<u>were remitted to consumers, for which providers received partial</u>	434
<u>repayment of outstanding proceeds;</u>	435
<u>(i) The total dollar amount of transactions described in</u>	436
<u>division (B) (3) (h) of this section and the total dollar amount</u>	437
<u>of unpaid, outstanding proceeds attributable to those</u>	438
<u>transactions;</u>	439
<u>(j) The total number of transactions in which outstanding</u>	440
<u>proceeds were repaid after the original, scheduled repayment</u>	441
<u>date;</u>	442
<u>(k) The total dollar amount of transactions described in</u>	443
<u>division (B) (3) (j) of this section;</u>	444
<u>(l) Any other nonprivate information required by the</u>	445
<u>superintendent.</u>	446
<u>Sec. 1320.08. (A) The superintendent of financial</u>	447
<u>institutions shall, in accordance with Chapter 119. of the</u>	448
<u>Revised Code, suspend or revoke a certificate of registration</u>	449

issued pursuant to this chapter if the superintendent determines 450
that either of the following apply: 451

(1) The registrant has failed to comply with any order 452
issued by the superintendent pursuant to section 1320.10 of the 453
Revised Code; 454

(2) Any fact or condition exists that, if it had existed 455
or had been known to exist at the time the original or renewal 456
certificate of registration was issued, the fact or condition 457
clearly would have warranted the superintendent to refuse to 458
issue a certificate of registration. 459

(B) The superintendent may make any investigation and 460
conduct any hearing the superintendent considers necessary to 461
determine whether any company or individual has violated this 462
chapter or any rule or order adopted in accordance with this 463
chapter, or has otherwise engaged in conduct that would justify 464
the suspension, revocation, or refusal of an original or renewal 465
certificate of registration, or the imposition of a fine. The 466
superintendent may impose a monetary fine of not more than one 467
thousand dollars for each such violation. 468

(C) In making any investigation or conducting any hearing 469
pursuant to this section, the superintendent, or any person 470
designated by the superintendent, at any time may compel by 471
subpoena witnesses, may take depositions of witnesses residing 472
within this state in the manner provided for in civil actions, 473
pay any witnesses the fees and mileage for their attendance 474
provided under section 119.094 of the Revised Code, and 475
administer oaths. The superintendent also may compel by order or 476
subpoena duces tecum the production of, and examine, all 477
relevant books, records, accounts, and other documents. If a 478
company or individual does not comply with a subpoena or 479

subpoena duces tecum, the superintendent may apply to the court 480
of common pleas of Franklin county for an order compelling the 481
company or individual to comply with the subpoena or subpoena 482
duces tecum or, for failure to do so, an order to be held in 483
contempt of court. 484

(D) In connection with any investigation under this 485
section, the superintendent may file an action in the court of 486
common pleas of Franklin county or the court of common pleas of 487
the county in which the company or individual who is the subject 488
of the investigation resides, or is engaging in or proposing to 489
engage in actions in violation of this chapter, to obtain an 490
injunction, temporary restraining order, or other appropriate 491
relief. 492

Sec. 1320.09. (A) (1) Earned wage access services provided 493
by a registrant in accordance with this chapter shall not be 494
considered to be any of the following: 495

(a) A loan or other form of credit or debit; 496

(b) A money transmission; 497

(c) A violation of, or noncompliant with, any other 498
provision of the Revised Code governing the sale or assignment 499
of, or an order for, earned but unpaid income. 500

(2) A registrant providing earned wage access services in 501
accordance with this chapter shall not be considered to be a 502
creditor, debt collector, lender, or money transmitter. 503

(B) Notwithstanding any contrary provision of the Revised 504
Code, earned wage access services offered or provided by a 505
provider in accordance with this chapter are not subject to 506
Chapter 1315., 1319., or 1321. of the Revised Code. 507

(C) Notwithstanding any contrary provision of the Revised Code, fees, voluntary tips, gratuities, or other donations paid by a consumer to a registrant in accordance with this chapter are not interest or finance charges. 508
509
510
511

(D) If there is a conflict between the provisions of this chapter and any other provision of the Revised Code, the provisions of this chapter control. 512
513
514

Sec. 1320.10. (A) The division of financial institutions shall administer this chapter. Neither the superintendent of financial institutions nor any deputy, assistant, clerk, examiner, or other person employed by the division to assist in the administration of this chapter shall be interested, directly or indirectly, in a business registered under this chapter. Any person so interested or who becomes so interested shall not be eligible to hold or retain such position. 515
516
517
518
519
520
521
522

(B) The superintendent of financial institutions, in accordance with Chapter 119. of the Revised Code, may adopt rules and issue specific orders to enforce and carry out the purposes of this chapter. 523
524
525
526

(C) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code. 527
528
529
530

Sec. 1321.21. All fees, charges, penalties, and forfeitures collected under Chapters 1320., 1321., 1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, and sections 1349.25 to 1349.37 of the Revised Code shall be paid to the superintendent of financial institutions and shall be deposited by the superintendent into the state treasury to the credit of 531
532
533
534
535
536

the consumer finance fund, which is hereby created. The fund may 537
be expended or obligated by the superintendent for the 538
defrayment of the costs of administration of Chapters 1320., 539
1321., 1322., 4712., 4727., and 4728., sections 1315.21 to 540
1315.30, and sections 1349.25 to 1349.37 of the Revised Code by 541
the division of financial institutions. All actual and necessary 542
expenses incurred by the superintendent, including any services 543
rendered by the department of commerce for the division's 544
administration of Chapters 1320., 1321., 1322., 4712., 4727., 545
and 4728., sections 1315.21 to 1315.30, and sections 1349.25 to 546
1349.37 of the Revised Code, shall be paid from the fund. The 547
fund shall be assessed a proportionate share of the 548
administrative costs of the department and the division. The 549
proportionate share of the administrative costs of the division 550
of financial institutions shall be determined in accordance with 551
procedures prescribed by the superintendent. Such assessment 552
shall be paid from the consumer finance fund to the division of 553
administration fund or the financial institutions fund. 554

Periodically, in accordance with a schedule the director 555
establishes by rule, but at least once every three months, the 556
director of budget and management shall transfer five per cent 557
of all charges, penalties, and forfeitures received into the 558
consumer finance fund to the financial literacy education fund 559
created under section 121.085 of the Revised Code. 560

Section 2. That existing section 1321.21 of the Revised 561
Code is hereby repealed. 562