

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 596**

**Representative West**

**Cosponsors: Representatives Boyd, Skindell, Galonski, Lightbody, Sobecki, Kent,  
Smith, K., Miranda, Lipps, Lepore-Hagan**

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**A BILL**

To halt the collection of debts and to declare an 1  
emergency. 2

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

**Section 1.** (A) As used in this section: 3

(1) "Consumer" means any individual obligated or allegedly 4  
obligated to pay any debt. 5

(2) "Covered period" means the period beginning on the 6  
effective date of this section and ending one hundred twenty 7  
days after the end of the period of emergency declared by 8  
Executive Order 2020-01D, issued on March 9, 2020. 9

(3) "Creditor" means any of the following: 10

(a) Any person who offers or extends credit creating a 11  
debt or to whom a debt is owed or other obligation for payment; 12

(b) Any lessor of real or personal property; 13

(c) Any provider of utility services. 14

(4) (a) "Debt" means any obligation or alleged obligation 15

that is or during the covered period becomes past due and both 16  
of the following apply: 17

(i) The original agreement, or if there is no agreement 18  
the original obligation to pay, was created before the covered 19  
period, whether or not such obligation has been reduced to 20  
judgment; 21

(ii) The obligation or alleged obligation arises out of a 22  
transaction with a consumer or a small business. 23

(b) "Debt" does not include a federally related mortgage 24  
loan. 25

(5) "Debt collector" means a creditor, and any person or 26  
entity that engages in the collection of debt, including the 27  
state government or any agency of this state, irrespective of 28  
whether the debt is allegedly owed to or assigned to that person 29  
or to the entity. 30

(6) "Federally related mortgage loan" has the same meaning 31  
as used in the "Real Estate Settlement Procedures Act of 1974," 32  
12 U.S.C. 2602. 33

(7) "Small business" has the same meaning as "small 34  
business concern" in of the "Small Business Act," 15 U.S.C. 632. 35

(B) Notwithstanding any other provision of law to the 36  
contrary, no debt collector may, during the covered period, 37  
relating to a debt owed by a consumer or small business residing 38  
in this state, do any of the following: 39

(1) Capitalize unpaid interest; 40

(2) Apply a higher interest rate triggered by the 41  
nonpayment of the debt to the debt balance; 42

(3) Charge a fee triggered by the nonpayment of the debt;	43
(4) Sue or threaten to sue for nonpayment of a debt;	44
(5) Continue litigation to collect a debt that was initiated before the effective date of this section;	45 46
(6) Submit or cause to be submitted a confession of judgment to any court;	47 48
(7) Enforce a security interest through repossession, limitation of use, or foreclosure;	49 50
(8) Take or threaten to take any action to enforce collection, or any adverse action for nonpayment of a debt, or for nonappearance at any hearing relating to a debt;	51 52 53
(9) Commence or continue any action to cause or to seek to cause the collection of a debt, including pursuant to a court order issued before the covered period, from wages, state benefits, or other amounts due to a consumer or small business, by way of garnishment, deduction, offset, or other seizure;	54 55 56 57 58
(10) Cause or seek to cause the collection of a debt, including pursuant to a court order issued before the covered period, by levying on funds from a bank account or seizing any other assets of a consumer or a small business;	59 60 61 62
(11) Commence or continue an action to evict a consumer or small business from real or personal property;	63 64
(12) Disconnect or terminate service from utility service, including electricity, natural gas, telecommunications or broadband, water, or sewer.	65 66 67
(C) Nothing in this section shall be construed to prohibit a consumer or a small business from voluntarily paying, in whole	68 69

or in part, a debt. 70

(D) After the expiration of the covered period, a debt collector shall do all of the following: 71  
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(1) Not add to the past due balance any interest or fee prohibited by this section. 73  
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(2) For any debt with a defined payment period, extend the time period to repay the past-due balance of the debt by one payment period for each payment that a consumer or small business missed during the covered period, with the payments due in the same amounts and at the same intervals as the pre-existing payment schedule; 75  
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(3) For an open-end credit plan, as defined in the "Truth in Lending Act," 15 U.S.C. 1602, or other credit plan without a defined term, permit the consumer or small business to repay the past-due balance in a manner that does not exceed the amounts permitted by the methods described in section 171(c) of the "Truth in Lending Act," 15 23 U.S.C. 1666i-1(c), and regulations promulgated under that section; 81  
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(4) Shall, if the debt has no payment periods, allow the consumer or small business a reasonable time in which to repay the debt in affordable payments. 88  
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(E) Without prior consent of the consumer or small business given directly to the debt collector during the covered period, or the express permission of a court of competent jurisdiction, a debt collector shall only communicate in writing in connection with the collection of any debt. 91  
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(F) (1) All written communications under division (E) of this section shall inform the consumer or small business that the communication is for informational purposes and is not an 96  
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attempt to collect a debt.	99
(2) The disclosure required under division (F)(1) of this section shall be made in the following manner:	100 101
(a) Type or lettering not smaller than fourteen point bold type;	102 103
(b) Separate from any other disclosure;	104
(c) In a manner designed to ensure that the recipient sees the disclosure clearly.	105 106
(G) Any person who violates this section shall be subject to civil liability of not more than ten thousand dollars.	107 108
(H) Any applicable time limitations, including statutes of limitations, related to a debt under Ohio law shall be tolled during the covered period.	109 110 111
<b>Section 2.</b> This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to provide temporary debt relief to consumers and small businesses impacted from the COVID-19 outbreak. Therefore, this act shall go into immediate effect.	112 113 114 115 116 117