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Substitute Bill Comparative Synopsis

Sub. H.B. 182

135th General Assembly

House Financial Institutions

Joe McDaniels, Division Chief

This table summarizes how the latest substitute version of H.B. 182 differs from the As Introduced version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_135_0779-2)
Attorney's fees	
Allows a lender to charge a party in default under the Consumer Installment Loan Act (CILA) reasonable attorney's fees accrued by the lender in connection with any suit to collect a loan or any lawful activity to realize on a security interest, regardless of whether the lender is "entitled by law" to those fees (<i>R.C. 1321.68(G)(1)(a)</i>).	Instead allows a lender to collect reasonable attorney's fees from a party in default only when those fees are contracted for between the lender and the borrower, and, if the fees are incurred in a lawsuit, only if authorized by court order (<i>R.C. 1321.68(G)(1)(a)(i) and (ii)</i>).
Bona fide errors	
Specifies that a lender under the Small Loan Law, Short-Term Loan Law, General Loan Law, CILA, or the Insurance Premium Finance Company Law that makes a bona fide error in connection with a loan that would otherwise constitute a violation of R.C. Chapter 1321 is not considered a violation of that Chapter if the lender corrects the error within a reasonable time (<i>R.C. 1321.99(K)</i>).	Also requires the lender to notify the Superintendent of Financial Institutions within 60 days after discovery of the bona fide error (<i>R.C. 1321.99(K)</i>).
No provision.	Specifies that a lender is not required to report or correct a bona fide error discovered after the expiration of the record retention period prescribed by continuing law; generally, two years

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<p>Requires the correction to include (1) crediting a loan account with the amount of the overcharge plus applicable interest on the overcharge, or (2) if the account is closed without a remaining balance, returning to the customer the amount of any overcharge plus applicable interest on the overcharge (R.C. 1321.99(K)(1) and (2)).</p>	<p>after the final entry on the record (R.C. 1321.99(K); R.C. 1321.66(C), not in the bill).</p> <p>Specifies that, in the case of an account that is closed without a remaining balance, overcharge interest is calculated from the date of the overcharge to the earlier of (1) the date of the correction, or (2) the date the account balance is reduced to zero (R.C. 1321.99(K)(2)).</p>