



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

Aida S. Montano

### **H.B. 615**

132nd General Assembly  
(As Introduced)

Rep. West

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### **BILL SUMMARY**

- Requires a creditor having a claim against a decedent's estate and attempting to collect on the claim from an individual not obligated to pay the debt, rather than from the estate, to reasonably inform the individual that the individual is not obligated to pay the debt.
  - Provides that failure to so reasonably inform the individual is deemed an unconscionable act or practice in connection with a consumer transaction and subjects the creditor to any of the remedies by action filed by the Attorney General.
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### **CONTENT AND OPERATION**

#### **Creditors' claims against an estate**

The continuing Probate Law provides the manners for creditors with claims against an estate, including claims arising out of contract, out of tort, on cognovit notes, or on judgments, whether or not due, secured or unsecured, or liquidated or unliquidated. The claims generally are presented in writing to the executor or administrator prior to the filing of a final account or a certificate of termination, or in writing to the distributees of the decedent's estate if a final account or certificate of termination has been filed.<sup>1</sup>

#### **Collection of claim outside of estate**

The bill provides that if a creditor having a claim described above attempts to collect on the claim from an individual rather than from the estate and if the individual

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<sup>1</sup> R.C. 2117.06(A).

is not under any obligation to pay the debt, the creditor must reasonably inform the individual that the individual is not under an obligation to pay the debt. Failure to so reasonably inform the individual is deemed an unconscionable act or practice in connection with a consumer transaction in violation of R.C. 1345.031 (prohibitions against unconscionable acts or practices under the Consumer Sales Practices Law) and subjects the creditor to the remedies in R.C. 1345.07 (any of specified actions brought by the Attorney General).<sup>2</sup>

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## HISTORY

ACTION	DATE
Introduced	04-24-18

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<sup>2</sup> R.C. 2117.06(L).

