



OHIO LEGISLATIVE SERVICE COMMISSION

Sub. Bill Comparative Synopsis

Jeff Hobday

Sub. H.B. 67

132nd General Assembly

(H. Financial Institutions, Housing, and Urban Development)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding 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.

Topic	Previous Version (As Introduced)	Sub. Version (L-132-0180-6)
Limitations on confessions of judgment	Prohibits a creditor from obtaining a confession of judgment from a debtor, unless the confession of judgment is entered in connection with the settlement of a dispute or in another state where the confession of judgment is enforceable (<i>R.C. 1337.53(F)(2), 2323.12, and 2323.13(A), and repeal of R.C. 1907.09 and 2323.14</i>).	Permits a creditor to obtain a confession of judgment for one of two purposes: (1) In connection with a settlement of litigation involving an alleged outstanding payment obligation; (2) In response to the debtor's monetary default, which is defined as failure to make payments due under the terms of an instrument of indebtedness as originally agreed to, amended, or modified by the parties. (<i>R.C. 2323.13(A) and (H).</i>)
Criminal offense	Creates the offense of illegally obtaining a confession of judgment and classifies it as a first degree misdemeanor (<i>R.C. 2323.12</i>).	No provision.

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Notice of right to a post-judgment hearing	No provision.	Requires a court that enters a judgment for a creditor in the circumstances described above to notify the defendant of the defendant's right to a hearing to determine whether the defendant has defaulted in the payments due (<i>R.C. 2323.13 (D)</i>).
Post-judgment hearing	No provision.	<p>Provides the defendant 30 days after judgment has been entered in favor of a creditor to request a hearing to determine whether the defendant defaulted in the payments due.</p> <p>Describes a procedure and evidentiary rules for the post-judgment hearing to occur.</p> <p>If the court determines that the creditor has not demonstrated the defendant's monetary default, allows the defendant to recover court costs, reasonable attorney fees, and damages resulting from the judgment. (<i>R.C. 2323.13(E)(1)</i>).</p>
Civil Rule 60 relief	No provision.	Specifies that nothing in R.C. 2323.13 limits the right of a party to seek relief from a judgment or order under Civil Rule 60 (<i>R.C. 2323.13(E)(2)</i>).
Contractual warning	No provision.	Adds to the standard contractual warning language accompanying a cognovit note that the court will send notice to the defendant if a judgment is entered that the debtor has a right to a hearing regarding the alleged default, as described above (<i>R.C. 2323.13(F)</i>).

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