

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 638

Representatives West, Davis

Cosponsor: Representative Humphrey



A BILL

To prohibit creditors from charging late fees that 1
result from United States postal service delays 2
and to declare an emergency. 3

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

Section 1. (A) As used in this section: 4

(1) "Consumer" means any individual who resides in this 5
state and who receives or expects to receive via the United 6
States postal service a bill statement for a debt owed. 7

(2) "Covered period" means the period beginning on the 8
effective date of this section and ending thirty days after the 9
end of the period of emergency declared by Executive Order 2020- 10
01D, issued on March 9, 2020. 11

(3) "Creditor" means any person to whom a debt is owed or 12
other obligation for payment. 13

(4) "Debt collector" means a creditor, and any person or 14
entity that engages in the collection of debt, including the 15
state or local government or any agency thereof, irrespective of 16
whether the debt is allegedly owed to or assigned to that person 17

or to the entity. 18

(B) (1) Notwithstanding any other provision of law to the 19
contrary, no creditor or debt collector shall, during the 20
covered period, charge a consumer a late fee, fine, or penalty 21
relating to a late payment on a debt owed by the consumer when 22
both of the following apply: 23

(a) The bill statement related to the debt is sent by the 24
United States postal service during the covered period. 25

(b) The bill statement is not delivered to the consumer 26
within seven days after the date stated on a bill statement sent 27
by a creditor or debt collector to the consumer. 28

(2) The creditor or debt collector shall assume a delay in 29
United States postal service is the cause of a late payment by a 30
consumer, if the bill statement for the payment of the debt was 31
sent to the consumer by the United States postal service during 32
the covered period. 33

(C) Any attempt by a creditor or a debt collector to 34
charge a consumer a late fee, fine, or penalty related to a debt 35
is void if both of the following apply: 36

(1) The bill statement related to the debt was sent by the 37
United States postal service during the covered period. 38

(2) The bill statement is not delivered to the consumer 39
within seven days after the date stated on a bill statement sent 40
by a creditor or debt collector to the consumer. 41

Section 2. This act is hereby declared to be an emergency 42
measure necessary for the immediate preservation of the public 43
peace, health, and safety. The reason for such necessity is to 44
provide temporary relief to consumers negatively impacted from 45

the delays of United States postal service. Therefore, this act
shall go into immediate effect.

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