

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 553**

**Representatives Williams, Upchurch**

**Cosponsors: Representatives Humphrey, Willis, Brennan, Dobos**



**A BILL**

To amend section 1321.21 and to enact sections 1  
1320.01, 1320.02, 1320.03, 1320.04, 1320.05, 2  
1320.06, 1320.07, 1320.08, 1320.09, and 1320.10 3  
of the Revised Code to regulate the provision of 4  
earned wage access services. 5

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

**Section 1.** That section 1321.21 be amended and sections 6  
1320.01, 1320.02, 1320.03, 1320.04, 1320.05, 1320.06, 1320.07, 7  
1320.08, 1320.09, and 1320.10 of the Revised Code be enacted to 8  
read as follows: 9

**Sec. 1320.01. As used in this chapter:** 10

(A) "Certificate" means a certificate of registration 11  
issued under this chapter. 12

(B) "Company" means a business entity other than an 13  
individual or sole proprietorship, including a firm, business 14  
trust, partnership, limited liability company, association, 15  
corporation, or general partnership. 16

(C) "Consumer" means any individual who resides in this 17

state and has accrued earned but unpaid income. A provider may 18  
use the mailing address or state of residence provided by a 19  
consumer to determine the consumer's state of residence for 20  
purposes of this chapter. 21

(D) "Consumer-directed wage access services" means the 22  
business of delivering to consumers access to earned but unpaid 23  
income based on the consumer's representation, and the 24  
provider's reasonable determination, of the consumer's earned 25  
but unpaid income. 26

(E) "Earned but unpaid income" means salary, wages, 27  
compensation, or other income that an individual or an employer 28  
has represented, and that a provider has reasonably determined, 29  
has been earned or has accrued to the benefit of the individual 30  
in exchange for the individual's provision of services to the 31  
employer or on behalf of the employer, including services 32  
provided on an hourly, project-based, piecework, or other basis, 33  
and where the individual acts as an independent contractor of 34  
the employer, for which the individual has not been paid by the 35  
employer at the time of the payment of proceeds. 36

(F) "Earned wage access services" means the business of 37  
providing consumer-directed wage access services, employer- 38  
integrated wage access services, or both. 39

(G) (1) "Employer" means a person that employs a consumer, 40  
or any other person who is contractually obligated to pay a 41  
consumer earned but unpaid income in exchange for a consumer's 42  
provision of services to the employer or on behalf of the 43  
employer, including services provided on an hourly, project- 44  
based, piecework, or other basis and where the consumer acts as 45  
an independent contractor with respect to the employer. 46

(2) "Employer" does not mean a customer of an employer or any other person whose obligation to make a payment of salary, wages, compensation, or other income to a consumer is not based on the provision of services by that consumer for or on behalf of such person. 47  
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(H) "Employer-integrated wage access services" means the business of delivering to consumers access to earned but unpaid income that is based on employment, income, and attendance data obtained directly or indirectly from an employer. 52  
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(I) "Fee" means any of the following: 56

(1) An amount charged by a provider for delivery or expedited delivery of proceeds to a consumer; 57  
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(2) A subscription or membership charge imposed by a provider for a bona fide group of services that includes earned wage access services; 59  
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(3) An amount paid by an employer to a provider on a consumer's behalf, which entitles the consumer to receive proceeds at reduced or no cost to the consumer. 62  
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(J) "Key officer" means a chief executive officer, chief financial officer, or chief compliance officer. 65  
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(K) "Outstanding proceeds" means a payment of proceeds to a consumer by a provider that has not yet been repaid to that provider. 67  
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(L) "Proceeds" means a payment of money to a consumer by a provider pursuant to an agreement to provide earned wage access services to that consumer. 70  
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(M) "Provider" means a company who is in the business of offering and providing earned wage access services to consumers. 73  
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(N) "Registrant" means a company to whom one or more 75  
certificates of registration have been issued under this 76  
chapter. 77

(O) "Superintendent of financial institutions" includes 78  
the deputy superintendent for consumer finance as provided in 79  
section 1181.21 of the Revised Code. 80

**Sec. 1320.02.** (A) No person shall offer or provide earned 81  
wage access services in this state without having a valid 82  
certificate of registration under this chapter. Each company 83  
issued a certificate of registration is subject to all 84  
provisions of this chapter and any associated rules. 85

(B) For the purpose of registering companies under and 86  
requiring compliance with this chapter, the superintendent of 87  
financial institutions may do both of the following: 88

(1) Require any company registered, or applying for 89  
registration, under this chapter to do both of the following: 90

(a) Utilize the nationwide multistate licensing system for 91  
application, renewal, amendment, or surrender of a certificate 92  
of registration or for any other activity as the superintendent 93  
may require; 94

(b) Pay all applicable charges to utilize the nationwide 95  
multistate licensing system. 96

(2) Establish requirements as necessary for the use of the 97  
nationwide multistate licensing system to meet the purposes of 98  
these sections, including: 99

(a) Background checks of key officers for any of the 100  
following: 101

(i) Criminal history through fingerprint or other 102

<u>databases;</u>	103
<u>(ii) Civil or administrative records;</u>	104
<u>(iii) Credit history;</u>	105
<u>(iv) Any other information considered necessary by the</u> <u>    nationwide multistate licensing system or the superintendent.</u>	106 107
<u>(b) Payment of fees to apply for or renew registrations</u> <u>through the nationwide multistate licensing system;</u>	108 109
<u>(c) Setting or resetting of renewal or reporting dates;</u>	110
<u>(d) Requirements for amending or surrendering a</u> <u>registration or any other such activities as the superintendent</u> <u>considers necessary for participation in the nationwide</u> <u>multistate licensing system.</u>	111 112 113 114
<u>Sec. 1320.03. (A) (1) An application for a certificate of</u> <u>registration under this chapter shall be in writing, under oath,</u> <u>and in the form prescribed by the division of financial</u> <u>institutions. The application shall include an affirmation that</u> <u>the applicant will abide by this chapter and shall contain any</u> <u>information that the division may require. The division shall</u> <u>not issue or renew a certificate of registration under this</u> <u>chapter for an applicant that is a foreign corporation unless</u> <u>that applicant first obtains and maintains a license pursuant to</u> <u>Chapter 1703. of the Revised Code.</u>	115 116 117 118 119 120 121 122 123 124
<u>(2) Upon the filing of the application and the payment by</u> <u>the applicant of a nonrefundable two-hundred-dollar</u> <u>investigation fee and a nonrefundable three-hundred-dollar</u> <u>annual registration fee, the division shall investigate the</u> <u>applicant. If the application involves investigation outside</u> <u>this state, and it appears that the actual expenses of the</u>	125 126 127 128 129 130

investigation will exceed two hundred dollars, the division may 131  
require the applicant to advance sufficient funds to pay for 132  
those actual expenses. The division shall furnish to the 133  
applicant an itemized statement of any expenses in excess of the 134  
standard two-hundred-dollar investigation fee which the 135  
applicant is required to pay. The division shall not issue a 136  
certificate unless all the required fees have been submitted to 137  
the division. 138

(3) The investigation required by this section shall 139  
include both a civil and criminal records check of the key 140  
officers of the applicant and any individual whose identity is 141  
required to be disclosed in the application. Where the applicant 142  
is a business entity, the superintendent of financial 143  
institutions may require a civil and criminal background check 144  
of any persons that the superintendent determines have the 145  
authority to direct and control the operations of the applicant. 146

(4) (a) Notwithstanding division (L) of section 121.08 of 147  
the Revised Code, the superintendent shall obtain a criminal 148  
history records check and, as part of that records check, 149  
request that criminal record information from the federal bureau 150  
of investigation be obtained. To fulfill this requirement, the 151  
superintendent of financial institutions shall request the 152  
superintendent of the bureau of criminal identification and 153  
investigation, or a vendor approved by the bureau, to conduct a 154  
criminal records check based on the applicant's fingerprints or, 155  
if the fingerprints are unreadable, based on the applicant's 156  
social security number, in accordance with section 109.572 of 157  
the Revised Code. 158

(b) Any fee required under division (C) (3) of section 159  
109.572 of the Revised Code shall be paid by the applicant. 160

(5) If an application for a certificate of registration 161  
does not contain all of the information required under division 162  
(A) of this section, and if such information is not submitted to 163  
the division within ninety days after the superintendent of 164  
financial institutions requests the information in writing, 165  
including by electronic transmission or facsimile, the 166  
superintendent may consider the application withdrawn. 167

(6) If the division finds that the financial 168  
responsibility, experience, and general fitness of the applicant 169  
command the confidence of the public and warrant the belief that 170  
the business will be operated honestly and fairly in compliance 171  
with the purposes of this chapter and the rules adopted 172  
thereunder, and that the applicant has the applicable net worth 173  
and assets required by division (D) of this section, the 174  
division shall issue a certificate of registration to the 175  
applicant. The superintendent shall not use a credit score as 176  
the sole basis for denying registration under this chapter. 177

(7) Certificates of registration annually expire on the 178  
last day of December, unless renewed by the filing of a renewal 179  
application and payment of a three-hundred-dollar nonrefundable 180  
annual registration fee on or before that date. 181

(8) Registrants shall timely file renewal applications on 182  
forms prescribed by the division and provide any further 183  
information that the division may require. If a renewal 184  
application does not contain all of the information required 185  
under this section, and if that information is not submitted to 186  
the division within ninety days after the superintendent 187  
requests the information in writing, including by electronic 188  
transmission or facsimile, the superintendent may consider the 189  
application withdrawn. 190

(9) The superintendent shall not grant a renewal if the applicant's certificate of registration is subject to an order of suspension, revocation, or an unpaid and past due fine or assessment imposed by the superintendent. 191  
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(10) If the division finds the applicant does not meet the conditions set forth in this section, the division shall issue notice to the applicant of the denial, the grounds for the denial, and the applicant's reasonable opportunity to be heard on the action in accordance with Chapter 119. of the Revised Code. 195  
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(11) If there is a change of five per cent or more in the ownership of a registrant, the division may make any investigation necessary to determine whether any fact or condition exists that, if it had existed at the time of the original application for a certificate of registration, the fact or condition would have warranted the division to deny the application under division (A) (6) of this section. If such a fact or condition is found, the division may, in accordance with Chapter 119. of the Revised Code, revoke the registrant's certificate. 201  
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(B) (1) If the annual registration fees collected by the superintendent pursuant to division (A) of this section are less than the estimated expenditures of the consumer finance section of the division of financial institutions in administering this chapter for the following fiscal year, as determined by the superintendent, the superintendent may assess each registrant an additional fee at a rate sufficient to equal in the aggregate the difference between the renewal fees billed and the estimated expenditures. 211  
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(2) Each registrant shall pay the assessed amount to the 220



superintendent prior to the last day of June. 221

(3) In no case shall the assessment exceed ten cents for 222  
each one hundred dollars of fees, tips, gratuities, and 223  
donations received by that registrant during the previous 224  
calendar year. 225

(4) Subject to division (B)(3) of this section, the 226  
assessment shall not be less than two hundred fifty dollars per 227  
registrant and shall not exceed two thousand dollars per 228  
registrant. 229

(C) Notwithstanding any contrary provision of division (A) 230  
of this section, the division shall issue a certificate of 231  
registration in accordance with Chapter 4796. of the Revised 232  
Code to an applicant if the applicant holds a license or 233  
registration to offer earned wage access services in another 234  
state. Issuance of a license to such an applicant is contingent 235  
upon the applicant's payment of the three-hundred-dollar annual 236  
registration fee and any assessment charged under division (B) 237  
of this section. 238

(D) Each registrant that offers or provides earned wage 239  
access services under this chapter shall maintain both of the 240  
following: 241

(1) A net worth of at least fifty thousand dollars; 242

(2) For each certificate of registration, assets of at 243  
least fifty thousand dollars either in use or readily available 244  
for use in the conduct of the business. 245

(E) A registrant may operate in this state online or at 246  
one or more physical places of business. Not more than one place 247  
of business shall be maintained under the same certificate, but 248  
the division may issue additional certificates to the same 249

registrant. No change in the place of business of a registrant 250  
to a location outside the original municipal corporation or 251  
township shall be permitted under the same certificate without 252  
the approval of a new application, the payment of the 253  
registration fee, and, if required by the superintendent, the 254  
payment of an investigation fee of two hundred dollars. When a 255  
registrant wishes to change its place of business within the 256  
same municipal corporation or township, it shall give written 257  
notice of the change in advance to the division, which shall 258  
provide a certificate for the new address without cost. If a 259  
registrant changes its name, prior to offering or providing 260  
earned wage access services under the new name, it shall give 261  
written notice of the change to the division, which shall 262  
provide a certificate in the new name without cost. This chapter 263  
does not limit the services of any registrant to residents of 264  
the municipal corporation or township in which the registrant's 265  
place of business is situated. A registrant that operates online 266  
shall post evidence of its registration on its internet web 267  
site. A registrant that operates at one or more physical places 268  
of business shall conspicuously post its registration in its 269  
places of business. Registrations are not transferable or 270  
assignable. 271

(F) This chapter does not apply to any entities chartered 272  
and lawfully doing business under the authority of any law of 273  
this state, another state, or the United States as a bank, 274  
savings bank, trust company, savings and loan association, or 275  
credit union, or a subsidiary of any such entity, which 276  
subsidiary is regulated by a federal banking agency and is owned 277  
and controlled by such a depository institution. 278

(G) Neither the state nor any political subdivision of the 279  
state shall require a registrant to pay any fee or assessment, 280

other than those expressly authorized by this section, as a 281  
condition of providing earned wage access services in this 282  
state. 283

Sec. 1320.04. As often as the superintendent of financial 284  
institutions considers it necessary, the superintendent may 285  
examine the records of a registrant. 286

Sec. 1320.05. A provider subject to this chapter shall do 287  
all of the following: 288

(A) Develop and implement policies and procedures to 289  
respond to questions raised by consumers and address complaints 290  
from consumers in an expedient manner; 291

(B) Offer to consumers at least one reasonable option to 292  
obtain proceeds at no cost and clearly explain how to elect that 293  
no-cost option; 294

(C) Before entering into an agreement with a consumer for 295  
the provision of earned wage access services, do both of the 296  
following: 297

(1) Inform the consumer of the consumer's rights under the 298  
agreement; 299

(2) Fully and clearly disclose all fees associated with 300  
the earned wage access services. 301

(D) Inform the consumer of any material changes to the 302  
terms and conditions of the earned wage access services before 303  
implementing those changes for that consumer; 304

(E) Allow the consumer to cancel use of the provider's 305  
earned wage access services at any time, without incurring a 306  
cancellation fee or penalty imposed by the provider; 307

(F) Comply with all applicable local, state, and federal 308  
privacy and information security laws; 309

(G) If a provider solicits, charges, or receives a tip, 310  
gratuity, or other donation from a consumer, both of the 311  
following: 312

(1) Clearly and conspicuously disclose to the consumer 313  
immediately prior to each transaction that a tip, gratuity, or 314  
other donation amount may be zero and is voluntary; 315

(2) Clearly and conspicuously disclose in its service 316  
contract with the consumer and elsewhere that tips, gratuities, 317  
or donations are voluntary and that the offering of earned wage 318  
access services, including the amount of proceeds a consumer is 319  
eligible to request and the frequency with which proceeds are 320  
provided to a consumer, is not contingent on whether the 321  
consumer pays any tip, gratuity, or other donation or on the 322  
size of the tip, gratuity, or other donation. 323

(H) Provide proceeds to a consumer by any means mutually 324  
agreed upon by the consumer and the provider; 325

(I) If the provider will seek repayment of outstanding 326  
proceeds or payment of fees or other amounts owed in connection 327  
with the activities covered by this chapter, including voluntary 328  
tips, gratuities, or other donations, from a consumer's 329  
depository institution, including by means of electronic funds 330  
transfer, do both of the following: 331

(1) Comply with applicable provisions of the "Electronic 332  
Funds Transfer Act," 15 U.S.C. 1693 to 1693r, and regulations 333  
adopted under that act; 334

(2) Reimburse the consumer for the full amount of any 335  
overdraft or nonsufficient funds fees imposed on a consumer by 336

the consumer's depository institution that were caused by the 337  
provider attempting to seek payment of any outstanding proceeds, 338  
fees, or other payments in connection with the activities 339  
covered by this chapter, including voluntary tips, gratuities, 340  
or other donations, on a date before, or in an incorrect amount 341  
from, the date or amount disclosed to the consumer. The provider 342  
is not subject to the requirements of division (I)(2) of this 343  
section with respect to payments of outstanding amounts or fees 344  
incurred by a consumer through fraudulent or other unlawful 345  
means. 346

**Sec. 1320.06.** A provider subject to this chapter shall not 347  
do any of the following: 348

(A) Share with an employer a portion of any fees, 349  
voluntary tips, gratuities, or other donations that were 350  
received from or charged to a consumer for earned wage access 351  
services; 352

(B) Require a consumer's credit report or credit score 353  
provided or issued by a consumer reporting agency to determine a 354  
consumer's eligibility for earned wage access services; 355

(C) Accept payment of outstanding proceeds, fees, 356  
voluntary tips, gratuities, or other donations from a consumer 357  
by means of a credit card or charge card; 358

(D) Charge a late fee, deferral fee, interest, or any 359  
other penalty or charge for failure to pay outstanding proceeds, 360  
fees, voluntary tips, gratuities, or other donations; 361

(E) Report to a consumer reporting agency or debt 362  
collector any information about a consumer regarding the 363  
consumer's inability to repay outstanding proceeds, fees, 364  
voluntary tips, gratuities, or other donations to a provider; 365

(F) (1) Compel or attempt to compel payment by a consumer 366  
of outstanding proceeds, fees, voluntary tips, gratuities, or 367  
other donations to the provider through any of the following 368  
means: 369

(a) An action against the consumer in a court of competent 370  
jurisdiction; 371

(b) Use of a third party to pursue collection from the 372  
consumer on the provider's behalf; 373

(c) Sale of outstanding amounts to a third-party debt 374  
collector or debt buyer for collection from the consumer. 375

(2) Nothing in this section shall be interpreted as doing 376  
either of the following: 377

(a) Precluding the use by a provider of any of the methods 378  
described in division (F) (1) of this section to compel payment 379  
of outstanding proceeds or fees incurred by a consumer through 380  
fraudulent or other unlawful means; 381

(b) Precluding a provider from pursuing an employer for 382  
breach of its contractual obligations to the provider. 383

(G) If the provider solicits, charges, or receives tips, 384  
gratuities, or other donations from a consumer, mislead or 385  
deceive consumers about the voluntary nature of the tips, 386  
gratuities, or donations or make representations that tips, 387  
gratuities, or other donations will benefit any specific 388  
individuals. 389

**Sec. 1320.07.** (A) Every registered provider shall keep and 390  
use in the provider's business such books, accounts, and records 391  
as will enable the division of financial institutions to 392  
determine whether the provider is complying with this chapter 393

and with the orders and rules made by the division under this 394  
chapter. Such books, accounts, and records shall be segregated 395  
from those pertaining to transactions that are not subject to 396  
this chapter. Every provider shall preserve the books, accounts, 397  
and records pertaining to earned wage access services 398  
transactions made under this chapter for at least two years 399  
after extending proceeds to a consumer. Accounting systems 400  
maintained in whole or in part by mechanical or electronic data 401  
processing methods that provide information equivalent to that 402  
otherwise required are acceptable for the purposes of this 403  
division. 404

(B)(1) Each registered provider shall file with the 405  
division of financial institutions each year a report under oath 406  
or affirmation, on forms supplied by the division, concerning 407  
the business and its operations for the preceding calendar year. 408  
If a provider has more than one place of business in this state, 409  
the provider shall furnish a report for each location. 410

(2) The division shall annually publish and make available 411  
to the public an analysis of the information reported under 412  
division (B)(1) of this section, but the individual reports are 413  
not public records for the purposes of Chapter 149. of the 414  
Revised Code and shall not be open to public inspection. 415

(3) The published analysis shall include all of the 416  
following: 417

(a) Gross revenue attributable to earned wage access 418  
services; 419

(b) The total number of transactions in which proceeds 420  
were remitted to consumers; 421

(c) The total number of unique consumers to whom proceeds 422

<u>were remitted;</u>	423
<u>(d) The total dollar amount of proceeds remitted to</u>	424
<u>consumers;</u>	425
<u>(e) The total dollar amount of fees, tips, gratuities, and</u>	426
<u>donations received from consumers;</u>	427
<u>(f) The total number of transactions in which proceeds</u>	428
<u>were remitted to consumers for which providers did not receive</u>	429
<u>repayment of any outstanding proceeds;</u>	430
<u>(g) The total dollar amount of transactions described in</u>	431
<u>division (B) (3) (f) of this section;</u>	432
<u>(h) The total number of transactions in which proceeds</u>	433
<u>were remitted to consumers, for which providers received partial</u>	434
<u>repayment of outstanding proceeds;</u>	435
<u>(i) The total dollar amount of transactions described in</u>	436
<u>division (B) (3) (h) of this section and the total dollar amount</u>	437
<u>of unpaid, outstanding proceeds attributable to those</u>	438
<u>transactions;</u>	439
<u>(j) The total number of transactions in which outstanding</u>	440
<u>proceeds were repaid after the original, scheduled repayment</u>	441
<u>date;</u>	442
<u>(k) The total dollar amount of transactions described in</u>	443
<u>division (B) (3) (j) of this section;</u>	444
<u>(l) Any other nonprivate information required by the</u>	445
<u>superintendent.</u>	446
<b><u>Sec. 1320.08. (A) The superintendent of financial</u></b>	447
<b><u>institutions shall, in accordance with Chapter 119. of the</u></b>	448
<b><u>Revised Code, suspend or revoke a certificate of registration</u></b>	449



issued pursuant to this chapter if the superintendent determines 450  
that either of the following apply: 451

(1) The registrant has failed to comply with any order 452  
issued by the superintendent pursuant to section 1320.10 of the 453  
Revised Code; 454

(2) Any fact or condition exists that, if it had existed 455  
or had been known to exist at the time the original or renewal 456  
certificate of registration was issued, the fact or condition 457  
clearly would have warranted the superintendent to refuse to 458  
issue a certificate of registration. 459

(B) The superintendent may make any investigation and 460  
conduct any hearing the superintendent considers necessary to 461  
determine whether any company or individual has violated this 462  
chapter or any rule or order adopted in accordance with this 463  
chapter, or has otherwise engaged in conduct that would justify 464  
the suspension, revocation, or refusal of an original or renewal 465  
certificate of registration, or the imposition of a fine. The 466  
superintendent may impose a monetary fine of not more than one 467  
thousand dollars for each such violation. 468

(C) In making any investigation or conducting any hearing 469  
pursuant to this section, the superintendent, or any person 470  
designated by the superintendent, at any time may compel by 471  
subpoena witnesses, may take depositions of witnesses residing 472  
within this state in the manner provided for in civil actions, 473  
pay any witnesses the fees and mileage for their attendance 474  
provided under section 119.094 of the Revised Code, and 475  
administer oaths. The superintendent also may compel by order or 476  
subpoena duces tecum the production of, and examine, all 477  
relevant books, records, accounts, and other documents. If a 478  
company or individual does not comply with a subpoena or 479

subpoena duces tecum, the superintendent may apply to the court 480  
of common pleas of Franklin county for an order compelling the 481  
company or individual to comply with the subpoena or subpoena 482  
duces tecum or, for failure to do so, an order to be held in 483  
contempt of court. 484

(D) In connection with any investigation under this 485  
section, the superintendent may file an action in the court of 486  
common pleas of Franklin county or the court of common pleas of 487  
the county in which the company or individual who is the subject 488  
of the investigation resides, or is engaging in or proposing to 489  
engage in actions in violation of this chapter, to obtain an 490  
injunction, temporary restraining order, or other appropriate 491  
relief. 492

**Sec. 1320.09.** (A) (1) Earned wage access services provided 493  
by a registrant in accordance with this chapter shall not be 494  
considered to be any of the following: 495

(a) A loan or other form of credit or debit; 496

(b) A money transmission; 497

(c) A violation of, or noncompliant with, any other 498  
provision of the Revised Code governing the sale or assignment 499  
of, or an order for, earned but unpaid income. 500

(2) A registrant providing earned wage access services in 501  
accordance with this chapter shall not be considered to be a 502  
creditor, debt collector, lender, or money transmitter. 503

(B) Notwithstanding any contrary provision of the Revised 504  
Code, earned wage access services offered or provided by a 505  
provider in accordance with this chapter are not subject to 506  
Chapter 1315., 1319., or 1321. of the Revised Code. 507

(C) Notwithstanding any contrary provision of the Revised Code, fees, voluntary tips, gratuities, or other donations paid by a consumer to a registrant in accordance with this chapter are not interest or finance charges. 508  
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(D) If there is a conflict between the provisions of this chapter and any other provision of the Revised Code, the provisions of this chapter control. 512  
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**Sec. 1320.10.** (A) The division of financial institutions shall administer this chapter. Neither the superintendent of financial institutions nor any deputy, assistant, clerk, examiner, or other person employed by the division to assist in the administration of this chapter shall be interested, directly or indirectly, in a business registered under this chapter. Any person so interested or who becomes so interested shall not be eligible to hold or retain such position. 515  
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(B) The superintendent of financial institutions, in accordance with Chapter 119. of the Revised Code, may adopt rules and issue specific orders to enforce and carry out the purposes of this chapter. 523  
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(C) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code. 527  
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**Sec. 1321.21.** All fees, charges, penalties, and forfeitures collected under Chapters 1320., 1321., 1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, and sections 1349.25 to 1349.37 of the Revised Code shall be paid to the superintendent of financial institutions and shall be deposited by the superintendent into the state treasury to the credit of 531  
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the consumer finance fund, which is hereby created. The fund may 537  
be expended or obligated by the superintendent for the 538  
defrayment of the costs of administration of Chapters 1320., 539  
1321., 1322., 4712., 4727., and 4728., sections 1315.21 to 540  
1315.30, and sections 1349.25 to 1349.37 of the Revised Code by 541  
the division of financial institutions. All actual and necessary 542  
expenses incurred by the superintendent, including any services 543  
rendered by the department of commerce for the division's 544  
administration of Chapters 1320., 1321., 1322., 4712., 4727., 545  
and 4728., sections 1315.21 to 1315.30, and sections 1349.25 to 546  
1349.37 of the Revised Code, shall be paid from the fund. The 547  
fund shall be assessed a proportionate share of the 548  
administrative costs of the department and the division. The 549  
proportionate share of the administrative costs of the division 550  
of financial institutions shall be determined in accordance with 551  
procedures prescribed by the superintendent. Such assessment 552  
shall be paid from the consumer finance fund to the division of 553  
administration fund or the financial institutions fund. 554

Periodically, in accordance with a schedule the director 555  
establishes by rule, but at least once every three months, the 556  
director of budget and management shall transfer five per cent 557  
of all charges, penalties, and forfeitures received into the 558  
consumer finance fund to the financial literacy education fund 559  
created under section 121.085 of the Revised Code. 560

**Section 2.** That existing section 1321.21 of the Revised 561  
Code is hereby repealed. 562