

REFERENDUM PETITION

Number 243

County Lucas

Issued to ERIC L KEMP

Date of Issuance 06-25-08

To the Secretary of State and Attorney General of Ohio: Pursuant to Ohio Revised Code § 3519.01(B), the undersigned electors of the State of Ohio, numbering in excess of one thousand, hereby submit to each of you the full text of Section 3 of Substitute House Bill Number 545 of the 127th General Assembly (the "Act") and a summary of the same.

To be submitted to the electors for their approval or rejection.

TITLE

A referendum petition on the repeal of Ohio's Check-Cashing Lender Law passed by the 127th General Assembly as Section 3 of Substitute House Bill No 545 on May 20, 2008, and signed by the Governor and filed with the Secretary of the State on June 2, 2008

SUMMARY

Section 3 of Substitute House Bill Number 545 repeals the existing Ohio Check-Cashing Lender Law

Under the existing Ohio law, a check-cashing business that also wants to originate loans in Ohio, must obtain a second license from the Superintendent of Financial Institutions under the Check-Cashing Lender Law (Ohio Revised Code §§ 1315.35 to 1315.44). That license permits a check-cashing business to make loans not exceeding \$800 for a period not exceeding six months

The existing Ohio Check-Cashing Lender Law provides:

- R.C. § 1315.35 sets forth definitions applicable to the following provisions.
- R.C. § 1315.36 requires that a check-cashing business must have a license from the Superintendent of Financial Institutions
- R.C. § 1315.37 provides: (i) the process for obtaining a license; (ii) that the Superintendent of Financial Institutions is required to investigate a check-cashing business before granting a license; and, (iii) the general requirements that must be met in order for a check-cashing business to obtain a license.
- R.C. § 1315.38 sets forth the terms and scope of the license that can be issued to a check-cashing business by the Superintendent of Financial Institutions
- R.C. § 1315.39 sets forth the requirements applicable to each loan made by a licensed check-cashing business, including: (i) a \$800 maximum amount for a loan; (ii) that a loan cannot exceed 6 months in length; (iii) that each loan must be made pursuant to a written loan contract that sets

forth, among other things, the terms and conditions of the loan; (iv) that the loan agreement contain a warning on interest rates; (v) that the loan cannot be made to retire an existing loan from the same check-cashing business; and, (vi) that the check-cashing business is limited to charging no more than a five percent (5%) rate of interest per month or fraction of a month on the unpaid balance of the loan.

- R.C. § 1315.40 provides for the additional fees and charges that can be contracted for, and received by, a check-cashing business, including loan origination fees, check collection charges, and, damages suffered by the check-cashing business in the event of the need to file a collection action.
- R.C. § 1315.41 sets forth conduct that a check-cashing business is prohibited from engaging in, including specific prohibitions upon: (i) operating without a license; (ii) making a non-conforming loan; (iii) charging a receiving interest or fees not authorized by Ohio law; (iv) collecting treble damages in any civil action to collect a loan; and, (v) making a loan to any borrower that already has a loan from the check-cashing business.
- R.C. § 1315.42 provides the procedure for the Superintendent of Financial Institutions to: (i) suspend or revoke a license issued to a check-cashing business; and, (ii) to conduct hearings and investigations into a check-cashing businesses' operations and practices, including examining the records of a business.
- R.C. § 1313.43 permits the Superintendent of Financial Institutions to adopt rules and regulations to implement these laws.
- R.C. § 1315.44 provides remedies to consumers injured by the illegal conduct of a check-cashing business, and permits the Attorney General to take actions to enforce these laws.

CERTIFICATION OF ATTORNEY GENERAL
(to be obtained after initial circulation)

COMMITTEE TO REPRESENT THE PETITIONERS

The following persons are designated as a committee to represent the petitioners in all matters relating to this petition or its circulation:

Stephen J. Schaller
3055 Socialville-Foster Road
Maineville, Ohio 45039

Robert M. Grieser
6315 Moore Rd.
Delaware, Ohio 43015

Bridgette C. Roman
8825 Dunsinane Drive
Dublin, Ohio 43017

NOTICE

Whoever knowingly signs this petition more than once; except as provided in section 3501.382 of the Revised Code, signs a name other than one's own on this petition; or signs this petition when not a qualified voter, is liable to prosecution.

MUST USE THE MOST RECENT ADDRESS ON FILE WITH THE BOARD OF ELECTIONS
(Sign with ink. Your name, residence, and date of signing must be given.)

SIGNATURE	COUNTY	TOWNSHIP	RURAL ROUTE OR OTHER POST OFFICE ADDRESS	MONTH/ DAY/ YEAR
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(Voters who do not live in a municipal corporation should fill in the information called for by headings printed above)

(Voters who reside in municipal corporations should fill in the information called for by headings printed below.)

#	SIGNATURE	COUNTY	CITY OR VILLAGE	STREET and NUMBER	WARD PRECINCT	MONTH/ DAY/ YEAR
1	Signature: <i>[Handwritten Signature]</i> Print Name: <i>Jack Dorsay</i>	LUCAS	Toledo	316 HUNTERCOT		6-25-08
2	Signature: <i>[Handwritten Signature]</i> Print Name: <i>LORRI LAWLER</i>	LUCAS	Toledo	1907 JOFFRE		6-25-08
3	Signature: <i>[Handwritten Signature]</i> Print Name: <i>DANNY O'NEAL</i>	LUCAS	Toledo	5931 ASPEN		6-25-08
4	Signature: <i>[Handwritten Signature]</i> Print Name: <i>Michael Colon</i>	LUCAS	Toledo	511 PLATT		6-25-08
5	Signature: <i>[Handwritten Signature]</i> Print Name: <i>J. CALLAGHAN</i>	LUCAS	Toledo	4644 WENWORTH		6/25/08
6	Signature: <i>[Handwritten Signature]</i> Print Name: <i>Brittany Gonzalez</i>	LUCAS	Toledo	701 Chicago		6/25/08
7	Signature: <i>[Handwritten Signature]</i> Print Name: <i>Brian K Benson</i>	LUCAS	toledo	1424 Addington		6/25/08
8	Signature: <i>[Handwritten Signature]</i> Print Name: <i>FERRIS R. HAYS</i>	LUCAS	Toledo	3200 Glendale terrace		6/25/08

Certification of the Secretary of State

(to be obtained after initial circulation)

STATEMENT OF SOLICITOR

I, ERIC L KEMP, declare under penalty of election falsification that I am the circulator of the foregoing petition paper containing the signatures of 39 electors, that the signatures appended hereto were made and appended in my presence on the date set opposite each respective name, and are the signatures of the persons whose names they purport to be or of attorneys in fact acting pursuant to section 3501.382 of the Revised Code, and that the electors signing this petition did so with knowledge of the contents of same, and that I witnessed the affixing of every signature, and that all signers are to the best of my knowledge and belief qualified to sign.

I am employed to circulate this petition by Ohio Petition Company, LLC, 527 N. Park St., Columbus, Ohio 43215, which is being paid by REJECT House Bill 545 Committee, 137 East State Street, Columbus, Ohio 43215 (Name and address of employer). (The preceding sentence shall be completed as required by section 3501.38 of the Revised Code if the circulator is being employed to circulate the petition.)

(Signed) 

(Address of circulator's permanent residence
in this state)

1437 Buckingham
Number and Street

Toledo, OH 43607
City / Village Zip Code

**WHOEVER COMMITS ELECTION FALSIFICATION IS
GUILTY OF A FELONY OF THE FIFTH DEGREE.**