

*** DRAFT - NOT YET FILED ***

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Recordkeeping requirements.

(A) All short-term loan records required to be maintained by section 1321.422 of the Revised Code and this rule shall be kept current and shall be available at all times during normal business hours for review by the division of financial institutions. Records shall be legible and maintained in a type size that is clearly readable without magnification, and in conformity with any specific typeface or font size that may be required by state or federal law. Records shall be maintained in English except where otherwise provided by federal or state law. When records are allowed to be in a language other than English, the short-term loan licensee, at its expense, shall be responsible for providing the division with a full and accurate translation. For purposes of recordkeeping, "current" means within thirty days from the date of the occurrence of the event required to be recorded. Pursuant to section 1321.422 of the Revised Code, at a minimum each short-term loan licensee shall maintain the following records for all loans made pursuant to sections 1321.35 to 1321.48 of the Revised Code for at least a period of two years after making the final entry on, or final revision of, any loan at either the licensed office or any other location approved in writing in advance by the superintendent of financial institutions.

(1) A ledger record shall be kept for each outstanding loan paid in full within the last two years upon which a chronological entry of all credits, debits, payments and charges received, assessed or disbursed in connection with the loan shall be recorded in an identifiable manner, in order to show the actual date of receipt, assessment or disbursement and the balance due on the account after each entry.

(2) A loan statement kept in chronological order shall be maintained in one file for at least two years after making the final entry for, or final revision of, each loan made by the licensee. The loan statement shall disclose the following information if applicable:

- (a) Account number;
- (b) Principal borrower's name and residence address;
- (c) Date of loan;
- (d) Date finance charges begin to accrue;
- (e) Federal annual percentage rate;

- (f) Original principal amount;
 - (g) Scheduled total of finance charges;
 - (h) Total of payments;
 - (i) Terms of repayment, including the number of payments, the amount of each payment, the total of payments and the maturity date of the loan;
 - (j) Check collection charge, if any, that may be levied;
 - (k) Names of all co-makers, guarantors, or other obligors; and
 - (l) Types and amount of any credit-related insurance.
- (3) All loan agreements, notes, disclosure forms, closing statements and other documents signed by the obligors and taken in connection with loans made, shall be identified by the loan number and maintained in a separate file for each borrower.
- (4) An alphabetical index of all borrowers, co-makers, guarantors, and other obligors identified by account number shall be maintained with respect to all persons obligated for interest in excess of the current usury rate.
- (5) A record of all loans in litigation shall be maintained in a litigation record. The litigation record shall be maintained for at least two years after the final entry has been made on the loan, be kept current, and include the following information:
- (a) Loan number and name of principal borrower;
 - (b) Date litigation proceedings were initiated, the date and amount of the judgment and the judgment rate of interest;
 - (c) All original litigation records and documents, including pleadings, court orders, judgments, and documentation of all court costs paid by the borrower to or through the licensee, or copies thereof shall be maintained in the file of original papers; and
 - (d) In cases of garnishment or attachment, all notices served on employers or

copies thereof and the amounts collected shall be maintained in the file of original loan papers.

- (6) A credit life claim record shall be maintained for all loans upon which a credit life claim has been paid by the insurer. The credit life claims record shall be maintained for at least two years after the final entry has been made on the loan, be kept current, and include the following information:
 - (a) Loan number and name of principal borrower;
 - (b) Date of death and a certified copy of the death certificate or a copy thereof;
 - (c) Name and address of second beneficiary, if any; and
 - (d) Copies of all checks received or paid pertaining to a credit life claim.
 - (7) Histories of nonpublished indices used to establish interest rates for variable rate loans shall be maintained for two years from date of usage, and shall be available for review by the division of financial institutions.
- (B) A licensee shall segregate loan records, and keep them separated from the records of any other business, including, but not limited to, records of check cashing business conducted under sections 1315.21 to 1315.30 of the Revised Code.
- (C) Due bills, receipts, invoices or other evidence shall be maintained in the file of original loan papers for any amount in excess of twenty dollars paid by the borrower to or through the short-term loan licensee for any dishonored check, negotiable order of withdrawal, share draft or any other negotiable instrument.
- (D) Any books, accounts or records required to be maintained by this rule may be maintained in their original form or other electronic media, provided:
- (1) The licensee obtains prior written approval from the superintendent; and
 - (2) Written printouts or hard copies of the required data are readily available upon the request of the division.
- (E) In order to reduce the risk of consumer fraud and related harms, including identity theft, short-term loan licensees shall be required to comply with the provisions of the "Fair and Accurate Credit Transactions Act of 2003," 117 Stat. 1952, (amended

2010) 15 U.S.C. 1681w as ~~amended in effect August 1, 2016~~, the "Gramm Leach Bliley Act," 113 Stat. 1338 (1999) (amended 2010), 15 U.S.C. 6801 as ~~amended in effect August 1, 2016~~, and the rules promulgated pursuant to those federal acts, including 16 C.F.R. 682, as ~~amended in effect August 1, 2016~~, pertaining to the maintenance, security, and disposal of consumer information and records.

- (F) Before ceasing to conduct or discontinuing business as a short-term loan licensee, the short-term loan licensee shall arrange for and be responsible for the preservation of the books and records required to be maintained and preserved under this rule for the remainder of the period specified in this rule, and shall notify the division in writing of the exact address where the books and records will be maintained during the required period.
- (G) The division of financial institutions may suspend or revoke any short-term loan license issued by the division or bring any other authorized administrative enforcement action against any person for failure to maintain records in accordance with section 1321.422 of the Revised Code or this rule.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
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