



Ohio Revised Code

Section 1321.651 Advertising.

Effective: September 12, 2017

Legislation: Senate Bill 24 - 132nd General Assembly

All of the following apply to advertising for loans made under sections 1321.62 to 1321.702 of the Revised Code:

(A) Every advertisement shall state and clearly indicate the identity of the licensee and shall do so in such a manner that prevents confusion with the name of any other unrelated licensee. Licensees shall be identified by means of trade names, service marks, or business names that are filed with the division of financial institutions and the secretary of state.

(B) Advertising shall not be false, misleading, or deceptive. False, misleading, or deceptive advertising includes, but is not limited to, the following:

(1) Placing, or causing to be placed, any advertisement indicating that special terms, reduced rates, guaranteed rates, particular rates, or any other special feature of loans is available unless the advertisement clearly states any limitations that apply;

(2) Placing, or causing to be placed, any advertisement containing a rate or special fee offer that is not a bona fide available rate or fee.

(C) A licensee shall comply with 12 C.F.R. 1026.16, as amended, for open-end loans, or 12 C.F.R. 1026.24, as amended, for closed-end loans.

(D) A licensee shall not use loan advertisements that provide only telephone or facsimile numbers or newspaper box addresses and that do not clearly indicate the identity of the licensee.

(E) A licensee shall not advertise that loans will be made within a specified time after the loan application is received, unless it is the general practice of the licensee to make loans within the specified time.



(F) A licensee shall not advertise special terms, reduced rates, reduced payments, or any other special feature of a loan within a specified limited time, unless the advertisement clearly states any limitations that apply to the offer.

(G) A licensee shall not advertise by the use of unqualified superlatives, including, but not limited to, "lowest rates," "lowest costs," "lowest payment plan," or "cheapest loans," or by making offers that cannot be reasonably fulfilled.

(H) A licensee shall not advertise the words "new" or "reduced," or words of similar import, in connection with rates, costs, payments, or plans, for more than ninety days after the rates, costs, payments, or plans have become effective.

(I) Any licensee specifying in any advertisement charges on loans in dollars shall also state the length of time required to repay the loans as well as the method of repayment, and shall, when the rate of interest is stated, do so in a manner to prevent misunderstanding.

(J) Any licensee advertising flat or average payments on loans that include principal and interest shall specify the number and frequency of payments required to repay the loans. Whenever the amounts of periodic payments are advertised, the amounts shall include all interest to the borrower, as well as principal. The principal payments alone may be shown separately provided the interest charges are also clearly stated with equal prominence.

(K) A licensee shall not advertise rebates, rates, or charges below the maximum lawful rate of interest that are conditioned upon prompt payment unless the condition is clearly indicated.

(L) A licensee shall not advertise either of the following:

(1) Waiver of payments in the event of sickness or disability or other contingency, without advertising that the interest and other charges, if assessed, continue during the waiver period;

(2) That the first payment on any loan may be made more than thirty days after the date of loan closing, without advertising that the interest and other charges, if assessed, will accrue from the date of disbursement of the loan funds until the first payment is due.



(M) A licensee shall not advertise for loans for illegal purposes.

(N) A licensee shall not advertise the availability of credit-related insurance without disclosing the charge, if any, for the insurance.

(O) Each licensee shall maintain in each licensed office or in a central location a file of all advertising for a period of two years from the date disseminated. This requirement includes newspaper, magazine, direct mailing, and facsimile advertising and solicitations, roadside advertising, internet advertising, and scripts of radio and television commercials. The file shall be readily available for inspection by the division at all times. Each licensee shall notify the division in writing of the location of the file. Each licensee shall, upon the request of the superintendent of financial institutions, provide to the division any printed or electronic advertising it has used regarding any business conducted under sections 1321.62 to 1321.702 of the Revised Code.