

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 1301:8-5-06

Rule Type: Amendment

Rule Title/Tagline: Purchases; list of property held for sale.

Agency Name: Department of Commerce

Division: Division of Financial Institutions: Consumer Finance

Address: 77. S. High Street, 21st Floor Columbus OH 43215

Contact: Yosef Schiff **Phone:** 614-466-3723

Email: Yosef.Schiff@com.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 1/5/2024
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 4727.13(A)
5. **What statute(s) does the rule implement or amplify?** 4727.08
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

This rule is being proposed as part of a five year rule review. After reviewing the rule pursuant to the review process of section 106.03 of the Revised Code it was determined that an amendment was needed.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule prohibits licensees from purchasing personal property in such a manner as to circumvent the recordkeeping requirements set forth in Chapter 4727. of the Revised Code, and requires them to document the acquisition of all property held for sale, and specifies the acceptable methods for that documentation. This rule is being amended to clarify that the pledgor must sign all of the forms referenced in paragraph (B) of this rule, and to require the documentation of certain information when a pawn is redeemed. This rule is being amended in order to clarify the requirements, and also to remove language that is duplicitous with Chapter 4727. of the Ohio Revised Code.

9. **Does the rule incorporate material by reference? No**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0

Not Applicable.

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not Applicable.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable.

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? Yes

18. Does this rule have an adverse impact on business? No

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

- A. How many new regulatory restrictions do you propose adding to this rule? 0
- B. How many existing regulatory restrictions do you propose removing from this rule? 2

1301:8-5-06(C) removes a restriction regarding the retention of signed forms.

1301:8-5-06(D) removes a redundant restriction regarding keeping a record of the name of the person redeeming the pawn.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable