

Rule Summary and Fiscal Analysis (Part A)**Department of Commerce**

Agency Name

Division of Financial Institutions: Consumer **Mary Amos Augsburger****Finance**

Division

Contact

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1301:8-5-07

Rule Number

RESCISSION

TYPE of rule filing

Rule Title/Tag Line

Purchases; list of property held for sale.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4727.13**

5. Statute(s) the rule, as filed, amplifies or implements: **4727.08**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being rescinded for two reasons. First, the text of the rule is being moved to 1301:8-5-06. Second, the Division proposes to strike the last two sentences of paragraph (B) because it duplicates language already found in R.C. 4727.08. The elimination of these two sentences results in a greater than 50% change to the rule.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE,

then summarize the content of the rule:

In paragraph (A), the rule prohibits owners, officers, members, partners, stockholders, agents and employees from purchasing personal property in circumvention of the record-keeping requirements of R.C. Chapter 4727. Paragraph (B) requires licensees to document the acquisition of all property held for sale on the licensed premises through a pawn ticket, purchase ticket, sales receipt, bill of sale, consignment agreement or barter agreement. The rule requires consignment and barter agreements to include the property and pledgor/seller information listed in R.C. 4727.08(B). Additionally, the rule, nearly quoting R.C. 4727.08(D), requires all documentation to be kept at the licensed location and to be available for inspection upon demand by the Division and chief of police, or sheriff.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other materials by reference.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date: 7/19/2010

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0

Not Applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not Applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

The only possible costs of compliance to this rule are minimal and would include the cost of printing the information required by R.C. 4727.08 on the pawn ticket or other permissible proof of property acquisition.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

