

109:4-3-07 Deposits.

It shall be a deceptive act or practice in connection with a consumer transaction for a supplier to accept a deposit unless the following conditions are met:

- (A) The deposit obligates the supplier to refrain for a specified period of time from offering for sale to any other person the goods in relation to which the deposit has been made by the consumer if such goods are unique; provided that a supplier may continue to sell or offer to sell goods on which a deposit has been made if he has available sufficient goods to satisfy all consumers who have made deposits;
- (B) **At the time of the initial deposit the supplier must provide to the consumer a dated written receipt stating clearly and conspicuously the following information:**
 - (1) Description of the goods **and/or services to which the deposit applies**, (including model, model year, when appropriate, make, and color);
 - (2) The cash selling price **and the amount of the deposit; “Cash selling price”, for purpose of this rule, as it relates to motor vehicle transactions, includes all discounts, rebates and incentives;**
 - (3) Allowance on the goods to be traded in **or other discount**, if any;
 - (4) Time during which **any option given** is binding;
 - (5) Whether the deposit is refundable and under what conditions, **provided that no limitation on refunds in a layaway arrangement may be made except as provided by sections 1317.21 to 1317.23 of the Revised Code;** and
 - (6) Any additional costs such as **storage, assembly or** delivery charges.
- (C) **A written receipt stating the date and amount aid shall be provided to the consumer for each and every subsequent deposit made, which receipt shall also state the remaining amount due. A deposit made where the terms set forth in division (B) of this rule are altered or modified by agreement of the supplier and consumer shall not be considered as a subsequent deposit, but rather as an initial deposit.**
- (D) For the purposes of this rule "deposit" means any amount of money tendered or obligation to pay money incurred by a consumer **for a** refundable or non-refundable option, or as partial payment for goods or services.
- (E) **The provisions of division (B) of this rule shall not apply to deposits accepted in connection with a written contract for a layaway arrangement governed by section 1317.22 of the Revised Code.**

Effective:

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Promulgated under: R.C. Chapter 119

Statutory authority: R.C. § 1345.05

Rule amplifies: R.C. § 1345.02

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