

1 SB160  
2 147863-1  
3 By Senators Taylor, Holtzclaw and Whatley  
4 RFD: Veterans and Military Affairs  
5 First Read: 07-FEB-13

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8 SYNOPSIS: Under existing law, an entity licensed to  
9 provide deferred presentment services is subject to  
10 suspension or revocation of its license for a  
11 violation in the providing of deferred presentment  
12 services.

13 This bill would provide that a person who is  
14 an entity licensed to provide deferred presentment  
15 services is subject to suspension or revocation of  
16 its license for a violation of federal law in  
17 regard to members of the United States Military.

18  
19 A BILL  
20 TO BE ENTITLED  
21 AN ACT  
22

23 To amend Section 5-18A-15, Code of Alabama 1975, to  
24 provide that a person who is an entity licensed to provide  
25 deferred presentment services is subject to suspension or  
26 revocation of its license for a violation of federal law in  
27 regard to members of the United States Military.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. The Legislature finds and declares the  
3 following:

4 (1) We recognize the importance of active military  
5 personnel, veterans, and military facilities to the  
6 well-being, safety, and economic development of this state.

7 (2) We recognize and find it is in the best interest  
8 of this state to protect service members from abusive lending  
9 practices.

10 Section 2. Section 5-18A-15, Code of Alabama 1975,  
11 is amended to read as follows:

12 "§5-18A-15.

13 "(a) The supervisor may, after notice and hearing,  
14 suspend or revoke any license if the supervisor finds that the  
15 licensee has knowingly or through lack of due care committed  
16 any of the following actions:

17 "(1) Failed to pay the annual license fee imposed by  
18 this chapter or an examination fee imposed by the supervisor  
19 under the authority of this chapter.

20 "(2) Committed fraud, engaged in a dishonest  
21 activity, or made misrepresentations.

22 "(3) Violated a provision of this chapter, an  
23 administrative regulation issued pursuant to this chapter, or  
24 has violated, including, without limitation, Title 10 U.S.C.  
25 §987 or any regulation adopted pursuant to Title 10 U.S.C.  
26 §987, any other law in the course of its or his or her  
27 dealings as a licensee.

1           "(4) Made a false statement in the application for  
2 the license or failed to give a true reply to a question in  
3 the application.

4           "(5) Demonstrated incompetence or untrustworthiness  
5 to act as a licensee.

6           "(6) Entered or caused to be entered or allowed to  
7 be entered any false information on any business record of the  
8 licensed activity, including, but not limited to, any  
9 information in customer agreements and on deferred presentment  
10 checks or debit authorizations.

11           "(b) If the reason for revocation or suspension of a  
12 license of the licensee at any one location is of general  
13 application to all locations operated by a licensee, the  
14 supervisor may revoke or suspend all licenses issued to a  
15 licensee.

16           "(c) A hearing shall be held on written notice given  
17 at least 20 days prior to the date of the hearings."

18           Section 3. If a court of competent jurisdiction  
19 adjudges invalid or unconstitutional any clause, sentence,  
20 paragraph, section, or part of this act, such judgment or  
21 decree shall not affect, impair, invalidate, or nullify the  
22 remainder of this act, but the effect of the decision shall be  
23 confined to the clause, sentence, paragraph, section, or part  
24 of this act adjudged to be invalid or unconstitutional.

25           Section 4. All laws or parts of laws which conflict  
26 with this act are repealed.

1                   Section 5. This act shall become effective  
2 immediately following its passage and approval by the  
3 Governor, or its otherwise becoming law.