

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 11-0334.03 Bart Miller

HOUSE BILL 11-1290

HOUSE SPONSORSHIP

Liston and Riesberg, Balmer, Casso, Gardner B., Holbert, Kerr J., Massey, Nikkel, Schafer S., Stephens, Swerdfeger

SENATE SPONSORSHIP

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House Committees

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A BILL FOR AN ACT

101 **CONCERNING THE NONREFUNDABILITY OF AN ORIGINATION FEE FOR A**
102 **DEFERRED DEPOSIT LOAN.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill specifies that a lender may charge a nonrefundable origination fee deemed fully earned as of the date of a deferred deposit loan.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
3rd Reading Unam ended
March 31, 2011

HOUSE
2nd Reading Unam ended
March 30, 2011

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 5-3.1-105, Colorado Revised Statutes, is amended
3 to read:

4 **5-3.1-105. Authorized interest rate.** A lender may charge a
5 ~~finance charge for each deferred deposit loan or payday loan~~
6 NONREFUNDABLE ORIGINATION FEE that may not exceed twenty percent
7 of the first three hundred dollars loaned plus seven and one-half percent
8 of any amount loaned in excess of three hundred dollars. ~~Such charge~~
9 THE NONREFUNDABLE ORIGINATION FEE shall be deemed fully earned as
10 of the date of the ~~transaction~~ LOAN. The lender may also charge an
11 interest rate of forty-five percent per annum for each deferred deposit
12 loan or payday loan. If the loan is prepaid prior to the maturity of the
13 loan term, the lender shall refund to the consumer a prorated portion of
14 the annual percentage rate based upon the ratio of time left before
15 maturity to the loan term. In addition, the lender may charge a monthly
16 maintenance fee for each outstanding deferred deposit loan, not to exceed
17 seven dollars and fifty cents per one hundred dollars loaned, up to thirty
18 dollars per month. The monthly maintenance fee may be charged for
19 each month the loan is outstanding thirty days after the date of the
20 original loan transaction. The lender shall charge only those charges
21 authorized in this article in connection with a deferred deposit loan.

22 **SECTION 2. Effective date - applicability.** This act shall take
23 effect upon passage and shall apply to deferred deposit loans on or after
24 said date.

25 **SECTION 3. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety.