

Regular Session, 2014

HOUSE BILL NO. 834

BY REPRESENTATIVE GREENE

COMMERCE: Provides relative to the regulation of consumer credit transactions by the Office of Financial Institutions

1 AN ACT

2 To amend and reenact R.S. 9:3578.7 and to enact R.S. 9:3554(A)(6) and (N), relative to
3 consumer loan and credit activities and regulations; to provide for powers of the
4 commissioner of the Office of Financial Institutions; to provide for the collection of
5 certain information and data; to provide for the reporting of certain information and
6 data; to provide relative to notice requirements for certain consumer credit
7 transactions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 9:3578.7 is hereby amended and reenacted and R.S. 9:3554(A)(6)
10 and (N) and are hereby enacted to read as follows:

11 §3554. Powers of commissioner

12 A. In addition to other powers granted by this Chapter, the commissioner
13 within the limitations provided by law may:

14 * * *

15 (6) Collect and compile information and data from all licensees concerning
16 the operation, function, and extent of all consumer loan activities. The information
17 and data collected by the commissioner from the licensee shall include, for the
18 preceding year, the following:

1 (a) The total number and dollar amount of consumer loans originated
2 including installment, insurance premium finance, deferred presentment, and any
3 other type of loan as may be applicable.

4 (b) The total number and dollar amount of consumer loans outstanding
5 including installment, insurance premium finance, deferred presentment, and any
6 other types of loans as may be applicable.

7 (c) The aggregate amount of fees earned including interest, service charges,
8 late fees, origination fees, documentation fees, and insufficient funds fees.

9 (d) The total number of consumer loans in default or collection status and the
10 balance of those loans as of the reporting date.

11 (e) The total number of consumer loans reduced to judgment and the
12 principal amount of those judgments.

13 * * *

14 N. The information and data collected by the commissioner pursuant to this
15 Section shall be reported by the licensee through the Nationwide Mortgage Licensing
16 System and Registry or in a format deemed acceptable by the commissioner as
17 required by the licensing system or in a format prescribed by the commissioner.
18 Upon request from the commissioner, all licensees shall submit any requested
19 documentation to validate the information contained in the report in a format
20 prescribed by the commissioner. Any licensee failing to adhere to the reporting
21 requirements by filing untimely, inaccurate, or fraudulent reports may be subject to
22 the assessment of penalties as provided in this Part.

23 * * *

24 §3578.7. Posting of notice; toll-free number

25 The commissioner may provide a notice, which includes a toll-free number
26 to the commissioner's office, which shall be posted, along with the fees as allowed
27 under this Chapter, in a conspicuous place and manner by the licensee at the lending
28 location.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Greene

HB No. 834

Abstract: Provides relative to consumer credit transactions.

Present law provides for the powers of the commissioner of the Office of Financial Institutions.

Proposed law provides that the commissioner within the limitations provided by law may collect and compile information and data from all licensees concerning the operation, function, and extent of all consumer loan activities. The information and data collected by the commissioner from the licensee shall include, for the preceding year, the following:

- (1) The total number and dollar amount of consumer loans originated including installment, insurance premium finance, deferred presentment, and any other loan type as may be applicable.
- (2) The total number and dollar amount of consumer loans outstanding including installment, insurance premium finance, deferred presentment, and other types of loans as may be applicable.
- (3) The aggregate amount of fees earned including interest, service charges, late fees, origination fees, documentation fees, and insufficient funds fees.
- (4) The total number of consumer loans in default or collection status and the balance of those loans as of the reporting date.
- (5) The total number of consumer loans reduced to judgment and the principal amount of those judgments.

Proposed law provides that the information and data required to be collected by the commissioner shall be reported by the licensee through the Nationwide Mortgage Licensing System and Registry or in a format deemed acceptable by the commissioner as required by the licensing system or in a format prescribed by the commissioner. Upon request from the commissioner, all licensees shall submit any requested documentation to validate the information contained in the report in a format deemed acceptable by the commissioner. Any licensee failing to adhere to the reporting requirements by filing untimely, inaccurate, or fraudulent reports may be subject to the assessment of penalties as provided by law.

Present law provides that the commissioner may provide a notice, which includes a toll-free number to the commissioner's office, which shall be posted, along with the fees as allowed under present law, in a conspicuous manner by the licensee at the lending location.

Proposed law provides that the commissioner may provide a notice, which includes a toll-free number to the commissioner's office, which shall be posted, along with the fees as allowed under present law, in a conspicuous place and manner by the licensee at the lending location.

Effective August 1, 2014.

(Amends R.S. 9:3578.7; Adds R.S. 9:3554(A)(6) and (N))