

<b>FOR OFFICE USE ONLY</b>	

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative James to Engrossed House Bill No. 766 by Representative Ponti

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" delete the remainder of the line and delete line 2 in its  
3 entirety, and insert the following:

4 "To amend and reenact R.S. 9:3557(B), 3560(A)(8), 3561(A), 3561.1(G)(1),  
5 3578.3(3), (5), and (6), 3578.4(A), 3578.5, 3578.6(A)(7), and 3578.7, to enact R.S.  
6 9:3518.4, 3537, 3561.2, 3578.3(7), 3578.4.1, and 3578.6(A)(9) and (C), and to  
7 repeal R.S. 9:3560(A)(9) and 3578.3(4), relative to records"

8 AMENDMENT NO. 2

9 On page 1, line 11, after "transactions;" insert the following:

10 "; to prohibit preliminary check holding; to provide for definitions; to modify  
11 relative to refunds and deferred presentment transactions or small loans; to provide  
12 modifications relative to creditor provisions and chargeable interest; to provide for creditor  
13 and transactional prohibitions;"

14 AMENDMENT NO. 3

15 On page 1, delete lines 14 through 16 in their entirety and insert the following:

16 "Section 1. R.S. 9:3557(B), 3560(A)(8), 3561(A), 3561.1(G)(1), 3578.3(3), (5), and  
17 (6), 3578.4(A), 3578.5, 3578.6(A)(7), and 3578.7 are hereby amended and reenacted and  
18 R.S. 9:3518.4, 3537, 3561.2, 3578.3(7), 3578.4.1, and 3578.6(A)(9) and (C), are hereby  
19 enacted to read as follows:"

20 AMENDMENT NO. 4

21 On page 2, between lines 18 and 19 insert the following:

22 "§3537. Prohibition; check holding  
23 With respect to a consumer credit transaction, an extender of credit shall not  
24 accept a check, as defined in R.S. 9:3516, from the issuer and agree to hold the check  
25 for a period of time in exchange for payment to the issuer.  
26 \* \* \*

1 AMENDMENT NO. 5

2 On page 4, between lines 23 and 24, insert the following:

3 "§3578.3. Definitions

4 As used in this Chapter, the following terms have the following meanings  
5 ascribed to them:

6 \* \* \*

7 (7) "Interest" means all charges and fees assessed, payable directly or  
8 indirectly, including fees pursuant to R.S. 9:3530(C) in connection with or as a  
9 condition of a deferred presentment transaction or small loan.

11 AMENDMENT NO. 6

12 On page 4, delete lines 25 and 26 in their entirety and insert the following:

13 ~~"A.(1) In conjunction with a deferred presentment transaction or small loan~~  
14 Notwithstanding any other provision of law, a licensee may charge a fee not to  
15 exceed sixteen and seventy-five one hundredths percent of the face amount of the  
16 check issued or in the case of a small loan, the equivalent rate of interest, provided  
17 however that such fee or interest does not exceed forty-five dollars, regardless of the  
18 name or type of charge seventy-two percent interest annually. Any transaction or  
19 loan made or collected in violation of this Paragraph is void and the licensee shall  
20 not have the right to collect, receive, or retain any principal, interest, fees, or other  
21 charges."

22 AMENDMENT NO. 7

23 On page 7, delete line 17 in its entirety and insert in lieu thereof the following:

24 "§3578.5. Rebate upon prepayment

25 Upon the prepayment in full of a deferred presentment transaction or small  
26 loan, ~~during the first five days of the term of such transaction or loan only,~~ the  
27 licensee shall refund any and all unearned charges by a method no less favorable to  
28 the consumer than the actuarial method, ~~less twenty dollars of the original fee, which~~  
29 ~~shall be considered earned and shall not be subject to refund. Should the consumer~~  
30 ~~make prepayment after the first five days of the term of the transaction or loan, the~~  
31 ~~licensee shall not be required to make any refund.~~

32 §3578.6. Prohibited acts

33 A. A licensee shall not:

34 \* \* \*

35 (7) Renew or roll over a deferred presentment transaction or small loan.  
36 However, ~~a licensee may accept a partial payment of twenty-five percent of the~~  
37 ~~amount advanced plus fees charged and enter into a new deferred presentment~~  
38 ~~transaction or renew the small loan for the remaining balance owed. Once a deferred~~  
39 ~~presentment transaction or small loan has been completed, a consumer may enter~~  
40 ~~into a new transaction or loan with the licensee. A deferred presentment transaction~~  
41 ~~or small loan shall be considered completed when the amount advanced has been~~  
42 ~~paid in full by the consumer.~~

43 \* \* \*

44 (9) Engage in any device or subterfuge intended to evade the requirements  
45 of this Chapter through any method, including but not limited to mail, telephone,  
46 Internet, or any electronic means, or by doing any of the following:

47 (a) Offering, making, assisting a borrower to obtain, or brokering a deferred  
48 presentment transaction or small loan at a rate of interest prohibited by Louisiana  
49 law, or acting as an agent for a third party in such a transaction.

50 (b) Making deferred presentment transactions or small loans disguised as  
51 personal property sales, consumer credit sales, and leaseback transactions.

1           (c) Disguising deferred presentment transaction or small loan proceeds as  
2 cash rebates for the pretextual installment sale of goods or services.

3           (d) Disguising a deferred presentment transactions or small loan as a  
4 revolving line of credit, or making or assisting a borrower to obtain a revolving line  
5 of credit for the purpose of avoiding the provisions of Subsection A of this Section.

6                                   \*           \*           \*

7           C. A violation of this Section is a violation of the Unfair Trade Practices and  
8 Consumer Protection Law, Chapter 13 of Title 51 of the Louisiana Revised Statutes  
9 of 1950."

10 AMENDMENT NO. 8

11 On page 7, between lines 24 and 25, insert the following:

12           "Section 2. R.S. 9:3560(A)(8) and 3578.3(4) are hereby repealed in their entirety."

13 AMENDMENT NO. 9

14 On page 7, line 25, change "Section 2." to "Section 3."