SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Engrossed Senate Bill No. 84 by Senator Nevers

1   AMENDMENT NO. 1

2   On page 1, line 2, change "3578.3," to "3578.3, 3578.4(A),"

3   AMENDMENT NO. 2

4   On page 1, line 5, after "relative to licensing;" insert "to provide relative to certain charges
5   and fees;"

6   AMENDMENT NO. 3

7   On page 1, line 11, change "3578.3," to "3578.3, 3578.4(A),"

8   AMENDMENT NO. 4

9   On page 3, between lines 22 and 23, insert

10   "**(e) A licensed lender must independently verify the total number of**
11   **deferred presentment transactions entered into by the consumer within the**
12   **immediately preceding twelve consecutive months. Verification must include**
13   **examination of the licensed lender's own records, including records maintained**
14   **at the location at which the consumer is applying for the transaction and**
15   **records maintained at other locations within the state that are owned and**
16   **operated by the licensed lender, as well as utilization of the real-time access**
17   **common database approved by the commissioner under R.S. 9:3578.8.**"

18   AMENDMENT NO. 5

19   On page 4, between lines 5 and 6, insert:

20   "§3578.4. Finance charge and fees
21   A.(1)**(a)** In conjunction with a deferred presentment transaction or small loan,
22   a licensee may charge a fee not to exceed sixteen and seventy-five one hundredths
23   percent of the face amount of the check issued or in the case of a small loan, the
24   equivalent rate of interest, provided however that such fee or interest does not exceed
25   forty-five dollars, regardless of the name or type of charge.
26   **(b) A licensed lender may charge to the consumer any actual common**
27   **database cost incurred in association with R.S. 9:3578.8(E) and R.S. 9:3514(B)**
28   **in an amount not to exceed one dollar per loan transaction. The amount of this**
29   **charge shall be included in, and shall not be in addition to, the amount of fees**
30   **the licensed lender is authorized to charge under Paragraph (A)(1) and**
31   **Subsection C of this Section.**
32   *   *   *"

33   AMENDMENT NO. 6

34   On page 6, delete lines 14 through 23 and insert:

35   "**E.(1) The commissioner shall approve as provided in this Section the**
36   **use of a single common database with real-time access through an Internet**
37   **connection for licensed lenders who make deferred presentment transactions**
38   **and small loans pursuant to this Chapter, hereinafter referred to in this**
39   **Subsection as "licensees". The database shall be accessible to the commissioner**
40   **and to the licensees so that the commissioner shall be able to verify the number**

This set of amendment(s) was prepared by Martha Hess.

1   **and nature of transactions that are outstanding for a particular consumer. The**
2   **commissioner is hereby authorized to allow a charge to be designated by the**
3   **outside contractor or third party service not to exceed one dollar per**
4   **transaction. The licensee may charge this amount to the consumer, provided**
5   **that the amount of this charge shall be included in, and shall not be in addition**
6   **to, the amount of fees the licensee is authorized to charge under R.S. 9:3578.4.**
7   **The licensee shall remit the transaction charge amount directly to the outside**
8   **contractor or third party service approved by the commissioner to utilize and**
9   **maintain the common database system.**"

10 AMENDMENT NO. 7

11 On page 6, at the end of line 31, delete "**data**" and on line 32, delete "**reporting**
12 **requirements of R.S. 9:3554(A)(6)**"

13 AMENDMENT NO. 8

14 On page 7, between lines 1 and 2, insert the following:

15 "**(4) Each database provider shall indemnify and hold harmless the**
16 **licensees for any breach of confidentiality due to the provider's data security.**
17 **Additionally, each database provider shall post a five million dollar bond to**
18 **secure any possible liabilities as a result of any breach of security, should same**
19 **arise.**
20 **(5) Each database provider shall protect the identity of all borrowers by**
21 **using a numerical identification system in lieu of a social security number.**"