

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Adley to Reengrossed House Bill No. 766 by Representative Ponti

1 AMENDMENT NO. 1

2 On page 1, line 3, after "3561.2," delete "and 3578.4.1," and insert "3578.4.1 and 3578.8(E),"

3 AMENDMENT NO. 2

4 On page 1, line 15, after "3561.2," delete "and 3578.4.1," and insert "3578.4.1 and
5 3578.8(E)"

6 AMENDMENT NO. 3

7 On page 8, between lines 16 and 17 insert:

8 "§3578.8. Powers of the commissioner; adoption of rules and regulations

9 * * *

10 E. The commissioner shall approve the use of a common database with real-
11 time access through an Internet connection for licensees who make deferred
12 presentment transactions or small loans. The common database shall be accessible
13 to licensees and to the commissioner to verify the number and nature of transactions
14 that are outstanding for each consumer. The commissioner is hereby authorized to
15 collect from the licensee for the use of the common database a fee not to exceed one
16 dollar per transaction.

17 §3578.9. Common database requirements

18 A. A licensee shall:

19 (1) When entering into a deferred presentment transaction or small loan,
20 accurately and immediately submit to the common database any data in the format
21 that the commissioner may require, including the borrower's name, address, or
22 employment authorization number, amount of transaction, date of transaction, and
23 anticipated date the transaction will be paid in full.

24 (2) Promptly correct any incorrect data entered into the common database
25 that was previous submitted.

26 (3) Promptly record the date a deferred presentment transaction or small loan
27 is paid in full.

28 B. A licensee shall continue to enter and update all required information for
29 any deferred presentment transaction or small loan subject to this Chapter that is
30 outstanding or has not yet matured after the date on which the licensee no longer has
31 the license required by this Chapter. Within ten business days after ceasing to make
32 deferred presentment transactions or small loans subject to this Chapter, the licensee
33 shall submit a plan for continuing compliance with this Section to the commissioner
34 for approval. Within five days of receiving a plan for continuing compliance, the
35 commission shall approve or disapprove the plan and may require the licensee to
36 submit a new or modified plan that ensures compliance with this Section.

37 C. A licensee may charge to the consumer the amount collected by the
38 commissioner from the licensee pursuant to R.S. 9:3578.8(E). This charge shall be
39 included in, and shall not be in addition to, the amount of fees the licensee is
40 authorized to charge pursuant to R.S. 9:3578.4.

41 D. A licensee may rely on the information contained in the common database
42 as accurate and shall not be subject to administrative fines or penalties as a result of
43 reasonably relying on inaccurate information contained in the common database.

44 E. Any information in the common database regarding any person's
45 transactional history shall be kept confidential and shall not be a public record.

46 F. A common database provider shall do each of the following:

47 (1) Protect the identity of all borrowers by using a numerical identification
48 system in lieu of a social security number.

1 (2) Indemnify and hold harmless the licensees for any breach of
2 confidentiality due to the provider's lack of data security. Additionally, each
3 provider shall maintain a minimum of one million dollars of professional liability
4 insurance coverage with an aggregate of three million dollars for any security breach
5 resulting directly from the operation of the common database.