STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1596

By: Calvey

AS INTRODUCED

An Act relating to professions and occupations; amending 59 O.S. 2011, Section 3106, which relates to deferred deposit lenders; limiting days of indebtedness; limiting number of loans; requiring wait period; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 2011, Section 3106, is amended to read as follows:

Section 3106. A deferred deposit lender shall not:

1. Charge fees other than, or in excess of those authorized by the Deferred Deposit Lending Act;

2. Make deferred deposit loans at unlicensed locations;

3. Alter or delete the date on an instrument after it has been accepted by the lender pursuant to a deferred deposit loan;

4. Accept an undated instrument or an instrument dated on a date other than the date of the deferred deposit loan;

5. Accept an instrument unless the account on which the instrument is drawn is a legitimate, open and active account;
6. Require a debtor to provide security for the deferred deposit loan or require a debtor to provide a guaranty from another person;

7. Advance a loan amount greater than Five Hundred Dollars ($500.00) to a borrower in one deferred deposit loan transaction exclusive of the finance charge allowed in Section 3108 of this title;

8. Engage in a deferred deposit loan with a term of less than twelve (12) days or more than forty-five (45) days;

9. Negotiate or present an instrument for payment unless the instrument is endorsed with the actual business name of the lender;

10. Negotiate any instrument presented by a borrower if the borrower has redeemed the instrument by paying the full amount due under the deferred deposit loan;

11. Make any charge for insurance in connection with a deferred deposit loan transaction;

12. Refuse the borrower's right to rescind the deferred deposit loan at any time between the time of the deferred deposit loan transaction and 5 p.m. of the next business day following the deferred deposit loan transaction;

13. Charge the borrower an additional finance charge or fee for cashing a lender's business instrument, if the lender pays the proceeds from the loan transaction in the form of a business instrument;
14. Require or accept more than one dated instrument per deferred deposit loan; or
15. Refuse the borrower's right to enter into an installment payment plan, pursuant to this act;
16. Subject borrowers to more than ninety (90) days of indebtedness over the course of any three-hundred-sixty-five-day period; or
17. Allow borrowers more than one loan at a time or allow a new loan to be taken before a twenty-four-hour period elapses between paying off one loan and taking out another.

SECTION 2. This act shall become effective November 1, 2017.