

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;

1 6. Require a debtor to provide security for the deferred
2 deposit loan or require a debtor to provide a guaranty from another
3 person;

4 7. Advance a loan amount greater than Five Hundred Dollars
5 (\$500.00) to a borrower in one deferred deposit loan transaction
6 exclusive of the finance charge allowed in Section 3108 of this
7 title;

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

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

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

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

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

21 13. Charge the borrower an additional finance charge or fee for
22 cashing a lender's business instrument, if the lender pays the
23 proceeds from the loan transaction in the form of a business
24 instrument;

1 14. Require or accept more than one dated instrument per
2 deferred deposit loan; ~~or~~

3 15. Refuse the borrower's right to enter into an installment
4 payment plan, pursuant to this act;

5 16. Subject borrowers to more than ninety (90) days of
6 indebtedness over the course of any three-hundred-sixty-five-day
7 period; or

8 17. Allow borrowers more than one loan at a time or allow a new
9 loan to be taken before a twenty-four-hour period elapses between
10 paying off one loan and taking out another.

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

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