

Session 117 - (2007-2008)

H 3831 General Bill, By Thompson

Summary: Deferred presentment transactions

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 34-39-185 SO AS TO PROVIDE FOR THE DEVELOPMENT, IMPLEMENTATION, AND MAINTENANCE OF A STATEWIDE DATABASE OF DEFERRED PRESENTMENT TRANSACTIONS ACCESSIBLE TO DEFERRED PRESENTMENT LICENSEES FOR THE PURPOSE OF TRACKING OPEN AND CLOSED TRANSACTIONS WITH OTHER LICENSEES AND ACCESSIBLE TO THE BOARD OF FINANCIAL INSTITUTIONS FOR THE PURPOSES OF INVESTIGATION AND ENFORCEMENT; TO AMEND SECTION 34-39-180, RELATING TO RESTRICTIONS AND REQUIREMENTS FOR A DEFERRED PRESENTMENT TRANSACTION, SO AS TO LIMIT A LICENSEE TO A MAXIMUM LOAN AMOUNT FOR ANY ONE CUSTOMER OF THREE HUNDRED DOLLARS DURING ANY SIXTY-DAY PERIOD, TO LIMIT THE NUMBER OF TRANSACTIONS IN A YEAR TO SIX FOR ANY ONE CUSTOMER, AND TO REQUIRE A LICENSEE TO GRANT A SIX-MONTH REPAYMENT GRACE PERIOD AND A REPAYMENT PLAN OPTION TO A CUSTOMER; TO AMEND SECTION 34-39-230, RELATING TO PENALTIES AND REMEDIES FOR VIOLATIONS BY A DEFERRED PRESENTMENT LICENSEE, SO AS TO REQUIRE THE BOARD TO IMPOSE CERTAIN CIVIL PENALTIES, TO PROVIDE THAT VIOLATIONS RUN WITH THE LICENSEE, OR THE PERSON SUBJECT TO THE LICENSING REQUIREMENT, AND NOT WITH THE LOCATION, TO PROVIDE FOR CUMULATIVE CIVIL REMEDIES, INCLUDING INJUNCTIVE RELIEF, DAMAGES AND ATTORNEY'S FEES, UNFAIR TRADE PRACTICE REMEDIES, AND VOIDING OF THE CONTRACT, AND TO PROHIBIT THE ENFORCEMENT OF AN ARBITRATION CLAUSE IF A COURT FINDS THAT SPECIFIED CIRCUMSTANCES RENDER THE CONTRACT UNCONSCIONABLE.

04/10/07 House Introduced and read first time HJ-10

04/10/07 House Referred to Committee on Labor, Commerce and Industry HJ-11