

By: Villarreal

H.B. No. 398

A BILL TO BE ENTITLED

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AN ACT

relating to the regulation of tax refund anticipation loans;
imposing an administrative penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 4, Finance Code, is amended by
adding Chapter 350 to read as follows:

CHAPTER 350. TAX REFUND ANTICIPATION LOANS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 350.001. PURPOSE; CONSTRUCTION. (a) The purposes of
this chapter are:

(1) to protect consumers who enter into refund
anticipation loans or refund anticipation check transactions from
abuses; and

(2) to ensure that consumers are fully informed of the
costs and consequences of refund anticipation loans and checks.

(b) This chapter shall be liberally construed to accomplish
its purposes.

Sec. 350.002. DEFINITIONS. In this chapter:

(1) "Applicant" means a person who applies for
registration as a facilitator.

(2) "Consumer" means an individual who singly or
jointly with another consumer is solicited for, applies for, or
receives the proceeds of a refund anticipation loan or check.

(3) "Creditor" means a person who makes a refund

1 anticipation loan or who takes an assignment of a refund
2 anticipation loan.

3 (4) "Facilitator" means a person who individually or
4 in cooperation with another person:

5 (A) solicits the execution of or processes,
6 receives, or accepts an application or agreement for a refund
7 anticipation loan or check; or

8 (B) in any other manner facilitates the making of
9 a refund anticipation loan or the issuing of a refund anticipation
10 check.

11 (5) "Refund anticipation check" means a check or other
12 payment mechanism:

13 (A) that represents the proceeds of a consumer's
14 tax refund;

15 (B) that is issued by a depository institution or
16 other person who receives a direct deposit of the consumer's tax
17 refund or tax credits; and

18 (C) for which the consumer pays a fee or other
19 consideration.

20 (6) "Refund anticipation loan" means a loan that is
21 secured by the proceeds of a consumer's income tax refund or tax
22 credits or that the creditor arranges to be repaid directly or
23 indirectly from the proceeds of a consumer's income tax refund or
24 tax credits. A refund anticipation loan includes the sale,
25 assignment, or purchase of a consumer's tax refund at a discount or
26 for a fee, whether or not the consumer is required to repay the
27 purchaser or assignee if the Internal Revenue Service denies or

1 reduces the consumer's tax refund.

2 (7) "Registrant" means a person registered as a
3 facilitator under this chapter or an officer, agent, employee, or
4 representative of a person registered as a facilitator under this
5 chapter.

6 Sec. 350.003. RESTRICTION ON FACILITATING REFUND
7 ANTICIPATION LOANS OR CHECKS. (a) A person may not, individually
8 or in cooperation with another person, solicit the execution of or
9 process, receive, or accept an application or agreement for a
10 refund anticipation loan or check or in any other manner facilitate
11 the making of a refund anticipation loan or check, unless the person
12 has complied with this chapter.

13 (b) A person may not use any device, subterfuge, or pretense
14 to evade the application of this chapter.

15 Sec. 350.004. RULES. The commissioner may adopt rules as
16 necessary to accomplish the purposes of this chapter and assist
17 facilitators in interpreting this chapter.

18 [Sections 350.005-350.050 reserved for expansion]

19 SUBCHAPTER B. REGISTRATION

20 Sec. 350.051. REGISTRATION REQUIRED; EXCEPTIONS. (a) A
21 facilitator shall register as provided by this subchapter.

22 (b) The commissioner shall maintain a list of registrants
23 that is available to interested persons and the public.

24 (c) A bank, credit union, or savings and loan association is
25 not required to register under this subchapter.

26 Sec. 350.052. APPLICATION FOR REGISTRATION. (a) An
27 applicant for registration as a facilitator must file a written

1 application with the commissioner accompanied by an application fee
2 in an amount determined by the commissioner. An applicant shall pay
3 a separate fee for each office at which the applicant intends to act
4 as a facilitator of a refund anticipation loan or check.

5 (b) An application must:

6 (1) be made under oath on a form prescribed by the
7 commissioner;

8 (2) contain all information required by the
9 commissioner; and

10 (3) identify each office at which the applicant
11 intends to act as a facilitator of a refund anticipation loan or
12 check.

13 Sec. 350.053. BOND. (a) An applicant shall file with the
14 application a bond in the amount of \$100,000 for each office at
15 which the applicant intends to act as a facilitator of refund
16 anticipation loans or checks.

17 (b) The bond must be in favor of this state for the use of a
18 consumer who has a cause of action under this chapter against the
19 facilitator. The bond must remain in effect for five years after
20 the facilitator ceases operation in this state.

21 (c) The bond must be conditioned on:

22 (1) the facilitator's faithful performance under this
23 chapter and rules adopted under this chapter; and

24 (2) the payment of all amounts that become due to a
25 consumer under this chapter.

26 Sec. 350.054. CERTIFICATE OF REGISTRATION. (a) The
27 commissioner shall register an applicant and shall issue a

1 certificate attesting to the registration if the commissioner finds
2 that the responsibility and general fitness of an applicant
3 commands the confidence of the community and warrants belief that
4 the business of facilitating refund anticipation loans or checks
5 will be operated according to the purposes of this chapter.

6 (b) If the commissioner does not make the findings required
7 by Subsection (a), the commissioner may not register the applicant
8 and shall notify the applicant, stating the reason for the denial.

9 (c) On receiving a certificate of registration, the
10 applicant may act as a facilitator at each office identified on the
11 application for registration.

12 Sec. 350.055. EXPIRATION OF REGISTRATION; RENEWAL. (a)
13 Registration as a facilitator expires on the first December 31
14 following the date the certificate of registration was issued.

15 (b) A registrant may renew a registration before the
16 registration expires by filing with the commissioner an application
17 for renewal in the form prescribed by the commissioner. An
18 application to renew a registration must contain all information
19 required by the commissioner and be accompanied by a fee in an
20 amount determined by the commissioner. A registrant shall pay a
21 separate renewal fee for each office at which the registrant
22 intends to facilitate a refund anticipation loan or check during
23 the succeeding year.

24 (c) The commissioner shall renew a registration on
25 receiving an application for renewal that complies with Subsection
26 (b) unless the commissioner finds that the registrant has violated
27 this chapter or that the fitness of the registrant or the operations

1 of the registrant would not support registration as a facilitator
2 under Section 350.054. If the commissioner denies an application
3 for renewal, the commissioner shall notify the registrant, stating
4 the reason for the denial.

5 Sec. 350.056. HEARING ON DENIAL OF REGISTRATION OR RENEWAL.

6 (a) An applicant or registrant is entitled to a hearing on written
7 request made to the commissioner not later than the fifth day after
8 the date the applicant or registrant receives notice of the
9 commissioner's denial of an application for registration or
10 renewal.

11 (b) The commissioner shall hold an informal hearing
12 promptly after the commissioner receives the request.

13 (c) If the commissioner determines after the hearing that
14 the responsibility and general fitness of an applicant or
15 registrant commands the confidence of the community and warrants
16 belief that the business of facilitating refund anticipation loans
17 or checks will be operated according to the purposes of this chapter
18 or that the registrant has not violated this chapter, the
19 commissioner shall register the applicant or renew the registrant's
20 registration. If the commissioner does not make the findings
21 required by this subsection, the commissioner may not register the
22 applicant or renew the registrant's registration.

23 [Sections 350.057-350.100 reserved for expansion]

24 SUBCHAPTER C. INTEREST AND FEES

25 Sec. 350.101. REFUND ANTICIPATION LOAN FEE. (a) Except as
26 provided by Subsection (b) or (c), a fee or other consideration
27 charged by a creditor or facilitator in connection with making a

1 refund anticipation loan is considered a refund anticipation loan
2 fee.

3 (b) A fee or other consideration charged for a deposit
4 account used wholly or partly for receiving a consumer's tax refund
5 to repay the amount owed on the refund anticipation loan is
6 considered a refund anticipation loan fee.

7 (c) A fee or other consideration charged by a facilitator in
8 the ordinary course of business, including a fee for preparing or
9 electronically filing a tax return, is not a refund anticipation
10 loan fee if the facilitator charges the same fee in the same amount
11 to a customer who does not receive a refund anticipation loan or
12 check.

13 Sec. 350.102. COMPUTATION OF INTEREST. (a) The refund
14 anticipation loan interest rate is the rate, expressed as a
15 percentage, computed according to the following formula:

16
$$\text{RAL RATE} = (F \times 365) / ((L - F) \times T)$$

17 where:

18 "RAL RATE" is the refund anticipation loan interest rate;

19 "F" is the total amount of refund anticipation loan fees;

20 "L" is the total amount of the refund anticipation loan; and

21 "T" is the number of days in the refund anticipation loan.

22 (b) If a deposit account is established or maintained wholly
23 or partly for the purpose of receiving a consumer's tax refund to
24 repay the amount owed on a refund anticipation loan, the loan
25 matures for purposes of determining the refund anticipation loan
26 interest rate on the estimated date the tax refund will be deposited
27 in the deposit account. If a deposit account is not established or

1 maintained for the repayment of the loan, the loan matures for
2 purposes of determining the interest rate on the estimated date the
3 tax refund will be received by the creditor.

4 Sec. 350.103. MAXIMUM INTEREST RATE. (a) A refund
5 anticipation loan may not provide for interest that exceeds the
6 lesser of:

7 (1) 36 percent a year; or

8 (2) the applicable alternative rate ceiling under
9 Chapter 303.

10 (b) A refund anticipation loan that provides for an interest
11 rate in violation of this section is void.

12 Sec. 350.104. CERTAIN CHARGES PROHIBITED. (a) A
13 facilitator may directly or indirectly charge or arrange for the
14 charging of interest, a fee, or another charge related to a refund
15 anticipation loan or check only if the charge is specifically
16 authorized by this chapter.

17 (b) A facilitator may not, in connection with making a
18 refund anticipation loan or issuing a refund anticipation check,
19 directly or indirectly charge or arrange for the charging of:

20 (1) fees for insurance;

21 (2) attorney's fees;

22 (3) collection costs; or

23 (4) fees for cashing a check.

24 [Sections 350.105-350.150 reserved for expansion]

25 SUBCHAPTER D. REQUIRED POSTINGS AND DISCLOSURES

26 Sec. 350.151. DISPLAY OF CERTIFICATE. A registrant shall
27 prominently display a certificate issued under this chapter in each

1 place of business in this state where the registrant facilitates
2 refund anticipation loans or checks.

3 Sec. 350.152. FEE SCHEDULE POSTING. (a) A facilitator
4 shall display schedules showing the fees for:

5 (1) a refund anticipation loan or check, currently
6 charged by the facilitator at that place of business; and

7 (2) electronically filing a taxpayer's tax return.

8 (b) A schedule required by Subsection (a) must be:

9 (1) displayed in a prominent location in each place of
10 business in this state where the facilitator facilitates refund
11 anticipation loans or checks; and

12 (2) written in not less than 28-point type on a
13 document measuring not less than 16 inches by 20 inches.

14 (c) A schedule of the fees charged for refund anticipation
15 loans displayed under Subsection (a)(1) shall include:

16 (1) the refund anticipation loan interest rates and
17 examples of the interest charged for refund anticipation loans of
18 \$200, \$500, \$1,000, \$1,500, \$2,000, and \$5,000;

19 (2) the following title centered on the page in
20 bold-faced capital letters at least one inch tall: "NOTICE
21 CONCERNING REFUND ANTICIPATION LOANS"; and

22 (3) the following statement: "When you take out a
23 refund anticipation loan, you are borrowing against your tax
24 refund. If your tax refund is less than expected you must still
25 repay the entire amount of the loan. If your refund is delayed, you
26 may have to pay additional costs. YOU CAN GET YOUR REFUND IN ABOUT
27 10 DAYS WITHOUT GETTING A LOAN OR PAYING ADDITIONAL FEES. You can

1 have your tax return filed electronically and directly deposited
2 into your own bank account without obtaining a loan or paying fees
3 for an extra product."

4 (d) A facilitator may facilitate a refund anticipation loan
5 or check only if:

6 (1) the facilitator displays the schedules as required
7 by this section;

8 (2) the fee actually charged for the refund
9 anticipation loan or check is the same as the fee displayed on the
10 schedule; and

11 (3) the interest rate actually charged is the same as
12 the rate displayed on the schedule as required by Subsection
13 (c)(1).

14 Sec. 350.153. APPLICATION DISCLOSURES. (a) At the time a
15 consumer applies for a refund anticipation loan or check, the
16 facilitator shall disclose to the consumer on a form separate from
17 the application:

18 (1) the fee for the refund anticipation loan or check;

19 (2) the fee for electronically filing a tax return;

20 (3) the time in which the proceeds of the refund
21 anticipation loan or check will be paid to the consumer if the loan
22 or check is approved;

23 (4) for refund anticipation loans:

24 (A) the following title centered on the page in
25 bold-faced capital letters and 18-point font: "NOTICE";

26 (B) the following statement: "This is a loan.
27 This loan is borrowing money against your tax refund. If your tax

1 refund is less than expected, you must still repay the entire amount
2 of the loan. If your refund is delayed, you may have to pay
3 additional costs. YOU CAN GET YOUR REFUND IN ABOUT 10 DAYS WITHOUT
4 GETTING THIS LOAN. You can have your tax return filed
5 electronically and your refund directly deposited into your own
6 bank account without obtaining a loan or other paid product.";

7 (C) disclosure of the refund anticipation loan
8 interest rate computed as set forth in Section 350.102; and

9 (D) the estimated total cost to the borrower for
10 the loan; and

11 (5) for refund anticipation checks:

12 (A) the following title centered on the page in
13 bold-faced capital letters and 18-point font: "NOTICE"; and

14 (B) the following statement: "You are paying
15 [amount of refund anticipation check fee] to get your refund
16 through [name of issuer of refund anticipation check]. YOU CAN
17 AVOID THIS FEE AND STILL RECEIVE YOUR REFUND IN ABOUT 10 DAYS BY
18 HAVING THE INTERNAL REVENUE SERVICE DIRECTLY DEPOSIT YOUR REFUND
19 INTO YOUR OWN BANK ACCOUNT. You can also wait for the IRS to mail you
20 a check. If you do not have a bank account, you may wish to consider
21 getting one."

22 (b) A disclosure under this section must be written:

23 (1) in 14-point type unless otherwise noted; and

24 (2) in English and in any other language in which the
25 refund anticipation loan or check is negotiated.

26 Sec. 350.154. ADVERTISING DISCLOSURES. (a) In this
27 section, "advertise" means to produce, distribute, broadcast, or

1 otherwise display or have displayed written or visual materials or
2 oral statements describing a facilitator's products and services.

3 (b) A facilitator may not advertise a refund anticipation
4 loan without including the following statements:

5 "[Name of refund anticipation loan product] is a loan. You
6 can get your refund in about 10 days without a loan or extra fees if
7 you use electronic filing and direct deposit."

8 "The [name of refund anticipation loan product] costs [refund
9 anticipation loan fee]. You can get your refund in about 10 days
10 without this fee if you use electronic filing and direct deposit."

11 (c) For a print advertisement, the disclosure required by
12 Subsection (b) must be in type size that is one-half as large as the
13 largest type size in the advertisement. For a radio or television
14 advertisement, the disclosure required by Subsection (b) must
15 receive at least seven seconds of broadcast time.

16 Sec. 350.155. MODIFICATION OF REFUND RECEIPT ESTIMATE. The
17 commissioner may by rule revise the disclosures required by this
18 subchapter to the extent that the 10-day estimate for receiving a
19 refund from the Internal Revenue Service is no longer appropriate.

20 [Sections 350.156-350.200 reserved for expansion]

21 SUBCHAPTER E. ADDITIONAL DUTIES OF AND RESTRICTIONS ON
22 FACILITATORS

23 Sec. 350.201. DECEPTIVE PRACTICES PROHIBITED. A
24 facilitator or an officer, agent, employee, or other representative
25 of a facilitator may not:

26 (1) engage in unfair, deceptive, or fraudulent
27 practices in facilitating a refund anticipation loan or check,

1 including misrepresenting a factor or condition of the loan or
2 check or making an oral statement contradicting information
3 required to be disclosed under Subchapter D;

4 (2) misrepresent a material fact in obtaining or
5 attempting to obtain a registration as a facilitator;

6 (3) engage in conduct that violates Subchapter E,
7 Chapter 17, Business & Commerce Code; or

8 (4) threaten to take an action prohibited by this
9 chapter or that the person does not intend to take.

10 Sec. 350.202. DUTY TO ARRANGE TRANSACTION OR NOTIFY OF
11 REJECTION. Promptly after a consumer applies for a refund
12 anticipation loan or check, a facilitator or an officer, agent,
13 employee, or other representative of a facilitator shall arrange
14 for the loan or check or notify the consumer that the application is
15 rejected.

16 Sec. 350.203. COPIES OF APPLICATION AND AGREEMENT. At the
17 time a refund anticipation loan is closed or a refund anticipation
18 check transaction is completed, a facilitator or an officer, agent,
19 employee, or other representative of a facilitator shall give the
20 consumer copies, in a form that can be kept by the consumer, of:

21 (1) the complete loan or check application and
22 agreement; and

23 (2) the disclosures that a creditor is required to
24 make under the Truth in Lending Act (15 U.S.C. Section 1601 et
25 seq.), if the transaction is a refund anticipation loan.

26 Sec. 350.204. PROHIBITED PROVISIONS. (a) A facilitator or
27 an officer, agent, employee, or other representative of a

1 facilitator may not include in a document provided in connection
2 with a refund anticipation loan or check:

3 (1) a hold harmless clause;

4 (2) a confession of judgment clause;

5 (3) a waiver of the right to a jury trial in an action
6 brought by or against a consumer;

7 (4) an assignment of or order for payment of wages or
8 other compensation for services;

9 (5) a provision in which the consumer agrees not to
10 assert a claim or defense arising out of the contract;

11 (6) a waiver of any provision of this chapter,
12 including the right to injunctive, declaratory, or other equitable
13 relief or relief on a class-wide basis; or

14 (7) a provision requiring that any provision of a
15 dispute resolution between the parties to a refund anticipation
16 loan or check agreement be kept confidential.

17 (b) A waiver of any provision of this chapter is void.

18 (c) Subsection (a)(7) does not affect the rights of the
19 parties to a refund anticipation loan or check agreement to agree
20 that certain specified information is a trade secret or otherwise
21 confidential or to agree after a dispute arises to keep the dispute
22 resolution confidential.

23 Sec. 350.205. ADDITIONAL SECURITY INTEREST PROHIBITED. A
24 facilitator or an officer, agent, employee, or other representative
25 of a facilitator may not take or arrange for a creditor to take a
26 security interest in a consumer's property other than the proceeds
27 of the consumer's tax refund to secure payment of a refund

1 anticipation loan.

2 Sec. 350.206. CERTAIN ACTIONS WITH RESPECT TO OUTSTANDING
3 OR DELINQUENT REFUND ANTICIPATION LOANS PROHIBITED. A facilitator
4 or an officer, agent, employee, or other representative of a
5 facilitator may not:

6 (1) directly or indirectly, individually or in
7 cooperation with another person, engage in the collection of an
8 outstanding or delinquent refund anticipation loan for another
9 creditor; or

10 (2) act as facilitator for a refund anticipation loan
11 or check that contains a provision permitting the creditor to repay
12 from the proceeds of the consumer's tax refund, by offset or other
13 means, another outstanding or delinquent refund anticipation loan.

14 Sec. 350.207. ASSOCIATION WITH CHECK CASHING ENTERPRISE
15 PROHIBITED. A facilitator or an officer, agent, employee, or other
16 representative of a facilitator may not:

17 (1) refer a consumer to or solicit a consumer on behalf
18 of a third party who cashes a check for a fee; or

19 (2) permit a third party to cash a check for a fee in a
20 place of business identified in the facilitator's application for
21 registration.

22 Sec. 350.208. VIOLATION OF RULES. A facilitator or an
23 officer, agent, employee, or other representative of a facilitator
24 may not violate a rule adopted by the commissioner under this
25 chapter.

26 Sec. 350.209. ANNUAL REPORTS. (a) On or before July 1 of
27 each year, a facilitator shall file a report with the commissioner

1 according to procedures established by the commissioner.

2 (b) A report filed under this section must include the
3 following information for the period beginning April 15 of the
4 preceding year and ending April 14 of the year the report is filed:

5 (1) the total number and dollar amount of refund
6 anticipation loans facilitated by the facilitator;

7 (2) the total number and dollar amount of refund
8 anticipation checks facilitated by the facilitator;

9 (3) the average number of days for which refund
10 anticipation loans facilitated by the facilitator were outstanding
11 before being repaid;

12 (4) the name and address of any creditor or other
13 person for whom the facilitator facilitates a refund anticipation
14 loan or check; and

15 (5) any other information required by the
16 commissioner.

17 (c) The commissioner shall establish procedures for filing
18 a report under this section.

19 (d) Annually the commissioner shall prepare and publish a
20 consolidated analysis and recapitulation of reports filed under
21 this section.

22 [Sections 350.210-350.250 reserved for expansion]

23 SUBCHAPTER F. ENFORCEMENT

24 Sec. 350.251. HEARING. (a) If the commissioner believes or
25 has notice that an action of a facilitator may violate this chapter
26 or a rule adopted under this chapter, the commissioner shall give
27 the facilitator reasonable notice of the suspected violation and an

1 opportunity to be heard.

2 (b) The commissioner may make investigations, subpoena
3 witnesses, and require audits and reports in preparation for a
4 hearing under this section.

5 (c) A hearing under this section shall be open to the
6 public.

7 (d) After the hearing the commissioner shall make findings
8 of fact and conclusions of law.

9 Sec. 350.252. CEASE AND DESIST ORDER. (a) If the
10 commissioner finds under Section 350.251(d) that an action of a
11 facilitator violates this chapter or a rule adopted under this
12 chapter, the commissioner shall order the facilitator to cease and
13 desist from the action.

14 (b) If a facilitator continues to engage in an action in
15 violation of the commissioner's cease and desist order, the
16 commissioner may impose on the facilitator an administrative
17 penalty of \$1,000 for each action of the facilitator that violates
18 the commissioner's order.

19 Sec. 350.253. REVOCATION OR SUSPENSION OF REGISTRATION.

20 (a) If the commissioner finds under Section 350.251(d) that a
21 registrant has engaged in a course of conduct that violates this
22 chapter or a rule adopted under this chapter or has continued to
23 engage in an action in violation of a cease and desist order of the
24 commissioner that has not been stayed on application of the
25 registrant, the commissioner may revoke or suspend the registration
26 of the registrant.

27 (b) The revocation, suspension, or surrender of a

1 facilitator's registration does not relieve a registrant from civil
2 or criminal liability for an action committed before the
3 revocation, suspension, or surrender.

4 Sec. 350.254. COMPLAINT PROCEDURE. (a) The commissioner
5 shall establish a complaint procedure that enables an aggrieved
6 consumer or a member of the public to file a complaint against a
7 registrant or non-registrant who violates a provision of this
8 chapter. The commissioner shall maintain a toll-free number that a
9 consumer may use to obtain information about registrants and
10 complaint forms.

11 (b) Except as provided by this subsection, a complaint is a
12 public record under Chapter 552, Government Code. A complainant's
13 name, address, and other personal identifying information may not
14 be disclosed to the public.

15 (c) On the request of a party to a complaint, the
16 commissioner shall hold a hearing as provided by Section 350.251.
17 After the hearing, the commissioner may issue a cease and desist
18 order under Section 350.252 or suspend or revoke a registration as
19 provided by Section 350.253.

20 Sec. 350.255. DECEPTIVE TRADE PRACTICES. A violation of
21 this chapter is a deceptive trade practice under Subchapter E,
22 Chapter 17, Business & Commerce Code.

23 Sec. 350.256. CIVIL ACTION. (a) A facilitator who engages
24 in an activity prohibited by this chapter is liable to the consumer
25 for:

26 (1) actual and consequential damages;

27 (2) the greater of:

1 (A) \$2,000; or

2 (B) three times the amount of the refund
3 anticipation loan fee or other unauthorized charge; and

4 (3) reasonable attorney's fees and costs.

5 (b) Any person may sue for injunctive or other appropriate
6 equitable relief to enforce this chapter.

7 (c) A consumer may bring a class action suit to enforce this
8 chapter. In a class action suit brought under this subsection, a
9 facilitator who violates this chapter is liable for:

10 (1) actual and consequential damages for each class
11 member;

12 (2) damages provided by Subsection (a)(2) for each
13 class member; and

14 (3) reasonable attorney's fees and costs.

15 (d) The remedies provided in this section are cumulative and
16 are not intended to be the exclusive remedies available to a
17 consumer. A consumer is not required to exhaust any administrative
18 remedies provided by this chapter or other applicable law.

19 SECTION 2. A facilitator of refund anticipation loans or
20 checks shall file the first report with the consumer credit
21 commissioner as required by Section 350.209, Finance Code, as added
22 by this Act, not later than July 1, 2007.

23 SECTION 3. This Act takes effect September 1, 2005.