

By: Dunnam

H.B. No. 3352

A BILL TO BE ENTITLED

AN ACT

relating to assisting in the creation of a deferred presentment transaction.

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

SECTION 1. Subchapter A, Chapter 342, Finance Code, is amended by adding Section 342.010 to read as follows:

Sec. 342.010. ASSISTING DEFERRED PRESENTMENT TRANSACTION.

(a) A person may not assist in the creation of a deferred presentment transaction between a lender and consumer unless the transaction complies with this chapter, including provisions relating to authorized rates or amounts of interest, regardless of whether the lender is subject to this chapter.

(b) Notwithstanding Section 1.301, Business & Commerce Code, or any other state law, an agreement made in connection with a deferred presentment transaction to which Subsection (a) applies is void to the extent the agreement:

(1) waives the application of this section; or

(2) applies the law of a jurisdiction other than this state.

(c) For the purposes of Chapter 349, a person who assists in the creation of a deferred presentment transaction is considered to contract for interest.

SECTION 2. This Act takes effect September 1, 2005.