

By: Villarreal

H.B. No. 1939

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of facilitators of tax refund anticipation loans.

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

SECTION 1. Chapter 352, Finance Code, is amended by adding Section 352.0045 to read as follows:

Sec. 352.0045. WAIVER OF CERTAIN REQUIREMENTS. (a) If a person will collect neither a fee nor interest for a refund anticipation loan during the calendar year in which the person seeks to act as a facilitator, a person may claim an exemption to:

(1) the registration processing fee under Section 352.003(a); and

(2) the Spanish-language printed loan contract requirement under Section 352.004(c).

(b) To claim an exemption under Subsection (a), a person must file an application. An exemption claimed under this section is effective on the filing of the application.

(c) The finance commission shall adopt rules establishing procedures for claiming an exemption under Subsection (a). The rules must permit a facilitator to file a single application for an exemption for all locations included on the list provided to the commissioner under Section 352.003(a).

(d) The commissioner shall prescribe forms to apply for an exemption under Subsection (a).

1 SECTION 2. Section 352.007, Finance Code, is amended to
2 read as follows:

3 Sec. 352.007. ADMINISTRATIVE PENALTY. (a) Except as
4 provided by Subsection (b), the [The] commissioner may assess an
5 administrative penalty of \$500 against a person for each knowing
6 and wilful violation of this chapter.

7 (b) If the commissioner discovers that a person has wilfully
8 claimed an exemption under Section 352.0045(a) that the person was
9 not entitled to claim, the commissioner shall assess an
10 administrative penalty of \$100 for each location for which the
11 person invalidly claimed an exemption.

12 SECTION 3. Chapter 351, Finance Code, as added by Chapter
13 135 (H.B. 1344), Acts of the 80th Legislature, Regular Session,
14 2007, is amended by adding Section 351.0045 to read as follows:

15 Sec. 351.0045. WAIVER OF CERTAIN REQUIREMENTS. (a) If a
16 person will collect neither a fee nor interest for a refund
17 anticipation loan during the calendar year in which the person
18 seeks to act as a facilitator, a person may claim an exemption to:

19 (1) the registration processing fee under Section
20 351.003(a); and

21 (2) the Spanish-language printed loan contract
22 requirement under Section 351.004(c).

23 (b) To claim an exemption under Subsection (a), a person
24 must file an application. An exemption claimed under this section
25 is effective on the filing of the application.

26 (c) The finance commission shall adopt rules establishing
27 procedures for claiming an exemption under Subsection (a). The

1 rules must permit a facilitator to file a single application for an
2 exemption for all locations included on the list provided to the
3 commissioner under Section 351.003(a).

4 (d) The commissioner shall prescribe forms to apply for an
5 exemption under Subsection (a).

6 SECTION 4. Section 351.007, Finance Code, as added by
7 Chapter 135 (H.B. 1344), Acts of the 80th Legislature, Regular
8 Session, 2007, is amended to read as follows:

9 Sec. 351.007. ADMINISTRATIVE PENALTY. (a) Except as
10 provided by Subsection (b), the [The] commissioner may assess an
11 administrative penalty of \$500 against a person for each knowing
12 and wilful violation of this chapter.

13 (b) If the commissioner discovers that a person has wilfully
14 claimed an exemption under Section 351.0045(a) that the person was
15 not entitled to claim, the commissioner shall assess an
16 administrative penalty of \$100 for each location for which the
17 person invalidly claimed an exemption.

18 SECTION 5. (a) Sections 1 and 2 of this Act take effect only
19 if the Act of the 81st Legislature, Regular Session, 2009, relating
20 to nonsubstantive additions to and corrections in existing codes
21 becomes law.

22 (b) Sections 3 and 4 of this Act take effect only if the Act
23 of the 81st Legislature, Regular Session, 2009, relating to
24 nonsubstantive additions to and corrections in existing codes does
25 not become law.

26 SECTION 6. This Act takes effect September 1, 2009.