By: Villarreal

H.B. No. 1939

A BILL TO BE ENTITLED

1   AN ACT

2   relating to the regulation of facilitators of tax refund

3   anticipation loans.

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

5   SECTION 1.   Chapter 352, Finance Code, is amended by adding

6   Section 352.0045 to read as follows:

7   Sec. 352.0045.   WAIVER OF CERTAIN REQUIREMENTS.   (a)   If a

8   person will collect neither a fee nor interest for a refund

9   anticipation loan during the calendar year in which the person

10 seeks to act as a facilitator, a person may claim an exemption to:

11   (1)   the registration processing fee under Section

12 352.003(a); and

13   (2)   the   Spanish-language   printed   loan   contract

14 requirement under Section 352.004(c).

15   (b)   To claim an exemption under Subsection (a), a person

16 must file an application.   An exemption claimed under this section

17 is effective on the filing of the application.

18   (c)   The finance commission shall adopt rules establishing

19 procedures for claiming an exemption under Subsection (a).   The

20 rules must permit a facilitator to file a single application for an

21 exemption for all locations included on the list provided to the

22 commissioner under Section 352.003(a).

23   (d)   The commissioner shall prescribe forms to apply for an

24 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.