

By: Harris

S.B. No. 1966

Substitute the following for S.B. No. 1966:

By: Hopson

C.S.S.B. No. 1966

A BILL TO BE ENTITLED

AN ACT

1
2 relating to debt cancellation agreements offered in connection with
3 motor vehicle retail installment contracts.

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

5 SECTION 1. Section 348.001, Finance Code, is amended by
6 adding Subdivision (1-a) to read as follows:

7 (1-a) "Debt cancellation agreement" means a retail
8 installment contract term or a contractual arrangement modifying a
9 retail installment contract term under which a retail seller or
10 holder agrees to cancel all or part of an obligation of the retail
11 buyer to repay an extension of credit from the retail seller or
12 holder on the occurrence of the total loss or theft of the motor
13 vehicle that is the subject of the retail installment contract but
14 does not include an offer to pay a specified amount on the total
15 loss or theft of the motor vehicle.

16 SECTION 2. Section 348.005, Finance Code, is amended to
17 read as follows:

18 Sec. 348.005. ITEMIZED CHARGE. An amount in a retail
19 installment contract is an itemized charge if the amount is not
20 included in the cash price and is the amount of:

21 (1) fees for registration, certificate of title, and
22 license and any additional registration fees charged by a full
23 service deputy under Section 502.114, Transportation Code;

24 (2) any taxes;

1 (3) fees or charges prescribed by law and connected
2 with the sale or inspection of the motor vehicle; and

3 (4) charges authorized for insurance, service
4 contracts, ~~or~~ warranties, or a debt cancellation agreement by
5 Subchapter C.

6 SECTION 3. Subchapter B, Chapter 348, Finance Code, is
7 amended by adding Section 348.124 to read as follows:

8 Sec. 348.124. DEBT CANCELLATION AGREEMENTS. (a) In
9 connection with a retail installment transaction under this
10 chapter, a retail seller may offer to the retail buyer a debt
11 cancellation agreement. The retail seller may not require that the
12 purchase of a debt cancellation agreement by the retail buyer be
13 made in order to enter into a retail installment transaction.

14 (b) A debt cancellation agreement is not considered an
15 insurance product.

16 (c) The amount charged for a debt cancellation agreement
17 made in connection with a retail installment contract must be
18 reasonable.

19 (d) In addition to other disclosures required by state or
20 federal law, the retail seller shall provide to the retail buyer a
21 separate notice in connection with the retail installment contract
22 stating that the retail buyer is not required to accept or provide a
23 debt cancellation agreement in order to purchase the motor vehicle
24 under a retail installment contract.

25 SECTION 4. Sections 348.208(b) and (c), Finance Code, are
26 amended to read as follows:

27 (b) A retail installment contract may include as a separate

1 charge an amount for:

2 (1) motor vehicle property damage or bodily injury
3 liability insurance;

4 (2) mechanical breakdown insurance;

5 (3) participation in a motor vehicle theft protection
6 plan;

7 (4) insurance to reimburse the retail buyer for the
8 amount computed by subtracting the proceeds of the buyer's basic
9 collision policy on the motor vehicle from the amount owed on the
10 vehicle if the vehicle has been rendered a total loss; ~~[or]~~

11 (5) a warranty or service contract relating to the
12 motor vehicle; or

13 (6) a debt cancellation agreement if the agreement is
14 included as a term of a retail installment contract under Section
15 348.124.

16 (c) Notwithstanding any other law, service contracts and
17 debt cancellation agreements sold by a retail seller of a motor
18 vehicle to a retail buyer are not subject to Chapter 101 or 226,
19 Insurance Code.

20 SECTION 5. This Act takes effect September 1, 2009.