

Amend **HB 2594** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, strike added Section 393.622(c), Finance Code (page 5, lines 32-35).

(2) In SECTION 2 of the bill, following added Section 393.628, Finance Code (page 6, between lines 51 and 52), insert the following:

Sec. 393.629. DEFERRED PRESENTMENT TRANSACTIONS OBTAINED FOR CONSUMERS BY CREDIT ACCESS BUSINESS; RESTRICTIONS APPLICABLE.

(a) The combined fees charged by a credit access business for obtaining for a consumer or assisting a consumer in obtaining an extension of consumer credit in the form of a deferred presentment transaction may not exceed 15 percent of the amount advanced under the deferred presentment transaction.

(b) A credit access business on behalf of a lender or on its own behalf may not charge or receive in addition to the charges provided by this section any additional amount, whether in the form of broker fees, placement fees, or another fee or charge.

(c) A credit access business may not obtain for a consumer or assist a consumer in obtaining an extension of consumer credit in the form of a deferred presentment transaction in which the amount of cash advanced exceeds 35 percent of the consumer's gross monthly income. For purposes of this subsection, a credit access business is not responsible for an individual consumer's failure to provide accurate information relating to the consumer's income.

(d) A credit access business may not for a fee obtain or assist a consumer in obtaining an extension of consumer credit in which a deferred presentment transaction will be renewed, rolled over, or otherwise consolidated by a lender for a fee. For purposes of this subsection, "rolled over" means refinancing or paying all or part of the finance charges and advance of a deferred presentment transaction with a new deferred presentment transaction.

(e) In this subsection, "consecutive loan" means a new extension of consumer credit in the form of a deferred presentment transaction that a credit access business obtains for a consumer or assists a consumer in obtaining on or before the seventh day after the date a previous deferred presentment transaction made by the same lender to the same consumer is paid in full. If a consumer

enters into a third consecutive loan and the consumer is unable to pay in full on the due date the outstanding amount of the loan, the consecutive loan must be automatically converted at no additional cost into a written repayment plan under which the consumer must be allowed to repay the debt in not less than four substantially equal installments, notwithstanding the period prescribed by Section 393.201(b)(2). A lender is not required to enter into a repayment plan with a consumer more frequently than once every 12 months. The consumer must agree not to enter into an additional deferred presentment transaction during the repayment plan term.

(f) A credit access business may not impose a charge in connection with a consumer's default on an extension of consumer credit in the form of a deferred presentment transaction that a credit access business obtains for the consumer or assists the consumer in obtaining.

Sec. 393.630. MOTOR VEHICLE TITLE LOANS OBTAINED FOR CONSUMERS BY CREDIT ACCESS BUSINESS; RESTRICTIONS APPLICABLE. (a) The combined fees charged by a credit access business for obtaining for a consumer or assisting a consumer in obtaining an extension of consumer credit in the form of a motor vehicle title loan may not exceed:

(1) 20 percent of the portion of the amount advanced that does not exceed \$700;

(2) 18 percent of the portion of the amount advanced that is greater than \$700 but does not exceed \$1,400; and

(3) 15 percent of the portion of the amount advanced that is greater than \$1,400.

(b) A credit access business on behalf of a lender or on its own behalf may not charge or receive in addition to the charges provided by this section any additional amount, whether in the form of broker fees, placement fees, or another fee or charge.

(c) If a consumer is unable to pay in full on the due date the outstanding amount of a motor vehicle title loan that a credit access business obtains for a consumer or assists a consumer in obtaining and that has been renewed or rolled over three times, or after a consumer enters into a third consecutive loan that a consumer is unable to pay in full when due, the debt must be

automatically converted at no additional cost into a written repayment plan under which the consumer must be allowed to repay the debt in not less than four substantially equal installments, notwithstanding the period prescribed by Section 393.201(b)(2). A lender is not required to enter into a repayment plan with a consumer more frequently than once every 12 months. In this subsection:

(1) "Consecutive loan" means a new motor vehicle title loan that a credit access business obtains for a consumer or assists a consumer in obtaining on or before the seventh day after the date a previous motor vehicle title loan made by the same lender to the same consumer is paid in full.

(2) "Renewed" means a transaction in which a consumer refinances all or part of the finance charges and advance of a motor vehicle title loan with a new motor vehicle title loan.

(d) A credit access business may not impose a charge in connection with a consumer's default on a motor vehicle title loan obtained for the consumer by the credit access business or that the credit access business assisted the consumer in obtaining.