

## **BILL ANALYSIS**

C.S.H.B. 3292  
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Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been suggested that certain statutory provisions governing loans and financed transactions regarding sale-leaseback transactions are inconsistent. C.S.H.B. 3292 seeks to address this inconsistency by removing certain sale-leaseback transactions from the transactions considered a loan for those purposes.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3292 amends the Finance Code to revise the definition of "loan," for purposes of statutory provisions governing loans and financed transactions, by specifying that a loan for those purposes includes a sale-leaseback transaction other than a sale-leaseback transaction that:

- may be terminated at any time;
- complies with certain federal law regarding terms of consumer credit extended to members of the military and their dependents and any regulations under that law, to the extent applicable;
- complies with certain federal law with respect to consumer credit protection and any regulations adopted under that law, to the extent applicable; and
- advises the consumer that complaints may be filed with the office of the attorney general or the Office of Consumer Credit Commissioner.

C.S.H.B. 3292 removes from the definition of "sale-leaseback transaction," for purposes of statutory provisions governing loans and financed transactions, the specifications that in a sale-leaseback transaction the buyer is a creditor and the seller is an obligor, an agreement to defer payment of a debt and an obligation to pay the debt are established, and any amount received by the buyer in excess of the price paid for the property by the buyer is interest subject to those statutory provisions.

### **EFFECTIVE DATE**

September 1, 2019.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3292 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a provision removing a sale-leaseback transaction from transactions considered a loan but includes a provision specifying that a sale-leaseback transaction that meets certain conditions is not considered a loan.

The substitute includes a provision revising the definition of "sale-leaseback transaction" and does not include a provision repealing the definition.

The substitute does not include a repeal of a provision providing for the seller's return of property in a sale-leaseback transaction or a provision creating a misdemeanor offense for the violation of a provision prohibiting certain actions taken by a buyer in a sale-leaseback transaction against the seller.