86R26745 GRM-D

By:  Gutierrez, Flynn, Kuempel, Capriglione, H.B. No. 3292

     Shaheen

Substitute the following for H.B. No. 3292:

By:  Flynn C.S.H.B. No. 3292

A BILL TO BE ENTITLED

AN ACT

relating to sale-leaseback transactions.

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

SECTION 1.  Sections 341.001(9) and (10), Finance Code, are amended to read as follows:

(9)  "Loan" has the meaning assigned by Section 301.002 and includes [~~a sale-leaseback transaction and~~] a deferred presentment transaction. The term includes a sale-leaseback transaction, other than a sale-leaseback transaction that:

(A)  may be terminated at any time;

(B)  complies with 10 U.S.C. Section 987 and any regulations adopted under that law, to the extent applicable;

(C)  complies with 15 U.S.C. Section 1601 et seq. and any regulations adopted under that law, to the extent applicable; and

(D)  advises the consumer that complaints may be filed with the office of the attorney general or the Office of Consumer Credit Commissioner.

(10)  "Sale-leaseback transaction" means a transaction in which a person sells personal property used primarily for personal, family, or household use and the buyer of the property agrees to lease the property back to the seller. [~~In a sale-leaseback transaction:~~

[~~(A)  the buyer is a creditor and the seller is an obligor;~~

[~~(B)  an agreement to defer payment of a debt and an obligation to pay the debt are established; and~~

[~~(C)  any amount received by the buyer in excess of the price paid for the property by the buyer is interest subject to this subtitle.~~]

SECTION 2.  The changes in law made by this Act apply only to a sale-leaseback transaction entered into on or after the effective date of this Act. A sale-leaseback transaction entered into before the effective date of this Act is governed by the law in effect on the date the sale-leaseback transaction was entered into, and the former law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2019.