

## Session 118 - (2009-2010)

**H\*3301 (Rat #0098, Act #0078 of 2009) General Bill, By Harrell, Cato, Sandifer, Sellers, Neilson, Erickson, Bannister, Bedingfield, Merrill, Mitchell, Anthony, Bingham, Huggins, Vick, Cooper, Chalk, J.R. Smith, Willis, Gilliard, Allison, Anderson, Bales, Battle, Bowers, Brady, G.A. Brown, H.B. Brown, Cole, Daning, Duncan, Edge, Forrester, Gambrell, Gullick, Hamilton, Hayes, Herbkersman, Hiott, Jefferson, Horne, Kirsh, Limehouse, Littlejohn, Long, Lowe, Lucas, Miller, Millwood, Nanney, Ott, Owens, Parker, Pinson, E.H. Pitts, M.A. Pitts, Scott, Simrill, Skelton, D.C. Smith, G.R. Smith, Sottile, Spires, Stewart, Stringer, Thompson, Toole, Umphlett, White, Whitmire and Wylie**

**Similar (S 0279)**

**Summary:** Deferred presentment

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 34-39-175 SO AS TO REQUIRE THE CONSUMER FINANCE DIVISION OF THE BOARD OF FINANCIAL INSTITUTIONS TO IMPLEMENT A REAL-TIME INTERNET ACCESSIBLE DATABASE FOR DEFERRED PRESENTMENT PROVIDERS TO VERIFY IF DEFERRED PRESENTMENT TRANSACTIONS ARE OUTSTANDING FOR A PARTICULAR PERSON; BY ADDING SECTION 34-39-270 SO AS TO PROHIBIT A DEFERRED PRESENTMENT PROVIDER FROM ENTERING INTO A DEFERRED PRESENTMENT TRANSACTION WITH A PERSON WHO HAS AN OUTSTANDING DEFERRED PRESENTMENT TRANSACTION OR WHO HAS ENTERED INTO AN EXTENDED PAYMENT PLAN AGREEMENT AND TO REQUIRE A DEFERRED PRESENTMENT PROVIDER TO VERIFY WHETHER AN INDIVIDUAL IS ELIGIBLE TO ENTER INTO A DEFERRED PRESENTMENT TRANSACTION; BY ADDING SECTION 34-39-280 SO AS TO ALLOW A DEFERRED PRESENTMENT TRANSACTION CUSTOMER WHO IS UNABLE TO REPAY A TRANSACTION WHEN DUE TO ENTER ONE EXTENDED PAYMENT PLAN DURING A TWELVE MONTH PERIOD; TO AMEND SECTION 34-39-130, RELATING TO LICENSURE REQUIREMENTS FOR DEFERRED PRESENTMENT PROVIDERS, SO AS TO PROHIBIT A PERSON FROM ENGAGING IN THE BUSINESS OF DEFERRED PRESENTMENT SERVICES WITH A RESIDENT OF SOUTH CAROLINA EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 39, TITLE 34; TO AMEND SECTION 34-39-180, RELATING TO DEFERRED PRESENTMENT RESTRICTIONS AND REQUIREMENTS, SO AS TO PROVIDE THAT THE TOTAL AMOUNT ADVANCED TO A CUSTOMER FOR DEFERRED PRESENTMENT OR DEPOSIT, EXCLUSIVE OF PERMISSIBLE FEES, MAY NOT EXCEED FIVE HUNDRED DOLLARS; TO AMEND SECTION 24-39-150, RELATING TO THE APPLICATION FOR LICENSURE, SO AS TO INCREASE THE APPLICATION AND RENEWAL FEES AND TO DESIGNATE THE RECIPIENTS AND PERMITTED USES OF RENEWAL FEE COLLECTIONS; BY ADDING SECTION 34-39-290 SO AS TO REQUIRE THE BOARD OF FINANCIAL ADVISORS TO SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY DETAILING CERTAIN DEFERRED PRESENTMENT TRANSACTION DATA PROVIDED BY THE DATABASE VENDOR; TO AMEND SECTION 34-39-200, RELATING TO LIMITATIONS ON ACTIVITIES BY PERSONS REQUIRED TO BE LICENSED, SO AS TO IDENTIFY CERTAIN LIMITED EXCEPTIONS; TO AMEND SECTION 34-39-180, RELATING TO DEFERRED PRESENTMENT RESTRICTIONS AND REQUIREMENTS, SO AS TO PROVIDE THAT A LICENSEE SHALL NOT CHARGE A FEE IN EXCESS OF FIFTEEN PERCENT OF THE PRINCIPAL AMOUNT OF THE TRANSACTION FOR ACCEPTING A CHECK FOR DEFERRED PRESENTMENT OR DEPOSIT; AND TO AMEND SECTION 34-39-180, RELATING TO DEFERRED PRESENTMENT RESTRICTIONS AND REQUIREMENTS, SO AS TO IDENTIFY A LICENSEE'S CIVIL REMEDIES IF A CHECK IS RETURNED DUE TO INSUFFICIENT FUNDS, CLOSED ACCOUNT, OR STOP PAYMENT ORDER. - ratified title

01/15/09	House	Introduced and read first time HJ-438
01/15/09	House	Referred to Committee on Labor, Commerce and Industry HJ-439
02/04/09	House	Committee report: Favorable with amendment Labor, Commerce and Industry HJ-2
02/05/09	House	Objection by Rep. Cobb-Hunter, Clyburn, Jefferson, King, Hart, Gunn, JH Neal, Weeks, and Williams HJ-23
02/05/09	House	Requests for debate-Rep(s). Cato, Allison, Skelton, R Brown, Littlejohn, Clemmons, Mack, Toole, Ballentine, Bingham, Sandifer, White, Merrill, Brady, Hodges, Funderburk, Gambrell, Agnew, Ott, Forrester, Parker, Miller, and Branham HJ-23
02/05/09		Scrivener's error corrected
02/11/09	House	Amended HJ-43
02/11/09	House	Read second time HJ-85
02/11/09	House	Roll call Yeas-93 Nays-16 HJ-85
02/12/09	House	Read third time and sent to Senate HJ-33
02/12/09	House	Motion to reconsider tabled HJ-34
02/12/09	Senate	Introduced and read first time SJ-9

02/12/09	Senate	Referred to Committee on Banking and Insurance SJ-9
02/12/09		Scrivener's error corrected
04/01/09	Senate	Committee report: Favorable with amendment Banking and Insurance SJ-15
04/02/09		Scrivener's error corrected
04/14/09	Senate	Special order, set for April 14, 2009 SJ-59
05/05/09	Senate	Debate interrupted SJ-23
05/06/09	Senate	Committee Amendment Amended SJ-23
05/06/09	Senate	Debate interrupted SJ-23
05/12/09	Senate	Debate interrupted SJ-41
05/14/09	Senate	Read second time SJ-57
05/21/09	Senate	Committee Amendment Amended and Adopted SJ-115
05/21/09	Senate	Read third time and returned to House with amendments SJ-115
05/21/09	House	Concurred in Senate amendment and enrolled HJ-113
05/21/09	House	Roll call Yeas-102 Nays-6 HJ-113
05/21/09	House	Motion to reconsider tabled HJ-116
05/27/09		Ratified R 98
06/02/09		Vetoed by Governor
06/16/09	House	Veto overridden by originating body Yeas-105 Nays-4 HJ-99
06/16/09	Senate	Veto overridden Yeas-39 Nays-3
06/22/09		Effective date See Act for Effective Date
06/24/09		Act No. 78