

By: Representative Perkins

To: Banking and Financial
Services

HOUSE BILL NO. 1479

1 AN ACT TO CREATE NEW CODE SECTION 75-67-541, MISSISSIPPI CODE
2 OF 1972, TO REQUIRE CHECK CASHER LICENSEES TO FILE ANNUAL REPORTS
3 WITH THE COMMISSIONER OF BANKING AND CONSUMER FINANCE; TO REQUIRE
4 THE COMMISSIONER TO COMPILE AN ANNUAL REPORT CONTAINING CERTAIN
5 DATA REGARDING ALL DEFERRED DEPOSIT LOANS MADE IN THE PRECEDING
6 YEAR; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** The following shall be codified as Section
9 75-67-541, Mississippi Code of 1972:

10 75-67-541. (1) The commissioner shall require licensees to
11 submit an annual report to the commissioner on or before the last
12 day of February for the preceding year disclosing:

13 (a) The resources, assets and liabilities of the
14 licensees at the beginning and end of the period.

15 (b) The income, expense, gain, loss and a
16 reconciliation of surplus or net worth with the balance sheets,
17 and the ratios of the profits to the assets reported.

18 (c) The total number of deferred deposit loans made in
19 the calendar year ending as of December 31 of the previous year.

20 (d) The total number of those loans outstanding as of
21 December 31 of the previous year.

22 (e) The minimum, maximum and average dollar amount of
23 checks whose deposits were deferred in the calendar year ending as
24 of December 31 of the previous year.

25 (f) The average annual percentage rate, the average
26 number of days a deposit of a check is deferred during the
27 calendar year ending as of December 31 of the previous year.

28 (g) The total dollar amount and number of returned
29 checks, checks recovered and checks charged off during the
30 calendar year ending as of December 31 of the previous year.

31 (h) A statement verifying that the licensee has not
32 used the criminal process or caused the criminal process to be
33 used in the collection of any deferred deposit loan during the
34 calendar year ending as of December 31 of the previous year.

35 (i) Any additional data or information that is
36 reasonably necessary to the performance of the commissioner's
37 oversight duties.

38 (2) The commissioner shall maintain as confidential any
39 proprietary financial information submitted by lenders under this
40 section.

41 (3) The commissioner shall compile an annual report by April
42 1 of each year, beginning April 1, 2008, containing, at a minimum,
43 data regarding all deferred deposit loans made in the preceding
44 year by lenders on an aggregate basis. Annual reports shall be
45 made available to interested parties and the general public. The
46 report shall include in the aggregate all information reported by
47 lenders under subsection (1) of this section. Consistent with
48 Mississippi law, the report shall include, at a minimum,
49 nonidentifying borrower data from the preceding year, which is
50 available from the database, including:

51 (a) The total number and dollar amount of deferred
52 deposit loans made in the calendar year ending as of December 31
53 of the previous year.

54 (b) The total number and dollar amount of deferred
55 deposit loans outstanding as of December 31 of the previous year.

56 (c) The minimum, maximum and average dollar amount of
57 payment devices whose deposits were deferred in the calendar year
58 ending December 31 of the previous year.

59 (d) The average annual percentage rate and the average
60 number of days a deposit of a payment device is deferred during
61 the calendar year ending as of December 31 of the previous year.

62 (e) The number of loans made in the amount of One
63 Hundred Dollars (\$100.00) or less, the number of loans made in the
64 amount of One Hundred One Dollars (\$101.00) to Two Hundred Dollars
65 (\$200.00), the number of loans in the amount of Two Hundred One
66 Dollars (\$201.00) to Three Hundred Dollars (\$300.00), and the
67 percentage of total loans made in each of these ranges.

68 (f) The number of loans that, upon repayment or deposit
69 of a borrower's deferred deposit payment device, ended in the
70 first week of the loan and the number of loans repaid or ending
71 with the deposit of a borrower's deferred deposit payment device
72 for successive weeks up to fourteen (14) weeks with the
73 corresponding APR range for each week.

74 (g) The total dollar amount of fees collected for
75 deferred deposit payment devices cashed.

76 (h) The total number and dollar amount of returned
77 deferred deposit payment devices and fees charged for those
78 returned deferred deposit payment devices.

79 (i) The total number of loans and the total dollar
80 amount of the net charge-offs or write-offs and recoveries of the
81 lender.

82 (j) The number of deferred deposit loans entered into
83 by borrowers in numerical order from one (1) to the highest number
84 of loans entered into by any borrower in the calendar year, with
85 the corresponding percentages for each numerical category.

86 **SECTION 2.** This act shall take effect and be in force from
87 and after July 1, 2007.