ENGROSSED HOUSE
JOINT
RESOLUTION NO. 1074

By: Piatt of the House

and

Gumm of the Senate

A Joint Resolution relating to permanent rules of the Department of Consumer Credit; disapproving proposed OAC 160:25-1-4, which relates to allowable charges in revolving loan accounts; and directing distribution.

WHEREAS, pursuant to Sections 250.2 and 308 of Title 75 of the Oklahoma Statutes, the Legislature reserves the right to designate the method for rule promulgation, establish policy, approve, delay, suspend, veto, or amend the implementation of any rule or proposed rule while under review by the Legislature, determine that a rule is not consistent with legislative intent, and suspend any rule or any portion thereof at any time, and the Legislature may disapprove any rule or amendment to a rule which has been transmitted for legislative review; and

WHEREAS, pursuant to Section 3116 of Title 59 of the Oklahoma Statutes, the Department of Consumer Credit promulgates rules to carry out the provisions of the Deferred Deposit Lending Act; regulating the licensing of deferred deposit lenders; and

WHEREAS, permanent rule OAC 160:25-1-4 establishes the requirements, procedures and standards for allowable charges for processing a debtor's application for credit when the principal amount of the loan is less than One Thousand Dollars ($1,000.00), and includes therein a partial list of such allowable charges; and

WHEREAS, the Legislature recognizes that OAC 160:25-1-4 which was adopted by the Department of Consumer Credit on March 27, 2006, and submitted to the Legislature and the Governor on March 31, 2006,

in its current form, may not be consistent with legislative intent and the public policy of this state.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 50TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves permanent rule OAC 160:25-1-4 which reads:

(a) Charge for processing the debtor's application for credit. The charge shall not exceed Ten Dollars ($10.00) when the principal amount of the loan is less than One Thousand Dollars ($1,000.00).

(b) Transaction fees and cash advance fees. The fees shall not collectively exceed six percent (6%) on loans with a principal amount of less than One Thousand Dollars ($1,000.00).

SECTION 2. The Secretary of State is directed to distribute copies of this resolution to the Governor, the Administrator of the Department of Consumer Credit, and the editor of "The Oklahoma Register".

Passed the House of Representatives the 23rd day of May, 2006.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2006.

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Presiding Officer of the Senate