

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 382

By: Newberry

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5
6 AS INTRODUCED

7 An Act relating to supervised lenders; amending 14A
8 O.S. 2011, Section 3-508A, as amended by Section 2,
9 Chapter 297, O.S.L. 2014 (14A O.S. Supp. 2014,
10 Section 3-508A), which relates to loan finance
11 charges; deleting maximum term of loan; and providing
12 an effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 14A O.S. 2011, Section 3-508A, as
15 amended by Section 2, Chapter 297, O.S.L. 2014 (14A O.S. Supp. 2014,
16 Section 3-508A), is amended to read as follows:

17 Section 3-508A. (1) With respect to a supervised loan,
18 including a loan pursuant to a revolving loan account, a supervised
19 lender may contract for and receive a loan finance charge not
20 exceeding that permitted by this section.

21 (2) The loan finance charge, calculated according to the
22 actuarial method, may not exceed the equivalent of the greater of
23 either of the following:

24 (a) the total of:

1 (i) twenty-seven percent (27%) per year on that part
2 of the unpaid balances of the principal which is
3 Two Thousand Nine Hundred Ten Dollars (\$2,910.00)
4 or less;

5 (ii) twenty-three percent (23%) per year on that part
6 of the unpaid balances of the principal which is
7 more than Two Thousand Nine Hundred Ten Dollars
8 (\$2,910.00) but does not exceed Six Thousand Two
9 Hundred Dollars (\$6,200.00); and

10 (iii) twenty percent (20%) per year on that part of the
11 unpaid balances of the principal which is more
12 than Six Thousand Two Hundred Dollars
13 (\$6,200.00); or

14 (b) twenty-five percent (25%) per year on the unpaid
15 balances of the principal.

16 (3) This section does not limit or restrict the manner of
17 contracting for the loan finance charge, whether by way of add-on,
18 discount, or otherwise, so long as the rate of the loan finance
19 charge does not exceed that permitted by this section. If the loan
20 is precomputed:

21 (a) the loan finance charge may be calculated on the
22 assumption that all scheduled payments will be made
23 when due; and
24

1 (b) the effect of prepayment is governed by the provisions
2 on rebate upon prepayment (Section 3-210).

3 (4) The term of a loan, for the purpose of this section,
4 commences on the date the loan is made. Differences in the lengths
5 of months are disregarded and a day may be counted as one-thirtieth
6 (1/30) of a month. Subject to classifications and differentiations
7 the lender may reasonably establish, a part of a month in excess of
8 fifteen (15) days may be treated as a full month if periods of
9 fifteen (15) days or less are disregarded and if that procedure is
10 not consistently used to obtain a greater yield than would otherwise
11 be permitted. ~~A loan made under this section shall not be repayable~~
12 ~~in fewer than twelve (12) months.~~

13 (5) Subject to classifications and differentiations the lender
14 may reasonably establish, he may make the same loan finance charge
15 on all principal amounts within a specified range. A loan finance
16 charge so made does not violate subsection (2) of this section if:

- 17 (a) when applied to the median amount within each range,
18 it does not exceed the maximum permitted in subsection
19 (2) of this section; and
- 20 (b) when applied to the lowest amount within each range,
21 it does not produce a rate of loan finance charge
22 exceeding the rate calculated according to paragraph
23 (a) of this subsection by more than eight percent (8%)
- 24

1 of the rate calculated according to paragraph (a) of
2 this subsection.

3 SECTION 2. This act shall become effective November 1, 2015.

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