

HB 145 -- Redline

CSHB 145(L&C) to HB 145 -- An Act relating to loans in an amount of \$25,000 or less; relating to the Nationwide Multistate Licensing System and Registry; relating to deferred deposit advances; and providing for an effective date.

Deletions ~~struck~~ · Insertions underlined

~~33-LS0508\R33-LS0508\S-CS FOR~~ HOUSE BILL NO.

~~145(L&C)~~145 IN THE LEGISLATURE OF THE STATE OF ALASKA THIRTY-THIRD LEGISLATURE - FIRST SESSION BY
~~THE REPRESENTATIVES HOUSE~~WRIGHT, LABOR~~Groh, AND~~Mina, COMMERCE~~Tomaszewski, COMMITTEE~~Himschoot,
~~Referred:~~Armstrong, McCormick, Mears, Gray, Galvin, Story, Josephson, Fields Introduced:
Finance~~3/29/23 Sponsor(s):~~Referred:

~~REPRESENTATIVES~~Labor ~~WRIGHT, and Groh, Commerce, Mina, Finance~~ ~~Tomaszewski, Himschoot, Armstrong,~~
~~McCormick, Mears, Gray, Galvin, Story, Josephson, Fields~~ A BILL FOR AN ACT ENTITLED "An Act relating to
loans in an amount of \$25,000 or less;

~~relating to the Nationwide Multistate Licensing System and Registry;~~

and (2) equalizes and maintains the quality of competition between state ~~HB0145b -1- CSHB 145(L&C) New~~
~~Text Underlined [DELETED TEXT BRACKETED]~~ ~~33-LS0508\R~~ financial institutions and federally chartered
financial institutions.

HB0145a -1- HB 145 New Text Underlined [DELETED TEXT BRACKETED] 33-LS0508\S * Sec.

AS 06.20.010 is amended by adding a new subsection~~subsection~~ to read:

~~(d) For the purposes of this chapter, a loan or transaction takes place in the state if the borrower is
a resident of the state and the borrower completes the transaction, either in person or electronically,
while physically present in the state.~~

~~AS 06.20 is amended by adding a new section to read:~~

~~Sec.~~

~~06.20.025.~~

~~National registry.~~

~~The department may (1) participate in the registry and pay any fees required for participation in the
registry;~~

~~(2) establish by regulation a process for licensees under this chapter to challenge information entered
into the registry by the department; CSHB 145(L&C) -2- HB0145b New Text Underlined [DELETED TEXT BRACKETED]
33-LS0508\R (3) contract with entities designated by the registry to collect and maintain records or
process fees;~~

~~(4) adopt regulations to require a licensee to register with the registry and submit applications,
renewal applications, surety bonds, reports, and other information and forms to the registry;~~

~~(5) adopt other regulations under AS 44.62 (Administrative Procedure Act) to implement this section;~~

~~(6) request other information the department reasonably requires from an applicant.~~

~~* Sec.~~

~~5.~~

~~AS 06.20.030(a) is amended to read:~~

~~(a) Investigation expenses incurred by the department in processing an application for licensure shall
be charged to and paid by the applicant under AS 06.01.010.~~

~~At the time of submitting the application to the commissioner, the applicant shall pay to the department
or through the registry \$1,000 in partial payment of those investigation expenses incurred by the
department.~~

~~* Sec.~~

~~6.~~

~~AS 06.20.030(b) is amended to read:~~

~~(b) An applicant shall pay to the department or through the registry at the time of submitting an
application a sum, in addition to that specified in (a) of this section, of \$500 for each location of a
branch, Internet website, or mobile application [A SINGLE OFFICE LICENSE,] or \$2,000 for a company
[MULTIPLE OFFICE] license as an annual license fee for a period terminating on the last day of the
current calendar year.~~

~~* Sec.~~

~~7.~~

~~AS 06.20.090 is repealed and reenacted to read:~~

~~Sec.~~

~~06.20.090.~~

~~Places of business.~~

~~(a) To apply for a license under this chapter, an applicant or person must submit a separate application to the department or through the registry for each location, including a branch, Internet website, or mobile application, through which the applicant or person conducts business.~~

~~(b) The department may establish by regulation information that must be submitted by an applicant and licensee, the procedures for determining acceptable criteria for approvals and denials, procedures for paying the fees in the registry, and the effective period of a license.~~

~~HB0145b -3- CSHB 145(L&C) New Text Underlined [DELETED TEXT BRACKETED] 33-LS0508\R * Sec.~~

~~8.~~

~~AS 06.20.170 is amended to read:~~

~~Sec.~~

~~06.20.170.~~

~~Periodic examination.~~

~~The department shall examine the affairs, business, office, and records of each licensee as often as necessary to carry out the purposes of this chapter [AT LEAST ONCE EVERY 18 MONTHS].~~

~~Examination fees are to be charged to and paid by the licensee in accordance with AS 06.01.010.~~

~~The department may maintain an action for the recovery of the costs in any court of competent jurisdiction, with recourse to the bonds referred to in AS 06.20.050 and 06.20.080.~~

~~* Sec.~~

~~9.~~

(b) Notwithstanding the provisions of (a) of this section, a licensee who makes HB 145 -2- HB0145a New Text Underlined [DELETED TEXT BRACKETED] 33-LS0508\S open-end loans under this chapter may charge, contract for, and receive interest at a rate not exceeding three percent a month on that part of the unpaid principal balance of a loan not in excess of [\$850;

~~10.5.~~

~~CSHB 145(L&C) -4- HB0145b New Text Underlined [DELETED TEXT BRACKETED] 33-LS0508\R Sec.~~

~~11.6.~~

~~AS 06.20 is amended by adding a new section to read:~~

~~Sec.~~

~~06.20.325.~~

~~Criminal threats.~~

~~A licensee under this chapter may not threaten a borrower with criminal prosecution as a result of the borrower's default.~~

~~* Sec.~~

~~12.~~

~~AS 06.20.900 is amended by adding a new paragraph to read:~~

~~(4) "registry" means the Nationwide Multistate Licensing System and Registry.~~

~~* Sec.~~

~~13.~~

~~14.7.~~

(b) Interest under AS 45.45.010 - 45.45.070 shall be computed by including HB0145a -3- HB 145 New Text Underlined [DELETED TEXT BRACKETED] 33-LS0508\S all service charges paid by the borrower, debtor, or mortgagor.

~~15.8.~~

~~AS 06.20.030(c), 06.20.330;~~

~~AS 06.50.010, 06.50.020, HB0145b -5- CSHB 145(L&C) New Text Underlined [DELETED TEXT BRACKETED] 33-LS0508\R 06.50.030, 06.50.040, 06.50.050, 06.50.060, 06.50.070, 06.50.080, 06.50.090, 06.50.200, 06.50.210, 06.50.220, 06.50.230, 06.50.300, 06.50.310, 06.50.320, 06.50.330, 06.50.400, 06.50.410, 06.50.420, 06.50.430, 06.50.440, 06.50.450, 06.50.460, 06.50.470, 06.50.480, 06.50.490, 06.50.500, 06.50.510, 06.50.520, 06.50.530, 06.50.540, 06.50.550, 06.50.560, 06.50.600, 06.50.610, 06.50.900;~~

~~16.9.~~

This Act takes effect ~~July~~immediately 1, under 2024 AS 01.10.070(c).

~~CSHBHB 145(L&C)145 -6- -4- HB0145bHB0145a New Text Underlined [DELETED TEXT BRACKETED]~~