

1 HB416
2 149857-1
3 By Representatives Bridges, Lee and Moore (B)
4 RFD: Military and Veterans Affairs
5 First Read: 07-MAR-13

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8 SYNOPSIS: Under existing law, an entity licensed to
9 provide deferred presentment services is subject to
10 suspension or revocation of its license for a
11 violation in the providing of deferred presentment
12 services.

13 This bill would provide that a person who is
14 an entity licensed to provide deferred presentment
15 services is subject to suspension or revocation of
16 its license for a violation of federal law in
17 regard to members of the United States military.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 To amend Section 5-18A-15, Code of Alabama 1975, to
24 provide that a person who is an entity licensed to provide
25 deferred presentment services is subject to suspension or
26 revocation of its license for a violation of federal law in
27 regard to members of the United State military.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. The Legislature finds and declares the
3 following:

4 (1) We recognize the importance of active military
5 personnel, veterans, and military facilities to the
6 well-being, safety, and economic development of this state.

7 (2) We recognize and find it is in the best interest
8 of this state to protect service members from abusive lending
9 practices.

10 Section 2. Section 5-18A-15, Code of Alabama 1975,
11 is amended to read as follows:

12 "§5-18A-15.

13 "(a) The supervisor may, after notice and hearing,
14 suspend or revoke any license if the supervisor finds that the
15 licensee has knowingly or through lack of due care committed
16 any of the following actions:

17 "(1) Failed to pay the annual license fee imposed by
18 this chapter or an examination fee imposed by the supervisor
19 under the authority of this chapter.

20 "(2) Committed fraud, engaged in a dishonest
21 activity, or made misrepresentations.

22 "(3) Violated a provision of this chapter, an
23 administrative regulation issued pursuant to this chapter, or
24 has violated any other law in the course of its or his or her
25 dealings as a licensee, including, without limitation, 10
26 U.S.C. §987, or any regulation adopted pursuant to 10 U.S.C.
27 §987.

1 "(4) Made a false statement in the application for
2 the license or failed to give a true reply to a question in
3 the application.

4 "(5) Demonstrated incompetence or untrustworthiness
5 to act as a licensee.

6 "(6) Entered or caused to be entered or allowed to
7 be entered any false information on any business record of the
8 licensed activity, including, but not limited to, any
9 information in customer agreements and on deferred presentment
10 checks or debit authorizations.

11 (b) If the reason for revocation or suspension of a
12 license of the licensee at any one location is of general
13 application to all locations operated by a licensee, the
14 supervisor may revoke or suspend all licenses issued to a
15 licensee.

16 "(c) A hearing shall be held on written notice given
17 at least 20 days prior to the date of the hearings."

18 Section 3. If a court of competent jurisdiction
19 adjudges invalid or unconstitutional any clause, sentence,
20 paragraph, section, or part of this act, such judgment or
21 decree shall not affect, impair, invalidate, or nullify the
22 remainder of this act, but the effect of the decision shall be
23 confined to the clause, sentence, paragraph, section, or part
24 of this act adjudged to be invalid or unconstitutional.

25 Section 4. All laws or parts of laws which conflict
26 with this act are repealed.

1 Section 5. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.