

**Hall of the House of Representatives**  
86th General Assembly - Regular Session, 2007  
**Amendment Form**

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**Subtitle of House Bill No. 1036**

"TO CREATE THE OFFENSE OF UNLAWFUL CONSUMER LOANS."

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**Amendment No. 1 to House Bill No. 1036.**

Amend House Bill No. 1036 as originally introduced:

Page 1, delete line 27, and substitute the following:

"(1) "Check" means a check, warrant, draft, money order, travelers' check, or other instrument for the payment of money, whether or not negotiable, but excluding:

(A) Any such instrument drawn on an account or financial institution outside of the United States; and

(B) Money or currency of any nation;

(2)(A) "Consumer loan" means a loan extended to an individual in"

AND

Page 1, delete line 29, and substitute the following:

"personal, family, or household purposes.

(B) "Consumer loan" does not include a loan that is secured in full by tangible personal property other than a check or checks;"

AND

Page 1, line 30, delete "(2)" and substitute "(3)"

AND

Page 2, line 1, delete "State Banking Board" and substitute "State Bank Department"

AND

Page 2, delete lines 5 and 6, and substitute the following:

"of Thrift Supervision, or their successors;

(4) "Interest" means a charge or fee for the borrowing of currency or money; and

(5) "Person" means an individual, group of individuals,"



AND

Page 2, delete line 21, and substitute the following:

"SECTION 2. Arkansas Code § 23-52-104 is amended to read as follows:  
23-52-104. Permissible check-casher fees.

(a) A check-casher may charge a reasonable fee to defray operational costs incurred in the check-cashing business, including, ~~without limitation:~~

- (1) Investigating the checking account and copying required documents;
- (2) Photographing the person signing the check;
- (3) Securing check and customer records in a safe, fireproof place;
- (4) Maintaining records as required by this chapter;
- (5) Maintaining required capital and liquidity; and
- (6) Processing, documenting, and closing the check-cashing or deferred-deposit transactions.

(b) Unless otherwise authorized by this chapter, the ~~fees~~ fee authorized by this section shall not exceed ~~the following:~~

~~(1) For the service of selling currency or check in exchange for checks, without regard to whether a deferred presentment option is involved:~~

~~(A) A fee not to exceed five percent (5%) of the face amount of the check if the check is the payment of any kind of state public assistance or federal social security benefit payable to the bearer of the check or the check is otherwise a check issued by a federal or state governmental entity;~~

~~(B) A fee not in excess of ten percent (10%) of the face amount of any personal check or money order; or~~

~~(C) A fee not in excess of six percent (6%) of the face amount of the check in the case of all other checks. Such a fee may be collected separately or by paying the customer an amount of money equal to the face amount of the check less the appropriate fee under this chapter;~~

~~(2) For a deferred presentment option which involves a personal check, an additional fee not to exceed ten dollars (\$10.00) may be charged by a check-casher; and~~

~~(3) In addition to the foregoing fees, a check-casher may charge a fee of no more than five dollars (\$5.00) to set up an initial customer account and issue an optional identification card for providing check-cashing services. A replacement optional identification card may be issued at a cost not to exceed five dollars (\$5.00) seventeen percent (17%) per annum of the face amount of the check.~~

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the"

The Amendment was read \_\_\_\_\_

By: Representative D. Johnson

GRH/YTC - 01-19-2007 15:45

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Chief Clerk