

1 SENATE BILL 398

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Linda M. Lopez and Gerald Ortiz y Pino

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10 AN ACT

11 RELATING TO FINANCIAL INSTITUTIONS; SIMPLIFYING REPORTING  
12 REQUIREMENTS FOR LICENSEES PURSUANT TO THE NEW MEXICO SMALL  
13 LOAN ACT OF 1955.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 58-15-10.1 NMSA 1978 (being Laws 2011,  
17 Chapter 105, Section 1, as amended) is amended to read:

18 "58-15-10.1. LICENSEE REPORTING REQUIREMENTS--  
19 PENALTIES.--

20 A. Licensees shall file with the director each year  
21 a report containing at least the following information for the  
22 preceding calendar year in an aggregated, nonidentifying  
23 consumer manner:

24 (1) a description of each loan product offered  
25 by the licensee, including:

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- 1 (a) all fees;
- 2 (b) the minimum, maximum and average  
3 annual interest rate as disclosed pursuant to 12 C.F.R. 226,  
4 known as "Regulation Z";
- 5 (c) the frequency of periodic payments;
- 6 (d) the term of the loan; and
- 7 (e) any other standard conditions of the  
8 loan product;
- 9 ~~[(2) the total number of transactions entered  
10 into for each loan product in the following amounts:~~
- 11 ~~(a) five hundred dollars (\$500) or less;~~
- 12 ~~(b) five hundred one dollars (\$501) to  
13 one thousand dollars (\$1,000);~~
- 14 ~~(c) one thousand one dollars (\$1,001) to  
15 three thousand dollars (\$3,000);~~
- 16 ~~(d) three thousand one dollars (\$3,001)  
17 to five thousand dollars (\$5,000); and~~
- 18 ~~(e) greater than five thousand dollars  
19 (\$5,000);~~
- 20 ~~(3) the total number of loans and the total  
21 dollar amount of loan principal for each loan product;~~
- 22 ~~(4) the average principal loan amount for each  
23 loan product;~~
- 24 ~~(5) the total number of loans for which the  
25 loan principal and accrued interest was not paid in full;~~

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- 1                   ~~(6) the total dollar amount of principal~~  
2    ~~loaned;~~
- 3                   ~~(7) the total dollar amount of loan principal~~  
4    ~~repaid;~~
- 5                   ~~(8) the total dollar amount of interest~~  
6    ~~received;~~
- 7                   ~~(9) the total dollar amount and description of~~  
8    ~~fees received;~~
- 9                   ~~(10) the total number of loans that were~~  
10   ~~secured by collateral of some type and the total number of such~~  
11   ~~loans in which the security was foreclosed upon or repossessed;~~
- 12                   ~~(11) the total amount of loan principal and~~  
13   ~~the total amount of accrued interest written off or charged~~  
14   ~~off;~~
- 15                   ~~(12) the percent of consumers who were new~~  
16   ~~consumers;~~
- 17                   ~~(13) the number of loans that were renewed,~~  
18   ~~refinanced or extended prior to being repaid in full; and~~
- 19                   ~~(14) procedures the licensee follows as a~~  
20   ~~standard practice to establish each consumer's ability to repay~~  
21   ~~a loan.]~~
- 22                   (2) for each loan product, the total number of  
23   loan contracts;
- 24                   (3) the total principal of the loans;
- 25                   (4) for each loan product, the total dollar

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1 amount of interest and fees charged in contracts for loans  
2 within the following categories of annual interest rate:

3 (a) twenty-five percent through one  
4 hundred percent;

5 (b) greater than one hundred percent and  
6 less than or equal to one hundred seventy-five percent;

7 (c) greater than one hundred  
8 seventy-five percent and less than or equal to three hundred  
9 percent;

10 (d) greater than three hundred percent  
11 and less than or equal to five hundred percent; and

12 (e) greater than five hundred percent;

13 (5) the total number of loans and the total  
14 dollar amount of contracted loan principal for each of the  
15 following loan terms within the interest rate ranges set forth  
16 in Paragraph (4) of this subsection:

17 (a) one hundred days to two hundred  
18 forty-two days;

19 (b) two hundred forty-three days to  
20 three hundred sixty-five days;

21 (c) three hundred sixty-six days through  
22 seven hundred thirty days;

23 (d) seven hundred thirty-one days to  
24 five years; and

25 (e) longer than five years;

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1                   (6) the total number of loans, the total  
2 dollar amount of contracted loan principal and the total dollar  
3 amount of contracted loan interest and fees for each of the  
4 following loan terms within the interest rate ranges set forth  
5 in Paragraph (4) of this subsection:

6                   (a) one hundred days to two hundred  
7 forty-two days;

8                   (b) two hundred forty-three days to  
9 three hundred sixty-five days;

10                   (c) three hundred sixty-six days through  
11 seven hundred thirty days;

12                   (d) seven hundred thirty-one days to  
13 five years; and

14                   (e) longer than five years;

15                   (7) the number of loans that went to consumers  
16 borrowing from the licensee for the first time;

17                   (8) the total number of loans that went into  
18 default;

19                   (9) the number of loans for which motor  
20 vehicles were repossessed; and

21                   (10) the number of loans where non-motor  
22 vehicle personal property was repossessed.

23                   B. The report required pursuant to Subsection A of  
24 this section shall be submitted to the director on or before  
25 the thirty-first day of March each year.

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1 C. The report required pursuant to Subsection A of  
2 this section shall be accompanied by a sworn statement by the  
3 licensee under penalty of perjury that the report is complete  
4 and accurate.

5 D. A licensee that fails to timely submit a  
6 complete and accurate report as required pursuant to Subsection  
7 A of this section may:

8 (1) be fined an amount not to exceed one  
9 thousand five hundred dollars (\$1,500) per day for each day  
10 after the thirty-first day of March that a complete and  
11 accurate report is not filed; and

12 (2) have a license required pursuant to the  
13 New Mexico Small Loan Act of 1955 suspended pursuant to Section  
14 58-15-8 NMSA 1978 if a complete and accurate report has not  
15 been filed by the thirty-first day of March.

16 ~~[E. The information required to be submitted by~~  
17 ~~licensees pursuant to the provisions of this section shall not~~  
18 ~~include information concerning payday loans or loans or loan~~  
19 ~~products with an annual interest rate of one hundred seventy-~~  
20 ~~five percent or less as disclosed pursuant to 12 C.F.R. 226,~~  
21 ~~known as "Regulation Z".]~~