

SENATE BILL NO. 12

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

0521S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 408.145, RSMo, and to enact in lieu thereof one new section relating to the issuance of credit cards by lenders.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 408.145, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 408.145,
3 to read as follows:

408.145. 1. To encourage competitive equality,
2 lenders issuing credit cards in this state pursuant to the
3 authority of section 408.100 or 408.200, may [in addition to
4 lawful interest, contract for, charge and collect fees for]
5 **issue** such credit cards **under such terms and conditions**
6 which any lender in any contiguous state is permitted to
7 [charge] **utilize** for credit cards issued in such contiguous
8 state by such state's statutes. State-chartered lenders
9 [charging such fees] **issuing credit cards** in reliance on
10 this subsection shall file a copy of the pertinent statutes
11 of one contiguous state authorizing credit card [fees] **terms**
12 **and conditions** with the director of finance or such lender's
13 principal state regulator. The director of finance or other
14 principal state regulator shall, within thirty days after
15 receipt of the filing, approve or disapprove of such [fees]
16 **terms and conditions** on the sole basis of whether the
17 statutes of such contiguous state permit such [fees] **terms**
18 **and conditions**, and without regard to the restrictions

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 placed upon credit cards by subsection 2 of this section.
20 When the lender is chartered by the federal government, or
21 any agency thereunder, or is unregulated, such lender shall
22 file with and be approved by the Missouri attorney general
23 under the same provision as provided a state-chartered
24 lender.

25 2. "Credit card" as used in this section shall mean a
26 credit device defined as such in the federal Consumer Credit
27 Protection Act and regulations thereunder, except:

28 (1) The term shall be limited to credit devices which
29 permit the holder to purchase goods and service upon
30 presentation to third parties whether or not the credit card
31 also permits the holder to obtain loans of any other type;
32 and

33 (2) Such credit device shall only provide credit which
34 is not secured by real or personal property.

35 3. "Lender" as used in this section shall mean any
36 category of depository or nondepository creditor.
37 Notwithstanding the provisions of [section 408.140] **sections**
38 **408.100 to 408.190 to the contrary**, the lender shall declare
39 on each credit card contract whether the credit card [fees
40 are governed by section 408.140, or by] **is issued pursuant**
41 **to** this section.

✓