



December 6, 2019

## Overview

**Massachusetts, Michigan, New Jersey, Ohio, Pennsylvania** and **Wisconsin** are in regular session. The **District of Columbia** Council, **Puerto Rico** and the **United States** Congress are also in regular session.

**New Hampshire** and **New York** are in recess subject to the call of the chair.

**Utah** will convene for a special session on December 12 to consider a sweeping tax reform plan, reports [Deseret News](#). GOP leaders hope to pass a net tax cut of up to \$124 million before the start of the new year, when the entire House and half the Senate are up for re-election.

**Connecticut** Democratic Governor Ned Lamont has called a special session for the week of December 16 to vote on highway tolls, a comprehensive settlement of a long-running lawsuit by hospitals against the state, and a resolution between restaurant owners and workers over wages for employees who receive tips, reports the [Hartford Courant](#).

**Alabama** Republican Governor Kay Ivey has called for the legislature to convene a special session on February 4 to address growing concerns regarding the state's prison overcrowding problem, reports [The Outlook](#). The regular session will begin on February 4 and will immediately adjourn to call for a special session.

**Alaska** Republican Governor Mike Dunleavy has 20 days from delivery, Sundays excepted, to act on legislation or it becomes law without signature. **Delaware** Democratic Governor John Carney has 10 days, Sundays excepted, to act on legislation or it becomes law without signature. **Illinois** Democratic Governor J.B. Pritzker has 60 days from presentment to act on legislation or it becomes law without signature. **Maine** Democratic Governor Janet Mills has three days after the convening of the next meeting of the legislature to act on legislation presented on or after June 8 or it becomes law without signature. **North Carolina** Democratic Governor Roy Cooper has 10 days from presentment to act on legislation or it becomes law without signature.

The following states are currently holding 2019 interim committee hearings: [Alabama](#), [Alaska](#), [Arizona](#), [California Assembly](#) and [Senate](#), [Colorado](#), [Connecticut](#), [Delaware](#), [Florida House](#), [Georgia House](#) and [Senate](#), [Hawaii](#), [Idaho](#), [Illinois Senate](#), [Indiana](#), [Iowa](#), [Kansas](#), [Kentucky](#),

[Louisiana](#), [Maine](#), [Maryland](#), [Mississippi House](#) and [Senate](#), [Missouri House](#) and [Senate](#), [Montana](#), [Nebraska](#), [Nevada](#), [New Hampshire House](#) and [Senate](#), [New Mexico](#), [New York Assembly](#) and [Senate](#), [North Carolina](#), [North Dakota](#), [Oklahoma House](#) and [Senate](#), [Rhode Island](#), [South Carolina House](#) and [Senate](#), [South Dakota](#), [Tennessee](#), [Texas House](#), [Utah](#), [Virginia](#), [Washington](#), [West Virginia](#) and [Wyoming](#).

The following states are currently posting 2019 bill drafts, profiles and interim studies: [Alabama House](#), [Arizona](#), [Arkansas](#), [Florida House](#) and [Senate](#), [Georgia](#), [Indiana](#), [Iowa](#), [Kansas House](#), [Kentucky](#), [Maine](#), [Missouri House](#) and [Senate](#), [Nebraska](#), [New Hampshire](#), [Oklahoma House](#) and [Senate](#), [Oregon](#), [South Carolina](#), [Tennessee](#), [Utah](#), [Virginia](#), [Washington](#) and [West Virginia](#).

## Cards

**New York** [AB 8734](#) was introduced on November 25 and referred to the Assembly Consumer Affairs and Protection Committee; it is sponsored by Assemblymember Anthony D’Urso, D-Port Washington, who is not a member of the committee. The bill is the companion to [SB 5520](#), which is sponsored by Senator John Brooks, D-Long Island, and was introduced and referred to the Senate Consumer Protection Committee on May 3. The bills would provide that if a seller engages in differential pricing by offering a discount for payment by cash, check or similar means, the highest price must be conspicuously posted.

## Lending

**Missouri** [HB 1438](#) was prefiled for the upcoming 2020 session on December 2 and is pending committee referral. The bill is sponsored by Representative Steve Helms, R-Springfield. The bill would modify laws concerning unsecured loans of \$500 or less by:

- Requiring licensees to provide the borrower with a notice of the borrower’s right to contact the division of finance regarding the licensee;
- Reducing the number of times a loan could be renewed to only two times;
- Adding provisions regarding extended payment plans;
- Codifying licensees’ requirements to abide by the Fair Debt Collection Practices Act when attempting to collect on a loan.

## Mortgage Lending

**District of Columbia** [B23 383/L23-0029](#) was passed by Congress on November 26. The act has a sunset date of May 19, 2020. The act requires the Department of Insurance, Securities and Banking to provide for the licensing of entities providing appraisal management services in the district and requires an annual registration fee to be paid by those entities. Related to this temporary act are [B23 458](#), the “Appraisal Management Company Regulation Congressional Review Emergency Act of 2019,” which was returned by Mayor Bowser with her signature on October 29 and becomes effective immediately; and [PR23 473](#), the “Appraisal Management

Company Regulation Congressional Review Emergency Declaration Resolution of 2019,” which had its final reading on October 8 and became immediately effective.

**District of Columbia** [B23 526/A23-173](#) was signed by Mayor Muriel Bowser on November 26. The act becomes effective upon signature. The act will protect, on an emergency basis, unpaid federal workers, employees of contractors of the federal government, and household members of federal workers and employees of contractors from eviction, late fees and foreclosure during a federal government shutdown. The act will expire on February 24, 2019.

**District of Columbia** [B23 527](#) was transmitted to Mayor Bowser on November 25. She has until December 11 to act on the bill or it will become law without signature. The bill would protect, on a temporary basis, unpaid federal workers, employees of contractors of the federal government, and household members of federal workers and employees of contractors from eviction, late fees and foreclosure during a federal government shutdown.

**Florida** [SB 886](#) is scheduled to be heard in the Senate Judiciary Committee on December 10. The bill would set forth that a deed containing a scrivener’s error would convey title as if there had been no such error if certain requirements are met. The bill would also provide a form for a curative notice and would authorize the clerks of the circuit court to accept and record curative notices. The bill would also provide for the operation of a curative notice.

**Michigan** [HB 4226/Act 130](#) was signed by Democratic Governor Gretchen Whitmer on November 21. Effective immediately, the act will set a \$250 limit on the fee charged by a designee of a purchaser of foreclosed property for assisting in computing the amount required to redeem the property. If property is sold at a foreclosure sale, there will be a redemption period during which the mortgagor could recover, or “redeem”, the property by paying the redemption amount and required fees. The purchaser of the property must provide an affidavit with the deed to be recorded that states the exact amount required to redeem the property. The purchaser could include in the affidavit the name of a designee responsible on behalf of the purchaser to assist the person redeeming the property in computing the exact amount required to redeem the property. The purchaser must accept the amount computed by the designee. The designee could charge a fee as stated in the affidavit and may be authorized by the purchaser to receive redemption money. A Senate fiscal analysis of the bill is available [here](#).

The vote on **Michigan** [HB 4306](#) was reconsidered by the Senate and re-passed with new amendments that were concurred with by the House on December 4. It is now pending enrollment and transmittal to the governor. The bill would require a notice of foreclosure by advertisement to include information in addition to that which is already required, such as:

- The name, address, and telephone number of the attorney for the party foreclosing the mortgage;
- For a residential mortgage, a statement in a form specified by the bill indicating that if a person were a military service member on active duty whose period of active duty had concluded less than 90 days ago, or if he or she had been ordered to active duty, he or she should contact the attorney for the party foreclosing the mortgage;

- A statement in a form specified by the bill indicating that the property would be foreclosed by sale at a public auction; the location, date, and time of the auction; that the amount due on the mortgage could be greater on the day of the sale; and that placing the highest bid at the sale would not automatically entitle the purchaser to free and clear ownership of the property;
- A description of the property by giving its street address, if any.

A fiscal analysis is available [here](#).

**Michigan [HB 5084](#)** was signed by Democratic Governor Gretchen Whitmer on December 4 and takes effect immediately. The act will amend the Mortgage Loan Originator Licensing Act to allow a grace period of temporary authority to act as a mortgage loan originator, without first obtaining a license, for registered mortgage loan originators who have changed their employment and certain mortgage loan originators who are licensed in another state. The act will also allow an individual who is a mortgage loan originator licensed in another state to have temporary authority to act as a mortgage loan originator in the state without obtaining a license if he or she met the requirements and was licensed in another state during the 30-day period immediately preceding the date they submitted the information required. The temporary authority, for both registered mortgage loan originators and out-of-state mortgage loan originators, will begin on the date the individual submitted the information, paid the fee, and met the applicable surety bond requirement. The temporary authority will end on the earliest of the following dates:

- The date the individual withdraws the submitted application;
- The date the director denies, or issues a notice of intent to deny, the application;
- The date the director approves the application;
- 120 days after the date he or she submitted the application, if the application is listed on the nationwide mortgage licensing system and registry as incomplete.

A Senate fiscal analysis is provided [here](#).

**Missouri [SB 553](#)** was prefiled on December 4 by Senator Paul Wieland, R-Arnold, and is pending committee referral. The bill would establish that a preclicensing education course that is completed by an individual would not satisfy this requirement if the course precedes an application by a certain time period established by the Nationwide Mortgage Licensing System and Registry (NMLSR).

**Missouri [SB 593](#)** was prefiled on December 1 by Senator Bill White, R-Joplin, and is pending committee referral. The bill would repeal the current law regulating notaries public and replace it with a new chapter establishing standards to become a notary as well as detailing notarial responsibilities.

**New Jersey [SB 1155](#)** was scheduled to be heard in the Senate Budget and Appropriations Committee on December 5. No additional information about the hearing has been made available at this time. The bill would require certain vacant and abandoned property be registered with municipalities. A fiscal estimate can be read [here](#). Identical bill [AB 5084](#) passed the Assembly

Housing and Community Development Committee on June 6.

**Wisconsin** [SB 317](#) is scheduled to be heard in the Senate Agriculture, Revenue and Financial Institutions Committee on December 18. This bill would authorize notaries public to obtain licensure as an online notary public and perform notarial acts for persons who are not in the same physical location as the notary. It would also authorize online notaries to use an electronic seal in addition to an electronic signature. Finally, the bill would require registration of online notarization system providers. [Senate Substitute Amendment 1](#) was offered by Senator Luther Olsen, R-Marquette on October 28.

**Wisconsin** [SB 457/Act 65](#) was signed by Democratic Governor Tony Evers on November 26. The act will, in part, create certain provisions on providing temporary authority to act as a mortgage loan originator while a license application is pending. The act has varying effective dates, but the mortgage lending provisions took effect on November 28.

## Personal Loans

**Florida** [HB 857](#) was prefiled on December 4 and is pending committee referral; it is related to [SB 894](#), which was prefiled on November 13 and is also still pending committee referral. SB 894 is sponsored by Senator Darryl Rouson, D-St. Petersburg; HB 857 is sponsored by Representative Juan Fernandez-Barquin, R-Miami. The bills would create the Access to Responsible Credit Pilot Program within the Office of Financial Regulation. They would create certain licensing requirements for lenders that wish to participate in the program. The provisions of the program would include:

- A requirement that lenders determine the potential borrower's ability to repay the loan;
- That loans made while participating in the program would have to:
  - Be unsecured;
  - Have a term of at least 120 days, but not more than 36 months for a loan of at least \$300 but not more than \$3,000;
  - Have a term of at least 12 months, but not more than 60 months, for a loan of more than \$3,000;
- A prohibition of loans exceeding \$5,000, unless the borrower has met certain requirements;
- A prohibition on prepayment penalties;
- A maximum fixed annual interest rate of:
  - 36 percent on the portion of the loan up to \$3,000;
  - 30 percent on the portion of the loan that exceeds \$3,000 up to \$4,000;
  - 24 percent on the portion of the loan exceeding \$4,000 up to \$7,500;
- Requiring licensees to reduce the interest rates on each subsequent program loan to the same borrower by a minimum of one percent, up to a maximum of six percent, if certain conditions are met by the borrower;
- A prohibition on refinancing a program loan unless certain conditions are met;
- A restriction on who the licensees could conduct business with to the residents of Broward, Miami-Dade or Palm Beach counties.

Licenses would be required to make specified written disclosures to borrowers and would only be allowed to charge fees that are enumerated in the bill. They would also be required to submit information to at least two credit reporting agencies and would have to direct borrowers to independent third parties for credit education before a loan could be disbursed.

## Privacy & Fraud

**Florida** [HB 813](#) was prefiled by Representative Lawrence McClure, R-Dover, on November 26 for the 2020 session, which is scheduled to begin on January 14. This bill would amend Section 517.34 of the Florida Statutes to include financial exploitation of vulnerable adults and would provide a definition of financial exploitation. The bill would also require a broker-dealer or investment advisor to:

- Make available to relevant authorities, upon request, all records relating to a delay or notification made by the dealer or investment advisor;
- Develop training policies or programs reasonably designed to educate associated persons on issues pertaining to exploitation;
- Develop and maintain written procedures regarding the manner in which suspected exploitation is required to be reported to supervisory personnel;
- Conduct periodic training relating to financial exploitation for all associated persons;
- Maintain a written record of compliance with the statute.

**Missouri** [HB 1451](#) was prefiled by Representative Nick Schroer, R-O'Fallon, on December 2 for the 2020 session, which is scheduled to begin on January 8. This bill would increase the penalty for the offense of financial exploitation of an elderly person or a person with a disability from a class A misdemeanor to a class E felony. Additionally, the bill would also lower the monetary value threshold for class D and C felonies, from \$750 to \$500 and from \$5,000 to \$2,500, respectively.

**New Jersey** [AB 5091](#) was amended on the floor on November 25. The bill, sponsored by Assemblymember John McKeon, D-Madison, was introduced on February 25. The bill relates to financial exploitation of eligible adults and would establish notification requirements for applicable financial professionals in the event of suspected financial exploitation. As amended the bill would:

- Clarify the definition of qualified individual under the act to include any agent and investment adviser representative, in addition to any broker-dealer, investment adviser, or other person who serves in a supervisory, compliance, legal, or senior investor protection capacity;
- Remove provisions making a qualified individual immune from criminal liability in certain circumstances;
- Clarify the circumstances under which a broker-dealer or investment adviser could delay a transaction to specify that the broker-dealer or investment adviser is required to provide

written notification of the delay immediately, but in no event more than two business days after the date on which the transaction of disbursement was first delayed.

## Vehicle Finance

**Florida** [HB 723](#) was prefiled by Representative Jason Fischer, R-Jacksonville on November 21. This bill is pending committee referral and is similar to [HB 377](#) and [SB 478](#). The bill would define a “peer-to-peer vehicle sharing program” and set forth requirements for the program related to insurance, liability, recordkeeping, responsibility for equipment, safety recalls and driver license verification. The legislature is scheduled to convene the 2020 session on January 14.

**Massachusetts** [SB 1376](#) passed the Senate Public Safety and Homeland Security Committee and was referred to the Senate Ways and Means Committee on November 25. The bill would permit municipalities to use automated speed enforcement systems to enforce traffic laws. It would exempt vehicle leasing companies from liability for violations incurred by the vehicle operator; however, it would require the vehicle leasing company to provide a law enforcement agency information about the vehicle operator within 45 days of the violation.

**Missouri** [SB 709](#) was prefiled without text by Senator Bill Eigel, R-St. Charles, on December 1. The bill would prohibit the use of automated traffic enforcement systems to establish evidence a motor vehicle or its operator has committed a traffic-related offense, or to impose or collect any civil or criminal fine, fee or penalty for such offense.

The [floor amendments](#) for **New Jersey** [AB 5323](#) passed by the Assembly on November 25. The bill is the identical companion of [SB 2998](#), which has passed the Senate and then passed the Assembly Financial Institutions and Insurance Committee on May 13. As amended, the bills would require consumer lenders providing credit agreements that include lender-placed insurance to disclose this fact in the agreement. Creditors would also be required to send a notice in the mail within 14 days of the placement of any such collateral protection insurance. Creditors that fail to provide these disclosures would be subject to fines of up to \$25,000. If a creditor is found to have placed collateral protection insurance on a debtor unnecessarily because the debtor already had insurance, the debtor would be entitled to a full refund. If the duplicative charges result in delinquency of the credit agreement or repossession of the collateral, the consumer would be entitled to treble damages. This [statement](#) published by the Assembly Financial Institutions Committee provides more details on the amended version of the bills.

**New Jersey** [SB 1712](#) was substituted for companion bill [AB 5225](#) on November 25 and passed the Assembly 74-0. It is waiting enrollment and delivery to Democratic Governor Phil Murphy. This bill would require new motor vehicle manufacturers, distributors and factory branches to provide purchasers with a written statement summarizing vehicle warranty coverage for aftermarket and recycled parts. The statement is required to be mailed within 90 days after the purchase or lease of a new motor vehicle.

**New York** [AB 8832](#) was introduced on November 25 by Assemblymember William Magnarelli,

D-Syracuse, and referred to the Assembly Transportation Committee, of which he is chair. The bill would allow law enforcement to install photo speed violation monitoring systems to enforce traffic laws in highway construction and maintenance work areas. It would require a lessor to submit the name and address of the lessee within thirty seven days of receiving notice of liability of a violation from the state.

**New York** [SB 5859](#) was delivered to Democratic Governor Andrew Cuomo on November 26. The governor has until December 6 to sign or veto legislation or it becomes law without signature. The bill would require a lessor of a motor vehicle to disclose the lessor's policies relating to liability of a lessee in the case of a total loss of the vehicle or if the vehicle is rendered inoperable.

**Ohio** [HB 345](#) is scheduled to be heard in the House Transportation & Public Safety Committee on December 10. This bill would require a towing service or storage facility in possession of a motor vehicle to send a notice stating the owner or lienholder has 60 days to claim the vehicle. If the owner or lienholder does not claim the vehicle within 60 days, and law enforcement officials have determined the vehicle is not a part of a criminal investigation, the towing service or storage facility may obtain a certificate of title free of all liens and encumbrances. A bill analysis is provided [here](#).