

107TH CONGRESS
1ST SESSION

H. R. 1058

To amend the Truth in Lending Act to prohibit the distribution of any check or other negotiable instrument as part of a solicitation by a creditor for an extension of credit, to limit the liability of consumers in conjunction with such solicitations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2001

Mr. LAFALCE (for himself, Mr. KANJORSKI, Mrs. MALONEY of New York, Mr. GUTIERREZ, Ms. LEE, Mrs. JONES of Ohio, Mr. CAPUANO, Mr. CLAY, Mr. HINCHEY, and Ms. SCHAKOWSKY) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To amend the Truth in Lending Act to prohibit the distribution of any check or other negotiable instrument as part of a solicitation by a creditor for an extension of credit, to limit the liability of consumers in conjunction with such solicitations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Unsolicited Loan
5 Check Consumer Protection Act of 2001”.

1 **SEC. 2. UNSOLICITED LOAN CHECKS PROHIBITED.**

2 (a) IN GENERAL.—Chapter 2 of the Consumer Credit
3 Protection Act (15 U.S.C. 1631 et seq.) is amended by
4 adding at the end the following new section:

5 **“SEC. 140. SOLICITATIONS FOR CONSUMER LOANS.**

6 “(a) ‘LIVE’ LOAN CHECKS PROHIBITED.—No con-
7 sumer credit which is otherwise subject to this title may
8 be extended by any creditor through the use of a check
9 or other negotiable instrument which has been sent by the
10 creditor to the consumer in connection with a solicitation
11 by the creditor for such extension of credit, unless the con-
12 sumer has submitted an application for, or otherwise re-
13 quested, such extension of credit before receiving the check
14 or instrument.

15 “(b) CONSUMER NOT LIABLE.—If any creditor in-
16 cludes a check or other negotiable instrument in a sollicita-
17 tion to a consumer for an extension of credit sent by a
18 creditor to a consumer in violation of subsection (a)—

19 “(1) the consumer shall not be liable for the
20 amount of any such check or other negotiable instru-
21 ment; and

22 “(2) no information on any liability of the con-
23 sumer alleged by the creditor to have been estab-
24 lished through such check or other negotiable instru-
25 ment may be reported to or received by any credit
26 agency (as defined in section 603 of the Fair Credit

1 Reporting Act) or included in any consumer credit
2 report under such Act.

3 “(c) REGULATIONS.—

4 “(1) REGULATIONS REQUIRED.—

5 “(A) IN GENERAL.—Before the end of the
6 6-month period beginning on the date of the en-
7 actment of the Unsolicited Loan Check Con-
8 sumer Protection Act of 1999, the Board shall
9 prescribe final regulations to implement the re-
10 quirements of this section.

11 “(B) MODIFICATIONS.—The Board shall
12 modify and clarify any regulation prescribed
13 under subparagraph (A) whenever the Board
14 determines such action to be necessary to pre-
15 vent any circumvention of the requirements of
16 this section or to facilitate compliance with such
17 requirements.

18 “(2) LIMITATIONS ON ‘LOOK-ALIKE’ CHECKS.—

19 “(A) REGULATIONS AUTHORIZED.—The
20 Board may, if the Board finds that such action
21 is necessary to prevent confusion by consumers,
22 prescribe regulations setting forth guidelines for
23 the use, in a solicitation for an extension of
24 credit, of certificates, vouchers, or other non-
25 negotiable instruments that are intended to

1 have the appearance of a check or other nego-
2 tiable instrument, but which do not violate sub-
3 section (a) of this section.

4 “(B) DISCLOSURES AND OTHER REQUIRE-
5 MENTS.—Any regulation prescribed under sub-
6 paragraph (A) shall include such disclosures
7 and modifications relating to the appearance
8 and use of certificates, vouchers, or other non-
9 negotiable instruments in a solicitation for an
10 extension of credit as the Board determines
11 necessary or appropriate.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 for chapter 2 of the Consumer Credit Protection Act is
14 amended by adding at the end the following new item:

 “140. Solicitations for consumer loans.”.

15 (c) SCOPE OF APPLICATION.—The requirements of
16 this Act and the amendments made by this Act shall apply
17 to solicitations for extensions of credit made to consumers
18 after the date of enactment of this Act.

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