

SECOND REGULAR SESSION

HOUSE BILL NO. 1942

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DUNN.

5540H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 408.100, and to enact in lieu thereof one new section relating to interest rates.

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

Section A. Section 408.100, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 408.100, to read as follows:

408.100. **1.** This section shall apply to all loans which are not made as permitted by other laws of this state except that it shall not apply to loans which are secured by a lien on real estate, nonprocessed farm products, livestock, farm machinery or crops or to loans to corporations. On any loan subject to this section, any person, firm, or corporation may charge, contract for and receive interest on the unpaid principal balance at rates agreed to by the parties, **provided that the interest, fees, and finance charges shall not exceed an annual percentage rate of thirty-six percent.**

2. A person shall not engage in any device or subterfuge intended to evade the requirements of this chapter through any method including, but not limited to, mail, telephone, internet, or any electronic means, including:

(1) Offering, making, assisting a borrower to obtain, or brokering a loan at an annual percentage rate prohibited by this section, making loans disguised as personal property sales and leaseback transactions, or disguising loan proceeds as cash rebates for the pretextual installment sale of goods or services;

(2) Making, assisting a borrower to obtain, or brokering an offer of credit, or in whole or in part, from a third party, or acting as an agent for a third party, regardless of whether the third party is exempt from licensing or whether approval, acceptance, or

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 ratification by the third party is necessary to create a legal obligation for the third party;
19 or

20 (3) Charging any application fee for the provision of credit or any fee for
21 participation in a credit plan, if such a fee is authorized under any applicable section of
22 Missouri law, without including the fees in the calculation of the annual percentage rate
23 of the credit in accordance with the allowable rate set forth in this section.

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