

# **“CONSUMER LOANS: YOUR RIGHTS AND RESPONSIBILITIES” PAMPHLET**

This pamphlet is developed by SCDCA pursuant to § 37-6-117(j), which provides that the Administrator shall:

develop a written pamphlet that explains the rights and responsibilities of consumers who obtain from a licensed lender consumer loans under this title and Title 34 for distribution in all licensed consumer loan offices. Such pamphlet shall include the names, addresses, and telephone numbers of state agencies responsible for enforcing the provisions of this title and Title 34. Such pamphlet shall be given to a consumer at the time the initial loan by a licensed lender is made whenever the amount financed is two thousand dollars or less and shall be readily available to all consumers at all times in each licensed consumer loan office. The administrator shall consult with, and seek input from representatives of consumers, the consumer finance industry, and the Director of the Consumer Finance Division of the Board of Financial Institutions. Each licensed lender shall be responsible for reproducing and distributing the pamphlet finally approved and authorized by the administrator. The pamphlet developed under this subsection shall be provided to consumers as of January 1, 1996.

## **Who must provide the pamphlet?**

The lender licensed to offer consumer loans under Title 37 and Title 34 must provide the pamphlet.

## **When must the pamphlet be provided?**

The pamphlet must be provided at the time the initial loan is made whenever the amount financed is \$2,000 or less. It also must be available to all consumers at all times in each licensed consumer loan office.

## **Does the pamphlet have to be posted on the lender’s website?**

The pamphlet must be clearly posted on licensed URLs (websites) in a downloadable and printable format. It is recommended that the pamphlet be posted on unlicensed websites of licensed lenders as well.

## **If the pamphlet is posted on the lender’s website, does the lender also have to mail a copy to the consumer?**

If the consumer loan is made through a licensed URL (website), then the lender will be in compliance as long as the pamphlet is clearly posted on the licensed website in a downloadable and printable format.

If the consumer loan is made at a physical location, the lender must provide the pamphlet to the consumer; the lender cannot refer the consumer to the lender’s website.

**Does the pamphlet have to be printed in color?**

No. A black and white pamphlet is sufficient for compliance.

**When the pamphlet is printed, does the watermark of the clock and dollar bills have to appear on the pamphlet?**

The lender will be in compliance even if the watermark does not appear on the printed pamphlet.

**Which version of the pamphlet should the lender provide?**

The latest version of the pamphlet was issued in July 2015. It is available on SCDCA's website: [http://www.consumer.sc.gov/Documents/Legal/Registered\\_Creditors/ConsumerLoansFAQs.pdf](http://www.consumer.sc.gov/Documents/Legal/Registered_Creditors/ConsumerLoansFAQs.pdf)

The target date to begin using this version is August 1, 2015. However, there is a 90-day grace period during which lenders are allowed to use their stock of the previous version instead. Beginning November 1, 2015, lenders will be cited for violations if they fail to provide the July 2015 version of the pamphlet.

**What information should the lender provide in the "LENDER" box on the pamphlet?**

- Company name
- Headquarters address
- Headquarters telephone number

**What information should the lender provide in the "LENDER'S OFFICE" box on the pamphlet?**

- Branch name, address, and telephone number
- OR*
- Licensed URL (website address)

**What information should the lender provide in the "COMPANY OFFICE" box on the pamphlet?**

- Complaint contact address
- Complaint contact telephone number