

PROPOSED RULEMAKINGS

DEPARTMENT OF BANKING

[10 PA. CODE CH. 91]

Debt Management Services Act Continuing Education Requirements

The Department of Banking (Department) proposes to add Chapter 91 (relating to Debt Management Services Act continuing education requirements). This chapter contains the continuing education requirements of debt management service company licensees under the Debt Management Services Act (act) (63 P. S. §§ 2401—2449).

Purpose of Proposed Rulemaking

The Department is promulgating this proposed rulemaking under the mandate in section 9(c) of the act (63 P. S. § 2409). Section 9(c) of the act requires that “[i]n order to maintain its license, a licensee shall demonstrate to the satisfaction of the department that its credit counselors, supervisors and managers participate in continuing education as required by the department by regulation. The department shall delineate the requirements for such continuing education by regulation within three years after the effective date of this act.”

Explanation of Proposed Regulatory Requirements

This proposed rulemaking provides that licensees shall ensure that their credit counselors, supervisors and managers have completed the continuing education requirements necessary to maintain certification. The proposed rulemaking also provides the type of information a licensee shall provide to the Department at the time of license renewal to demonstrate that the credit counselors, supervisors and managers have completed the requisite continuing education to maintain certification.

Entities Affected

Existing and future licensees under the act will be affected by the proposed rulemaking.

Costs and Paperwork Requirements

The proposed rulemaking will not have fiscal impact on the Department, the Commonwealth or its political subdivisions. The proposed rulemaking should not fiscally impact licensees under the act because the act provides that a licensee shall demonstrate at the time of license renewal that credit counselors, managers and supervisors are certified by an independent certifying organization. To obtain certification from an independent certifying organization and maintain that certification as required for licensure, credit counselors, managers and supervisors typically take continuing education as required by the certifying organization. Therefore, most licensees should already be incurring expenses related to obtaining continuing education.

Effective Date

The proposed rulemaking will be effective upon final publication in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 18, 2011, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Commerce and the

Senate Committee on Banking and Insurance. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking within 30 days after publication in the *Pennsylvania Bulletin* to the Office of Chief Counsel, Department of Banking, Attention: Public Comment on Regulation 3-50, 17 N. Second Street, Suite 1300, Harrisburg, PA 17101-2290, (717) 787-1471, fax (717) 783-8427, pabankreg@pa.gov.

GLENN E. MOYER,
Secretary

Fiscal Note: 3-50. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 10. BANKS AND BANKING

PART VII. BUREAU OF CONSUMER CREDIT AGENCIES

CHAPTER 91. DEBT MANAGEMENT SERVICES ACT CONTINUING EDUCATION REQUIREMENTS

Sec.

- 91.1. Definitions.
- 91.2. Continuing education requirements.
- 91.3. Reporting, verification and recordkeeping.
- 91.4. Enforcement.

§ 91.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Debt Management Services Act (63 P. S. §§ 2401—2449).

Certifying organization—An independent certifying organization acceptable to the Department which certifies credit counselors, supervisors and managers as described in section 5(11) of the act (63 P. S. § 2405(11)).

Consumer education program—The term as defined in section 2 of the act (63 P. S. § 2402).

Continuing education unit—The term as defined by the applicable certifying organization.

Credit counselor—An individual who, on behalf of a licensee, meets, interacts, corresponds or otherwise communicates with a consumer for the purpose of discussing, developing, implementing or maintaining a consumer education program for a consumer.

Licensee—A debt management service provider licensed under the act.

Manager—An individual with direct supervisory authority over one or more credit counselors.

Supervisor—An individual with direct supervisory authority over one or more credit counselors.

§ 91.2. Continuing education requirements.

To be eligible to renew a license under the act, a licensee shall demonstrate to the satisfaction of the Department that the certified credit counselors, supervisors and managers employed by the licensee have completed the continuing education requirements necessary to maintain certification.

§ 91.3. Reporting, verification and recordkeeping.

(a) A licensee, when applying for a license renewal, shall include as part of the renewal application a statement that the requirements in this chapter have been satisfactorily completed. The statement must include a list of the credit counselors, supervisors and managers. For each credit counselor, supervisor or manager, the list must contain the following:

- (1) Name.
- (2) Job title.
- (3) Work address.

- (4) Certification number.
- (5) Hire date.
- (6) Certification effective date.
- (7) Certification expiration date.

(8) Name of the certifying organization that approved the continuing education for the licensee’s credit counselor, supervisor or manager.

(b) The Department may verify satisfactory completion of the requirements in this chapter, on a random or periodic basis, by methods including examination of the licensee and obtaining information from the certifying organization. The Department may assess examination costs for these examinations consistent with section 17(1) of the act (63 P. S. § 2417(1)).

(c) A licensee shall retain the documents relating to the satisfactory completion of the requirements in this chapter for at least four annual license renewal periods.

§ 91.4. Enforcement.

Violations of this chapter are violations of the act.

[Pa.B. Doc. No. 11-2050. Filed for public inspection December 2, 2011, 9:00 a.m.]
