

# RESCINDED

## Military Service Member Protections Questionnaire

Limitation  
to §

This document and any attachments are superseded by Comptroller's Handbook - Consumer Compliance - Other Consumer Protection Laws and Regulations.

### Section 232.3 – Defined Consumer Credit

1. Does the creditor offer or extend or purchase closed-end credit primarily for personal, family, or household purposes in the following categories:

- Payday loans?
- Vehicle title loans?
- Tax refund anticipation loans?

If Yes, determine if the loans meet the definitions found in (§ 232.3(b) (1)). If Yes, proceed.

If No or NA, conclude the review and stop here.

### Section 232.4 – Account Terms

1. Did the creditor impose a military annual percentage rate (MAPR) greater than what is permissible under applicable State or Federal law in connection with extensions of consumer credit to covered borrowers? (§ 232.4(a))
2. In any case, did the creditor impose a MAPR greater than 36 percent in connection with extensions of consumer credit to covered borrowers? (§ 232.4(b))

If the answer to either question is Yes, cite a violation of § 232.4.

### Section 232.5 – Covered Borrower Identification Statement

1. Prior to consummation of the consumer credit transaction:

- Did the creditor provide each applicant a clear and conspicuous “covered borrower identification statement” or an alternate identification form that was substantially similar?
- Did each applicant sign the statement indicating that he or she is or is not a covered borrower? (§ 232.5(a)(1))
- If the creditor did not use the “covered borrower identification statement” or similar form, did the creditor use procedures that comply with the rule so that the creditor did not make covered loans to covered borrowers on prohibited terms? (§ 232.4))

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# Military Service Member Protections

## Questionnaire

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	Yes	No	NA
<b>Section 232.6 – Loan Disclosures</b>			
<i>Delivery of Account Disclosures</i>			
1. Does the creditor provide to a covered borrower clearly and conspicuously the initial disclosures before consummation? (§ 232.6(a))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Does the creditor provide the disclosures in writing in a form the covered borrower can keep? (§ 232.6(b)(1))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Does the creditor provide the initial disclosures orally before consummation (other than in mail or internet transactions)? (§ 232.6(b)(2))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. For mail or internet transactions, does the creditor provide a toll-free number on or with the written disclosures? (§ 232.6(b)(2))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. For refinancing or renewal of a covered loan, does the creditor provide new disclosures when the transaction would be considered a new transaction that requires disclosures under the Truth in Lending Act? (§ 232.6(c))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Content of Disclosures</i>			
6. Do the disclosures include the following:			
• The “military annual percentage rate” (MAPR) applicable to the extension of consumer credit, and the total dollar amount of all charges included in the MAPR? (§ 232.6(a)(1))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Any disclosures required by Regulation Z (Truth in Lending)? (§ 232.6(a)(2))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• A clear description of the payment obligation of the covered borrower, as applicable, such as a payment schedule? (§ 232.6(a)(3))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• The required federal notice? (§ 232.6(a)(4))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Section 232.8 – Limitations</b>			
1. Does the creditor, as part of any covered transaction:			
• Roll over, renew, repay, refinance, or consolidate any covered transaction with the proceeds of a covered transaction to the same covered borrower on the same or less favorable terms to the covered borrower, unless the new transaction results in more favorable terms to the covered borrower? (§ 232.8(a) (1))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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- |   | Yes                      | No                       | NA                       |
|---|--------------------------|--------------------------|--------------------------|
| <ul style="list-style-type: none"> <li>• Require the covered borrower to waive their right to legal recourse under any applicable provision of State or Federal law, including any provision of the Servicemembers Civil Relief Act (50 USC §527 et seq.)? (§ 232.8(a)(2))</li> </ul>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> <li>• Require the covered borrower to submit to arbitration or imposed any other onerous legal notice provision in the case of a dispute? (§ 232.8(a)(3))</li> </ul>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> <li>• Demand unreasonable notice from the covered borrower as a condition for legal action? (§ 232.8(a) (4))</li> </ul>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> <li>• Require use of a check or other method of access to a deposit, savings, or other financial account maintained by the covered borrower except that in connection with a transaction with an MAPR consistent with the rule (that is, not greater than 36 percent), the creditor may:                             <ul style="list-style-type: none"> <li>— Require an electronic fund transfer to repay the obligation, unless prohibited by Regulation E, 12 CFR Part 205;</li> <li>— Require direct deposit of the consumer’s salary as a condition of eligibility, unless otherwise prohibited by law; or</li> <li>— If not otherwise prohibited by law, take a security interest in funds deposited after the extension of the covered transaction in an account established in connection with the covered transaction? (§ 232.8(a)(5))</li> </ul> </li> </ul> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> <li>• Require the covered borrower to establish an allotment to repay the obligation? (§ 232.8(a)(6))</li> </ul>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> <li>• Prohibit the covered borrower from prepaying the credit charges the covered borrower a penalty fee for prepaying all or part of the credit? (§ 232.8(a)(7))</li> </ul>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

### Comments

**Exam Date:** \_\_\_\_\_  
**Prepared By:** \_\_\_\_\_  
**Reviewed By:** \_\_\_\_\_  
**Docket #:** \_\_\_\_\_