

OVERSIGHT

OCCC is charged with enforcing applicable provisions of State Law:

- Texas Finance Code (T.F.C.), Chapter 348
- Administrative rules in 7 Texas Administrative Code (T.A.C.), Chapter 84

Consumer Protection Division

- Operates a comprehensive regulatory program
- Regularly scheduled examinations:
 - Each licensed location
 - Inspection of key business-records and assessment of transactions

Special Investigations

- In response to consumer complaints
- Focuses on the business practices of licensees



WEBSITE:

occc.texas.gov

LICENSING PORTAL:

alecs.occc.texas.gov

ADDRESS:

2601 N. LAMAR BLVD.
Austin, TX 78705

PHONE NUMBERS:

512-936-7600

CONSUMER ASSISTANCE:

800-538-1579

OTHER HELPFUL NUMBERS

TEXAS DEPARTMENT OF MOTOR
VEHICLES LICENSING DIVISION:
(888) 368-4689



TEXAS OFFICE OF CONSUMER
CREDIT COMMISSIONER

September 29, 2016



TEXAS OFFICE OF CONSUMER
CREDIT COMMISSIONER

MOTOR VEHICLE INSTALLMENT SALES REFERENCE GUIDE

(GENERAL & INFORMATION PURPOSES ONLY)



WHO MUST BE LICENSED?

You must obtain a motor vehicle sales finance license if you are a retail seller or hold a retail installment contract.

A retail seller is a person that sells motor vehicles to buyers who pay all or part of the cash price in one or more deferred installments. A retail installment contract is the written agreement between the retail seller and buyer to pay for the vehicle in installments. A retail seller must obtain a license for its principal place of business, and file a registered office notice for any additional business location or assumed name.

A holder of a retail installment contract is a person who holds a contract or the right to receive payments under a contract. A holder obtains a contract by assignment, transfer, purchase, or otherwise receiving it. Acceptance companies, and factoring companies that hold retail installment contracts as part of their business activity must obtain a license.

More information about licensing requirements is found on our website, and in Title 7, Chapter 84, Subchapter F, of the Texas Administrative Rules.

CONTRACT REQUIRED

A retail seller must use a written retail installment contract to accept payments of the cash price in one or more deferred installments.

The contract must be dated, and signed by both the seller and buyer. It must list the buyer's and seller's name and address, the motor vehicle description, the cash price, down payment, trade-in value, and each itemized charge.

The contract must be written in plain language designed to be easily understood by the average consumer, and printed in easily readable font and type size.

More information about contract requirements is found on our website, and in Title 7, Chapter 84, Subchapter H, of the Texas Administrative Rules.



EXAMINATIONS

The purpose of an examination is to ensure compliance

Exams are routine and by notification

- You will be contacted prior to arrival
- Only preparation required is to make sure records are made available on arrival including:
 - All financed sale folders: open, paid and repossessed
 - Access to all customer account ledgers
 - Your financed sales list
 - A list of open accounts (for buy-here-pay-here)
 - A list of all repossessions
- A written report will be presented upon completion.

BOOKS & RECORDS

- Must be made available for examination
- Retained for the latter of:
 - Four (4) years from date of contract, or
 - Two (2) years from date of final entry
- Required records differ by type of seller or holder
 - Sellers who assign contracts – 7 T.A.C §84.707
 - Sellers who hold & collect their contracts - 7 T.A.C §84.708
 - Subsequent Holders - 7 T.A.C §84.709