

TABLE OF CONTENTS

	Page
PREFACE	iii
SUMMARY OF MATERIALS IN ALPHABETICAL ORDER	v
PART ONE: FEDERAL MATERIALS	1
Federal Trade Commission Act (FTC ACT)—15 U.S.C. §§ 41–58	3
15 U.S.C. § 41. FTC established; membership, vacancies; seal	3
15 U.S.C. § 44. Definitions	3
15 U.S.C. § 45. Unfair methods of competition unlawful; prevention by Commission	4
15 U.S.C. § 45b. Consumer review protection	7
15 U.S.C. § 45c. Unfair and deceptive acts and practices relating to circumvention of ticket access control measures	11
15 U.S.C. § 46. Additional powers of Commission	13
15 U.S.C. § 52. Dissemination of false advertisements	16
15 U.S.C. § 53. False advertisements; injunctions and restraining orders	16
15 U.S.C. § 54. False advertisements; penalties	17
15 U.S.C. § 55. Additional definitions	17
15 U.S.C. § 57. Separability clause	18
15 U.S.C. § 57a. Unfair or deceptive acts or practices rulemaking proceedings	18
15 U.S.C. § 57b. Civil actions for violations of rules and cease and desist orders respecting unfair or deceptive acts or practices	18
15 U.S.C. § 57b–2b. Protection for voluntary provision of information	19
15 U.S.C. § 58. Short title	20
FTC Guides and Regulations—16 C.F.R. Parts 233–455	21
Guides against deceptive pricing	21
16 C.F.R. § 233.1 Former price comparisons	21
16 C.F.R. § 233.2 Retail price comparisons; comparable value comparisons	22
16 C.F.R. § 233.3 Advertising retail prices which have been established or suggested by manufacturers (or other nonretail distributors)	22
16 C.F.R. § 233.4 Advertising retail prices which have been established or suggested by manufacturers (or other nonretail distributors)	24
16 C.F.R. § 233.5 Miscellaneous price comparisons	24
Guides against bait advertising	24
16 C.F.R. § 238.0. Bait advertising defined	25
16 C.F.R. § 238.1. Bait advertisement	25
16 C.F.R. § 238.2. Initial offer	25
16 C.F.R. § 238.3. Discouragement of purchase of advertised merchandise	25
16 C.F.R. § 238.4. Switch after sale	25
Guide concerning use of word “free” and similar representations	26
16 C.F.R. § 251.1. The guide	26
Guides concerning use of endorsements and testimonials in advertising	28
16 C.F.R. § 255.0. Definitions	28
16 C.F.R. § 255.1. General considerations	30
16 C.F.R. § 255.2. Consumer endorsements	31

TABLE OF CONTENTS

16 C.F.R. § 255.3. Expert endorsements.....	33
16 C.F.R. § 255.4. Endorsements by organizations.....	35
16 C.F.R. § 255.5. Disclosure of material connections	35
Guides for the use of environmental marketing claims	37
16 C.F.R. § 260.1. Purpose, scope, and structure of the guides	38
16 C.F.R. § 260.2. Interpretation and substantiation of environmental marketing claims.....	38
16 C.F.R. § 260.3. General principles	38
16 C.F.R. § 260.4. General environmental benefit claims	40
16 C.F.R. § 260.5. Carbon offsets	41
16 C.F.R. § 260.6. Certifications and seals of approval	41
16 C.F.R. § 260.7. Compostable claims	43
16 C.F.R. § 260.8. Degradable claims	44
16 C.F.R. § 260.9. Free-of claims.....	46
16 C.F.R. § 260.10. Non-toxic claims	46
16 C.F.R. § 260.11. Ozone-safe and ozone-friendly claims	47
16 C.F.R. § 260.12. Recyclable claims.....	47
16 C.F.R. § 260.13. Recycled content claims.....	49
16 C.F.R. § 260.14. Refillable claims.....	50
16 C.F.R. § 260.15. Renewable energy claims	51
16 C.F.R. § 260.16. Renewable materials claims	52
16 C.F.R. § 260.17. Source reduction claims	52
Retail food store advertising and marketing practices	53
16 C.F.R. § 424.1. Unfair or deceptive acts or practices	53
16 C.F.R. § 424.2. Defenses	53
Use of prenotification negative option plans	53
16 C.F.R. § 425.1. The rule	53
Rule concerning cooling-off period for sales made at homes or at certain other locations	55
16 C.F.R. § 429.0. Definitions.....	56
16 C.F.R. § 429.1. The rule	57
16 C.F.R. § 429.2. Effect on State laws and municipal ordinances	58
16 C.F.R. § 429.3. Exemptions	58
Preservation of consumers' claims and defenses.....	59
16 C.F.R. § 433.1. Definitions.....	59
16 C.F.R. § 433.2. Preservation of consumers' claims and defenses, unfair or deceptive acts or practices	59
Mail, internet or telephone order merchandise.....	60
16 C.F.R. § 435.1. Definitions.....	60
16 C.F.R. § 435.2. Mail or telephone order sales.....	62
16 C.F.R. § 435.3. Limited Applicability.....	64
Business opportunity rule.....	65
16 C.F.R. § 437.1. Definitions.....	65
16 C.F.R. § 437.2. The obligation to furnish written documents.....	67
16 C.F.R. § 437.3. The disclosure document.....	67
16 C.F.R. § 437.4. Earnings claims	68
16 C.F.R. § 437.5. Sales conducted in Spanish or other languages besides English.....	69

TABLE OF CONTENTS

16 C.F.R. § 437.6. Other prohibited practices	70
Credit practices rule.....	71
16 C.F.R. § 444.1. Definitions.....	71
16 C.F.R. § 444.2. Unfair credit practices.....	72
16 C.F.R. § 444.3. Unfair or deceptive cosigner practices.....	72
16 C.F.R. § 444.4. Late charges.....	73
16 C.F.R. § 444.5. State exemptions	73
Used motor vehicle rule	74
16 C.F.R. § 455.1. General duties of a used vehicle dealer; definitions	74
16 C.F.R. § 455.2. Consumer sales—window form.....	74
16 C.F.R. § 455.3. Window form.....	78
16 C.F.R. § 455.4. Contrary statements.....	78
FTC Policy Statement on Deception	79
FTC Policy Statement Regarding Advertising Substantiation	88
FTC Policy Statement on Unfairness.....	91
Consumer Financial Protection Act	99
12 U.S.C. § 5481. Definitions.....	100
Part A. Bureau of Consumer Financial Protection	108
12 U.S.C. § 5491. Establishment of the Bureau of Consumer Financial Protection.....	108
12 U.S.C. § 5492. Executive and Administrative Powers	109
12 U.S.C. § 5493. Administration	110
12 U.S.C. § 5494. Consumer Advisory Board	117
12 U.S.C. § 5495. Coordination	118
12 U.S.C. § 5496. Appearances before and reports to Congress.....	118
12 U.S.C. § 5496a. Annual audits	118
12 U.S.C. § 5496b. GAO study of financial regulations	119
12 U.S.C. § 5497. Funding; penalties and fines	119
Part B. General Powers of the Bureau.....	123
12 U.S.C. § 5511. Purpose, objectives, and functions.....	123
12 U.S.C. § 5512. Rulemaking authority	124
12 U.S.C. § 5513. Review of Bureau Functions	128
12 U.S.C. § 5514. Supervision of nondepository covered persons	130
12 U.S.C. § 5515. Supervision of very large banks, savings associations, and credit unions	134
12 U.S.C. § 5516. Other banks, savings associations and credit unions.....	137
12 U.S.C. § 5517. Limitations on authorities of the Bureau; preservation of authorities	139
12 U.S.C. § 5518. Authority to restrict mandatory pre-dispute arbitration.....	147
12 U.S.C. § 5519. Exclusion for auto dealers.....	147
Part C. Specific Bureau Authorities	149
12 U.S.C. § 5531. Prohibiting unfair, deceptive, or abusive acts or practices	149
12 U.S.C. § 5532. Disclosures	150
12 U.S.C. § 5533. Consumer rights to access information.....	151
12 U.S.C. § 5534. Response to consumer complaints or inquiries.....	152
12 U.S.C. § 5535. Private Education Loan Ombudsman	153

TABLE OF CONTENTS

12 U.S.C. § 5536. Prohibited Acts	154
12 U.S.C. § 5538. Mortgage loans; rule making procedures; enforcement	155
Part D. Preservation of State Law	156
12 U.S.C. § 5551. Relation to State law	156
12 U.S.C. § 5552. Preservation of enforcement powers of States	157
Part E. Enforcement Powers	159
12 U.S.C. § 5561. Definitions.....	159
12 U.S.C. § 5562 Investigations and administrative discovery	159
12 U.S.C. § 5563. Hearings and adjudication proceedings	165
12 U.S.C. § 5564. Litigation authority	168
12 U.S.C. § 5565. Relief available	170
12 U.S.C. § 5566. Referrals for criminal proceedings	171
12 U.S.C. § 5567. Employee protection	172
Part F. Transfer of Functions and Personnel; Transitional Provisions	176
12 U.S.C. § 5581. Transfer of Consumer Financial Protection Functions	176
Part G. Regulatory Improvements	179
12 U.S.C. § 5601. Remittance transfers.....	179
12 U.S.C. § 5602. Reverse mortgage study and regulations	181
Consumer Credit Protection Act.....	183
Truth in Lending Act [CCPA Subchapter I: Consumer Credit Disclosure]	183
Part A: General Provisions	185
15 U.S.C. § 1601. Congressional findings and declaration of purpose.....	185
15 U.S.C. § 1602. Definitions and rules of construction	185
15 U.S.C. § 1603. Exempted transactions	193
15 U.S.C. § 1604. Disclosure guidelines	193
15 U.S.C. § 1605. Determination of finance charge	195
15 U.S.C. § 1606. Determination of annual percentage rate.....	197
15 U.S.C. § 1607. Administrative enforcement	198
15 U.S.C. § 1608. Views of other agencies	201
15 U.S.C. § 1610. Effect on other laws.....	201
15 U.S.C. § 1611. Criminal liability for willful and knowing violation.....	202
15 U.S.C. § 1612. Effect on government agencies	203
15 U.S.C. § 1613. Annual reports to Congress by Bureau.....	203
15 U.S.C. § 1615. Prohibition on use of “Rule 78’s” in connection with mortgage refinancings and other consumer loans.....	203
15 U.S.C. § 1616. Board review of consumer credit plans and regulations.....	205
Part B: Credit Transactions	206
15 U.S.C. § 1631. Disclosure requirements	206
15 U.S.C. § 1632. Form of disclosure; additional information.....	207
15 U.S.C. § 1633. Exemption for State-regulated transactions	208
15 U.S.C. § 1634. Effect of subsequent occurrence	208
15 U.S.C. § 1635. Right of rescission as to certain transactions	208
15 U.S.C. § 1637. Open end consumer credit plans	211
15 U.S.C. § 1637a. Disclosure requirements for open end consumer credit plans secured by consumer’s principal dwelling	226
15 U.S.C. § 1638. Transactions other than under an open end credit plan.....	231

TABLE OF CONTENTS

15 U.S.C. § 1638a. Reset of hybrid adjustable rate mortgages 240

15 U.S.C. § 1639. Requirements for certain mortgages 241

15 U.S.C. § 1639a. Duty of servicers of residential mortgages 246

15 U.S.C. § 1639b. Residential mortgage loan origination 247

15 U.S.C. § 1639c. Minimum standards for residential mortgage loans 250

15 U.S.C. § 1639d. Escrow or impound accounts relating to certain consumer
credit transactions 259

15 U.S.C. § 1639e. Appraisal independence requirements 262

15 U.S.C. § 1639f. Requirements for prompt crediting of home loan payments 265

15 U.S.C. § 1639g. Requests for payoff amounts of home loan 265

15 U.S.C. § 1639h. Property appraisal requirements 265

15 U.S.C. § 1640. Civil liability 267

15 U.S.C. § 1641. Liability of assignees 271

15 U.S.C. § 1642. Issuance of credit cards 273

15 U.S.C. § 1643. Liability of holder of credit card 274

15 U.S.C. § 1644. Fraudulent use of credit cards; penalties 274

15 U.S.C. § 1645. Business credit cards; limits on liability of employees 275

15 U.S.C. § 1646. Dissemination of annual percentage rates; implementation,
etc. 275

15 U.S.C. § 1647. Home equity plans 276

15 U.S.C. § 1648. Reverse mortgages 278

15 U.S.C. § 1649. Certain limitations on liability 279

15 U.S.C. § 1650. Preventing unfair and deceptive private educational lending
practices and eliminating conflicts of interest 279

15 U.S.C. § 1651. Procedure for timely settlement of estates of decedent obligors 283

Part C: Credit Advertising 283

15 U.S.C. § 1661. Catalogs and multiple-page advertisements 283

15 U.S.C. § 1662. Advertising of downpayments and installments 283

15 U.S.C. § 1663. Advertising of open end credit plans 284

15 U.S.C. § 1664. Advertising of credit other than open end plans 284

15 U.S.C. § 1665. Nonliability of advertising media 284

15 U.S.C. § 1665a. Use of annual percentage rate in oral disclosures; exceptions 285

15 U.S.C. § 1665b. Advertising of open end consumer credit plans secured by
consumer’s principal dwelling 285

15 U.S.C. § 1665c. Interest rate reduction on open end consumer credit plans 286

15 U.S.C. § 1665d. Reasonable penalty fees on open end consumer credit plans 287

15 U.S.C. § 1665e. Consideration of ability to repay 287

Part D: Credit Billing 288

15 U.S.C. § 1666. Correction of billing errors 288

15 U.S.C. § 1666a. Regulation of credit reports 289

15 U.S.C. § 1666b. Timing of payments 290

15 U.S.C. § 1666c. Prompt and fair crediting of payments 290

15 U.S.C. § 1666d. Treatment of credit balances 291

15 U.S.C. § 1666e. Notification of credit card issuer by seller of return of goods,
etc., by obligor; credit for account of obligor 291

TABLE OF CONTENTS

15 U.S.C. § 1666f. Inducements to cardholders by sellers of cash discounts for payments by cash, check or similar means; finance charge for sales transactions involving cash discounts	291
15 U.S.C. § 1666g. Tie-in services prohibited for issuance of credit card	291
15 U.S.C. § 1666h. Offset of cardholder's indebtedness by issuer of credit card with funds deposited with issuer by cardholder; remedies of creditors under State law not affected	292
15 U.S.C. § 1666i. Assertion by cardholder against card issuer of claims and defenses arising out of credit card transaction; prerequisites; limitation on amount of claims or defenses	292
15 U.S.C. § 1666i-1. Limits on interest rate, fee, and finance charge increases applicable to outstanding balances	293
15 U.S.C. § 1666i-2. Additional limits on interest rate increases	294
15 U.S.C. § 1666j. Applicability of State laws	294
Part E: Consumer Leases	295
15 U.S.C. § 1667. Definitions	295
15 U.S.C. § 1667a. Consumer lease disclosures	295
15 U.S.C. § 1667b. Lessee's liability on expiration or termination of lease	296
15 U.S.C. § 1667c. Consumer lease advertising; liability of advertising media	297
15 U.S.C. § 1667d. Civil liability of lessors	298
15 U.S.C. § 1667e. Applicability of State laws; exemptions by Bureau from leasing requirements	298
15 U.S.C. § 1667f. Regulations	299
Restrictions on Garnishment [CCPA Subchapter II: Restrictions on Garnishment]	299
15 U.S.C. § 1671. Congressional findings and declaration of purpose	300
15 U.S.C. § 1672. Definitions	300
15 U.S.C. § 1673. Restriction on garnishment	300
15 U.S.C. § 1674. Restriction on discharge from employment by reason of garnishment	301
15 U.S.C. § 1675. Exemption for State-regulated garnishments	301
15 U.S.C. § 1676. Enforcement by Secretary of Labor	301
15 U.S.C. § 1677. Effect on State laws	301
Credit Repair Organizations Act [CCPA Subchapter II-A: Credit Repair Organizations]	302
15 U.S.C. § 1679. Findings and purposes	302
15 U.S.C. § 1679a. Definitions	302
15 U.S.C. § 1679b. Prohibited practices	303
15 U.S.C. § 1679c. Disclosures	304
15 U.S.C. § 1679d. Credit repair organizations contracts	305
15 U.S.C. § 1679e. Right to cancel contract	305
15 U.S.C. § 1679f. Noncompliance with this subchapter	306
15 U.S.C. § 1679g. Civil liability	306
15 U.S.C. § 1679h. Administrative enforcement	307
15 U.S.C. § 1679i. Statute of limitations	309
15 U.S.C. § 1679j. Relation to State law	309
Fair Credit Reporting Act [CCPA Subchapter III: Credit Reporting Agencies]	309
15 U.S.C. § 1681. Congressional findings and statement of purpose	310

TABLE OF CONTENTS

15 U.S.C. § 1681a. Definitions; rules of construction 310

15 U.S.C. § 1681b. Permissible purposes of consumer reports 317

15 U.S.C. § 1681c. Requirements relating to information contained in consumer reports 325

15 U.S.C. § 1681c–1. Identity theft prevention; fraud alerts and active duty alerts..... 328

15 U.S.C. § 1681c–2. Block of information resulting from identity theft 337

15 U.S.C. § 1681d. Disclosure of investigative consumer reports 339

15 U.S.C. § 1681e. Compliance procedures 340

15 U.S.C. § 1681f. Disclosures to governmental agencies 341

15 U.S.C. § 1681g. Disclosures to consumers 341

15 U.S.C. § 1681h. Conditions and form of disclosure to consumers 350

15 U.S.C. § 1681i. Procedure in case of disputed accuracy..... 351

15 U.S.C. § 1681j. Charges for certain disclosures 356

15 U.S.C. § 1681k. Public record information for employment purposes 359

15 U.S.C. § 1681l. Restrictions on investigative consumer reports 359

15 U.S.C. § 1681m. Requirements on users of consumer reports 359

15 U.S.C. § 1681n. Civil liability for willful noncompliance..... 365

15 U.S.C. § 1681o. Civil liability for negligent noncompliance 366

15 U.S.C. § 1681p. Jurisdiction of courts; limitation of actions 366

15 U.S.C. § 1681q. Obtaining information under false pretenses..... 366

15 U.S.C. § 1681r. Unauthorized disclosures by officers or employees 366

15 U.S.C. § 1681s. Administrative enforcement 366

15 U.S.C. § 1681s–1. Information on overdue child support obligations 371

15 U.S.C. § 1681s–2. Responsibilities of furnishers of information to consumer reporting agencies..... 371

15 U.S.C. § 1681s–3. Affiliate sharing 378

15 U.S.C. § 1681t. Relation to State laws..... 380

15 U.S.C. § 1681u. Disclosures to FBI for counterintelligence purposes..... 382

15 U.S.C. § 1681v. Disclosures to governmental agencies for counterterrorism purposes 386

15 U.S.C. § 1681w. Disposal of records..... 387

15 U.S.C. § 1681x. Corporate and technological circumvention prohibited 388

Equal Credit Opportunity Act [CCPA Subchapter IV: Equal Credit Opportunity] 388

15 U.S.C. § 1691. Scope of prohibition 389

15 U.S.C. § 1691a. Definitions; rules of construction 391

15 U.S.C. § 1691b. Promulgation of regulations by Bureau..... 391

15 U.S.C. § 1691c. Administrative enforcement 392

15 U.S.C. § 1691c–1. Incentives for self-testing and self-correction 394

15 U.S.C. § 1691c–2. Small business loan data collection 395

15 U.S.C. § 1691d. Applicability of other laws 397

15 U.S.C. § 1691e. Civil liability 398

15 U.S.C. § 1691f. Annual reports to Congress; contents..... 400

Fair Debt Collection Practices Act [CCPA Subchapter V: Debt Collection Practices] 400

15 U.S.C. § 1692. Congressional findings and declaration of purpose..... 401

TABLE OF CONTENTS

15 U.S.C. § 1692a. Definitions	401
15 U.S.C. § 1692b. Acquisition of location information	402
15 U.S.C. § 1692c. Communication in connection with debt collection	403
15 U.S.C. § 1692d. Harassment or abuse	404
15 U.S.C. § 1692e. False or misleading representations	404
15 U.S.C. § 1692f. Unfair practices.....	405
15 U.S.C. § 1692g. Validation of debts	406
15 U.S.C. § 1692h. Multiple debts	407
15 U.S.C. § 1692i. Legal actions by debt collectors	407
15 U.S.C. § 1692j. Furnishing certain deceptive forms	407
15 U.S.C. § 1692k. Civil liability.....	407
15 U.S.C. § 1692l. Administrative enforcement.....	408
15 U.S.C. § 1692m. Reports to Congress by the Commission; views of other Federal agencies	410
15 U.S.C. § 1692n. Relation to State laws.....	410
15 U.S.C. § 1692o. Exemption for State regulation	410
15 U.S.C. § 1692p. Exception for certain bad check enforcement programs operated by private entities	410
Electronic Fund Transfer Act [CCPA Subchapter VI: Electronic Fund Transfers]	412
15 U.S.C. § 1693. Congressional findings and declaration of purpose.....	412
15 U.S.C. § 1693a. Definitions	412
15 U.S.C. § 1693b. Regulations.....	414
15 U.S.C. § 1693c. Terms and conditions of transfers	417
15 U.S.C. § 1693d. Documentation of transfers	418
15 U.S.C. § 1693e. Preauthorized transfers	419
15 U.S.C. § 1693f. Error resolution.....	419
15 U.S.C. § 1693g. Consumer liability.....	421
15 U.S.C. § 1693h. Liability of financial institutions	422
15 U.S.C. § 1693i. Issuance of cards or other means of access.....	423
15 U.S.C. § 1693j. Suspension of obligations.....	423
15 U.S.C. § 1693k. Compulsory use of electronic fund transfers	424
15 U.S.C. § 1693l. Waiver of rights.....	424
15 U.S.C. § 1693l–1. General-use prepaid cards, gift certificates, and store gift cards	424
15 U.S.C. § 1693m. Civil liability.....	427
15 U.S.C. § 1693n. Criminal liability.....	428
15 U.S.C. § 1693o. Administrative enforcement	429
15 U.S.C. § 1693o–1. Remittance transfers.....	430
15 U.S.C. § 1693o–2. Reasonable fees and rules for payment card transactions.....	435
15 U.S.C. § 1693p. Reports to Congress	441
15 U.S.C. § 1693q. Relation to State laws	442
15 U.S.C. § 1693r. Exemption for State regulation	442
Regulations Associated with the CCPA.....	443
Regulation Z, 12 C.F.R. Part 1026: Truth in Lending	443

TABLE OF CONTENTS

Subpart A: General..... 444

- 12 C.F.R. § 1026.1. Authority, purpose, coverage, organization, enforcement, and liability 444
- 12 C.F.R. § 1026.2. Definitions and rules of construction 447
- 12 C.F.R. § 1026.3. Exempt transactions 450
- 12 C.F.R. § 1026.4. Finance charge 452

Subpart B: Open-End Credit..... 455

- 12 C.F.R. § 1026.5. General disclosure requirements 455
- 12 C.F.R. § 1026.6. Account-opening disclosures..... 459
- 12 C.F.R. § 1026.7. Periodic statement 466
- 12 C.F.R. § 1026.8. Identifying transactions on periodic statements..... 471
- 12 C.F.R. § 1026.9. Subsequent disclosure requirements 472
- 12 C.F.R. § 1026.10. Payments 482
- 12 C.F.R. § 1026.11. Treatment of credit balances, account termination 484
- 12 C.F.R. § 1026.12. Special credit card provisions 485
- 12 C.F.R. § 1026.13. Billing error resolution 487
- 12 C.F.R. § 1026.14. Determination of annual percentage rate 490
- 12 C.F.R. § 1026.15. Right of rescission 491
- 12 C.F.R. § 1026.16. Advertising 493

Subpart C: Closed-End Credit 497

- 12 C.F.R. § 1026.17. General disclosure requirements 497
- 12 C.F.R. § 1026.18. Content of disclosures 500
- 12 C.F.R. § 1026.19. Certain mortgage and variable-rate transactions..... 506
- 12 C.F.R. § 1026.20. Disclosure requirements regarding post-consummation events..... 515
- 12 C.F.R. § 1026.21. Treatment of credit balances 521
- 12 C.F.R. § 1026.22. Determination of annual percentage rate 521
- 12 C.F.R. § 1026.23. Right of rescission 523
- 12 C.F.R. § 1026.24. Advertising 526

Subpart D: Miscellaneous 530

- 12 C.F.R. § 1026.25. Record retention..... 530
- 12 C.F.R. § 1026.26. Use of annual percentage rate in oral disclosures 530
- 12 C.F.R. § 1026.27. Language of disclosures 531
- 12 C.F.R. § 1026.28. Effect on State laws 531
- 12 C.F.R. § 1026.29. State exemptions..... 532
- 12 C.F.R. § 1026.30. Limitation on rates 532

Subpart E: Special Rules for Certain Home Mortgage Transactions 532

- 12 C.F.R. § 1026.31. General rules 532
- 12 C.F.R. § 1026.32. Requirements for High-Cost Mortgages 534
- 12 C.F.R. § 1026.33. Requirements for reverse mortgages 541
- 12 C.F.R. § 1026.34. Prohibited acts or practices in connection with high-cost mortgages 542
- 12 C.F.R. § 1026.35. Requirements for higher-priced mortgage loans..... 546

TABLE OF CONTENTS

12 C.F.R. § 1026.36. Prohibited acts or practices and certain requirements for credit secured by a dwelling	554
12 C.F.R. § 1026.37. Content of disclosures for certain mortgage transactions (loan estimate)	562
12 C.F.R. § 1026.38. Content of Disclosures for Certain Mortgage Transactions (Closing Disclosure)	579
12 C.F.R. § 1026.39. Mortgage transfer disclosures	599
12 C.F.R. § 1026.40. Requirements for home equity plans	601
12 C.F.R. § 1026.41. Periodic statements for residential mortgage loans	606
12 C.F.R. § 1026.42. Valuation independence	612
12 C.F.R. § 1026.43. Minimum standards for transactions secured by a dwelling	617
Subpart F: Special Rules for Private Education Loans	631
12 C.F.R. § 1026.46. Special disclosure requirements for private education loans	631
12 C.F.R. § 1026.47. Content of disclosures	634
12 C.F.R. § 1026.48. Limitations on private education loans	637
Subpart G: Special Rules Applicable to Credit Card Accounts and Open-End Credit Offered to College Students	638
12 C.F.R. § 1026.51. Ability to pay	638
12 C.F.R. § 1026.52. Limitation on fees	640
12 C.F.R. § 1026.53. Allocation of payments	641
12 C.F.R. § 1026.54. Limitations on the imposition of finance charges	642
12 C.F.R. § 1026.55. Limitations on increasing annual percentage rates, fees, and charges	642
12 C.F.R. § 1026.56. Requirements for over-the-limit transactions	644
12 C.F.R. § 1026.57. Reporting and marketing rules for college student open-end credit	647
12 C.F.R. § 1026.58. Internet posting of credit card agreements	648
12 C.F.R. § 1026.59. Reevaluation of rate increases	653
12 C.F.R. § 1026.60. Credit and charge card applications and solicitations	655
12 C.F.R. §§ 1026.61. Hybrid prepaid-credit cards	661
Appendix H to Part 1026	666
Excerpts from Regulation DD: Truth in Savings, 12 C.F.R. Part 1030	691
12 C.F.R. § 1030.5. Subsequent disclosures	691
12 C.F.R. § 1030.11. Additional disclosure requirements for overdraft services	692
Regulation M: Consumer Leasing, 12 C.F.R. Part 1013	695
12 C.F.R. § 1013.1. Authority, scope, purpose, and enforcement	695
12 C.F.R. § 1013.2. Definitions	695
12 C.F.R. § 1013.3. General disclosure requirements	697
12 C.F.R. § 1013.4. Content of disclosures	698
12 C.F.R. § 1013.5. Renegotiations, extensions, and assumptions	701
12 C.F.R. § 1013.7. Advertising	701
12 C.F.R. § 1013.8. Record retention	702

TABLE OF CONTENTS

xxi

12 C.F.R. § 1013.9. Relation to state laws.....	702
Regulation B: Equal Credit Opportunity, 12 C.F.R. Part 1002.....	705
12 C.F.R. § 1002.1. Authority, scope, and purpose	705
12 C.F.R. § 1002.2. Definitions	706
12 C.F.R. § 1002.3. Limited exceptions for certain classes of transactions.....	709
12 C.F.R. § 1002.4. General rules	710
12 C.F.R. § 1002.5. Rules concerning requests for information	710
12 C.F.R. § 1002.6. Rules concerning evaluation of applications.....	713
12 C.F.R. § 1002.7. Rules concerning extensions of credit	714
12 C.F.R. § 1002.8. Special purpose credit programs	715
12 C.F.R. § 1002.9. Notifications	716
12 C.F.R. § 1002.10. Furnishing of credit information	718
12 C.F.R. § 1002.11. Relation to state law	719
12 C.F.R. § 1002.12. Record retention	720
12 C.F.R. § 1002.13. Information for monitoring purposes	721
12 C.F.R. § 1002.14. Rules on providing appraisals and other valuations.....	722
12 C.F.R. § 1002.15. Incentives for self-testing and self-correction.....	723
12 C.F.R. § 1002.16. Enforcement, penalties, and liabilities	724
Appendix C to Part 1002—Sample Notification Forms	726
Regulation E: Electronic Fund Transfers, 12 C.F.R. Part 1005.....	735
12 C.F.R. § 1005.1. Authority and purpose	735
12 C.F.R. § 1005.2. Definitions	736
12 C.F.R. § 1005.3. Coverage	738
12 C.F.R. § 1005.4. General disclosure requirements; jointly offered services.....	740
12 C.F.R. § 1005.5. Issuance of access devices.....	740
12 C.F.R. § 1005.6. Liability of consumer for unauthorized transfers	741
12 C.F.R. § 1005.7. Initial disclosures	742
12 C.F.R. § 1005.8. Change in terms notice; error resolution notice	743
12 C.F.R. § 1005.9. Receipts at electronic terminals; periodic statements	743
12 C.F.R. § 1005.10. Preauthorized transfers	745
12 C.F.R. § 1005.11. Procedures for resolving errors	746
12 C.F.R. § 1005.12. Relation to other laws	748
12 C.F.R. § 1005.13. Administrative enforcement; record retention	750
12 C.F.R. § 1005.14. Electronic fund transfer service provider not holding consumer's account.....	750
12 C.F.R. § 1005.15. Electronic fund transfer of government benefits.....	752
12 C.F.R. § 1005.16. Disclosures at automated teller machines.....	754
12 C.F.R. § 1005.17. Requirements for overdraft services	755
12 C.F.R. § 1005.18. Requirements for financial institutions offering payroll card accounts	757
12 C.F.R. § 1005.19. Internet Posting of Prepaid Account Agreements	773
12 C.F.R. § 1005.20. Requirements for gift cards and gift certificates	777
12 C.F.R. § 1005.30. Remittance transfer definitions.....	781
12 C.F.R. § 1005.31. Disclosures.....	782

TABLE OF CONTENTS

12 C.F.R. § 1005.32. Estimates	787
12 C.F.R. § 1005.33. Procedures for resolving errors	789
12 C.F.R. § 1005.34. Procedures for cancellation and refund for remittance transfers	793
12 C.F.R. § 1005.35. Acts of agents.....	793
12 C.F.R. § 1005.36. Transfers Scheduled Before the Date of Transfer	793
Regulation O: Mortgage Assistance Relief Services, 12 C.F.R. Part 1015	797
12 C.F.R. § 1015.1. Scope of Regulations in this Part	797
12 C.F.R. § 1015.2. Definitions	797
12 C.F.R. § 1015.3. Prohibited Representations	800
12 C.F.R. § 1015.4. Disclosures Required in Commercial Communications	801
12 C.F.R. § 1015.5. Prohibition on Collection of Advance Payments and Related Disclosures	802
12 C.F.R. § 1015.6. Assisting and Facilitating.....	803
12 C.F.R. § 1015.7. Exemptions	803
12 C.F.R. § 1015.8. Waiver Not Permitted.....	803
12 C.F.R. § 1015.9. Recordkeeping and Compliance Requirements	803
12 C.F.R. § 1015.10. Actions by States	804
12 C.F.R. § 1015.11. Severability.....	804
Regulation V: FCRA Regulations, 12 C.F.R. Part 1022.....	805
12 C.F.R. § 1022.1. Purpose, scope, and model forms and disclosures	806
12 C.F.R. § 1022.2. Examples	807
12 C.F.R. § 1022.3. Definitions	807
12 C.F.R. § 1022.20. Coverage and definitions	810
12 C.F.R. § 1022.21. Affiliate marketing opt-out and exceptions	813
12 C.F.R. § 1022.22. Scope and duration of opt-out.....	818
12 C.F.R. § 1022.23. Contents of opt-out notice; consolidated and equivalent notices	820
12 C.F.R. § 1022.24. Reasonable opportunity to opt out	821
12 C.F.R. § 1022.25. Reasonable and simple methods of opting out.....	822
12 C.F.R. § 1022.26. Delivery of opt-out notices	823
12 C.F.R. § 1022.27. Renewal of opt-out.....	823
12 C.F.R. § 1022.30. Obtaining or using medical information in connection with a determination of eligibility for credit.....	825
12 C.F.R. § 1022.31. Limits on redisclosure of information	830
12 C.F.R. § 1022.32. Sharing medical information with affiliates.....	830
12 C.F.R. § 1022.40. Scope	831
12 C.F.R. § 1022.41. Definitions	831
12 C.F.R. § 1022.42. Reasonable policies and procedures concerning the accuracy and integrity of furnished information	832
12 C.F.R. § 1022.43. Direct disputes.....	832
12 C.F.R. § 1022.54. Duties of users making written firm offers of credit or insurance based on information contained in consumer files	834
12 C.F.R. § 1022.70. Scope	836
12 C.F.R. § 1022.71. Definitions	836
12 C.F.R. § 1022.72. General requirements for risk-based pricing notices	838

TABLE OF CONTENTS

xxiii

12 C.F.R. § 1022.73. Content, form, and timing of risk-based pricing notices ...	842
12 C.F.R. § 1022.74. Exceptions.....	845
12 C.F.R. § 1022.75. Rules of construction.....	850
12 C.F.R. § 1022.82. Duties of users regarding address discrepancies	852
12 C.F.R. § 1022.121. Active duty alerts	853
12 C.F.R. § 1022.123. Appropriate proof of identity	853
12 C.F.R. § 1022.130. Definitions	854
12 C.F.R. § 1022.136. Centralized source for requesting annual file disclosures from nationwide consumer reporting agencies.....	854
12 C.F.R. § 1022.137. Streamlined process for requesting annual file disclosures from nationwide specialty consumer reporting agencies.....	858
12 C.F.R. § 1022.138. Prevention of deceptive marketing of free credit reports	860
12 C.F.R. § 1022.140. Prohibition against circumventing or evading treatment as a consumer reporting agency.....	863
12 C.F.R. § 1022.141. Reasonable charges for certain disclosures	864
12 C.F.R. Appendix B—to Part 1022—Model Notices of Furnishing Negative Information	864
12 C.F.R. Appendix C—to Part 1022—Model Forms for Opt-out Notices.....	865
12 C.F.R. Appendix D—to Part 1022—Model Forms for Firm Offers of Credit or Insurance	868
12 C.F.R. Appendix E—to Part 1022—Interagency Guidelines Concerning the Accuracy and Integrity of Information Furnished to Consumer Reporting Agencies	872
12 C.F.R. Appendix H—to Part 1022—Appendix H—Model Forms for Risk-Based Pricing and Credit Score Disclosure Exception Notices	875
12 C.F.R. Appendix I—to Part 1022—Summary of Consumer Identity Theft Rights	889
12 C.F.R. Appendix K—to Part 1022—Summary of Consumer Rights.....	891
12 C.F.R. Appendix L—to Part 1022—Standardized Form for Requesting Annual File Disclosures	895
12 C.F.R. Appendix M—to Part 1022—Notice of Furnisher Responsibilities....	896
12 C.F.R. Appendix N—to Part 1022—Notice of User Responsibilities	900
Additional FCRA Regulations.....	909
12 C.F.R. § 41.83. Disposal of consumer information.....	909
12 C.F.R. § 41.90. Duties regarding the detection, prevention, and mitigation of identity theft.....	910
12 C.F.R. § 41.91. Duties of card issuers regarding changes of address	912
12 C.F.R. § 41.92. Examples	912
12 C.F.R. Appendix J—to Part 41—Interagency Guidelines on Identity Theft Detection, Prevention, and Mitigation	912
Proposed FDCPA Regulations.....	919
CFPB Bulletin 2013–07	939
Miscellaneous Statutes	945
Selections from the Fair Housing Act	945
42 U.S.C. § 3604. Discrimination in the sale or rental of housing and other prohibited practices.....	945

TABLE OF CONTENTS

42 U.S.C. § 3605. Discrimination in residential real estate-related transactions.....	947
Excerpt from the Americans with Disabilities Act.....	948
42 U.S.C. § 12181. Definitions.....	948
42 U.S.C. § 12182. Prohibition of discrimination by public accommodations	948
Excerpt from the Civil Rights Act of 1866	950
42 U.S.C. § 1982	950
Selected privacy materials.....	950
18 U.S.C. § 2710. Wrongful disclosure of video tape rental or sale records.....	950
California Consumer Privacy Act.....	953
Cal.Civ.Code § 1798.100. Consumer rights regarding personal information collection by businesses; disclosure; information requests; retention of personal information collected for single, one-time use transaction	953
Cal.Civ.Code § 1798.105. Consumer rights regarding deletion of personal information collected by businesses; disclosure; deletion requests; exceptions	954
Cal.Civ.Code § 1798.110. Businesses collecting personal information; consumer rights regarding disclosure of categories and uses of personal information; duties of business	955
Cal.Civ.Code § 1798.115. Businesses selling personal information or disclosing for business purpose; consumer rights regarding disclosure of categories and uses of personal information; duties of business	955
Cal.Civ.Code § 1798.120. Consumer right to opt-out; notice to consumer; sale of personal information prohibited; consumers less than 16 years of age.....	956
Cal.Civ.Code § 1798.125. Discrimination prohibited; financial incentives.....	956
Cal.Civ.Code § 1798.130. Businesses collecting personal information; compliance requirements	957
Cal.Civ.Code § 1798.135. Businesses subject to consumer right to opt-out; compliance requirements	959
Cal.Civ.Code § 1798.140. Definitions.....	960
Cal.Civ.Code § 1798.145. Effect of obligations imposed on businesses; application of title.....	965
Cal.Civ.Code § 1798.150. Civil actions for violations of duty to implement and maintain reasonable security procedures and practices; remedies; requirements	969
Cal.Civ.Code § 1798.155. Attorney General guidance; civil action brought by Attorney General; amount and allocation of penalties.....	970
Cal.Civ.Code § 1798.160. Consumer Privacy Fund; use of funds.....	970
Cal.Civ.Code § 1798.175. Intent, scope, and construction of title	970
Cal.Civ.Code § 1798.180. Supersedure and preemption.....	971
Cal.Civ.Code § 1798.185. Adoption of regulations; public participation; subject matter; enforcement actions	971
Cal.Civ.Code § 1798.190. Intermediate steps or transactions to be disregarded	972
Cal.Civ.Code § 1798.192. Void and unenforceable provisions of contract or agreement ...	972
Cal.Civ.Code § 1798.194. Liberal construction of title.....	972
Cal.Civ.Code § 1798.196. Construction with federal law, United States Constitution, and California Constitution	972
Cal.Civ.Code § 1798.198. Operative date of title	972
Cal.Civ.Code § 1798.199. Operative date of Section 1798.180	972
Selected telemarketing statutes and regulations.....	973

TABLE OF CONTENTS

xxv

Telephone Consumer Protection Act.....	973
47 U.S.C.A. § 227. Restrictions on use of telephone equipment.....	973
Telemarketing & Consumer Fraud & Abuse Prevention Act.....	985
15 U.S.C. § 6101. Findings.....	985
15 U.S.C. § 6102. Telemarketing rules.....	985
15 U.S.C. § 6103. Actions by States.....	987
15 U.S.C. § 6104. Actions by private persons.....	988
15 U.S.C. § 6105. Administration and applicability of chapter.....	989
15 U.S.C. § 6106. Definitions.....	989
15 U.S.C. § 6107. Enforcement of orders.....	990
15 U.S.C. § 6108. Review.....	990
Telemarketing Regulations.....	991
16 C.F.R. § 310.1. Scope of regulations in this part.....	991
16 C.F.R. § 310.2. Definitions.....	991
16 C.F.R. § 310.3. Deceptive telemarketing acts or practices.....	994
16 C.F.R. § 310.4. Abusive telemarketing acts or practices.....	997
16 C.F.R. § 310.5. Recordkeeping requirements.....	1003
16 C.F.R. § 310.6. Exemptions.....	1004
16 C.F.R. § 310.7. Actions by states and private persons.....	1005
16 C.F.R. § 310.8. Fee for access to the National Do Not Call Registry.....	1005
16 C.F.R. § 310.9. Severability.....	1006
Restore Online Shoppers' Confidence Act.....	1007
15 U.S.C. § 8401. Findings; declaration of policy.....	1007
15 U.S.C. § 8402. Prohibitions against certain unfair and deceptive internet sales practices.....	1008
15 U.S.C. § 8403. Negative option marketing on the internet.....	1009
15 U.S.C. § 8404. Enforcement by Federal Trade Commission.....	1009
15 U.S.C. § 8405. Enforcement by State attorneys general.....	1009
Unsolicited commercial email materials.....	1010
Controlling the Assault of Non-Solicited Pornography and Marketing (“CANSPAM”) Act of 2003.....	1010
15 U.S.C. § 7701. Congressional findings and policy.....	1010
15 U.S.C. § 7702. Definitions.....	1012
15 U.S.C. § 7703. Prohibition against predatory and abusive commercial e-mail... ..	1014
15 U.S.C. § 7704. Other protections for users of commercial electronic mail.....	1015
15 U.S.C. § 7705. Business knowingly promoted by electronic mail with false or misleading transmission information.....	1019
15 U.S.C. § 7706. Enforcement generally.....	1020
15 U.S.C. § 7707. Effect on other laws.....	1025
15 U.S.C. § 7708. Do-Not-E-Mail registry.....	1025
15 U.S.C. § 7709. Study of effects of commercial electronic mail.....	1026
15 U.S.C. § 7710. Improving enforcement by providing rewards for information about violations; labeling.....	1026
15 U.S.C. § 7711. Regulations.....	1026
15 U.S.C. § 7712. Application to wireless.....	1027

TABLE OF CONTENTS

15 U.S.C. § 7713. Separability	1028
18 U.S.C. § 1037: Fraud and related activity in connection with electronic mail....	1028
16 C.F.R. Part 316: Regulations Implementing the CANSPAM Act	1029
16 C.F.R. § 316.1. Scope	1029
16 C.F.R. § 316.2. Definitions.....	1029
16 C.F.R. § 316.3. Primary purpose	1030
16 C.F.R. § 316.4. Requirement to place warning labels on commercial electronic mail that contains sexually oriented material.....	1031
16 C.F.R. § 316.5. Prohibition on charging a fee or imposing other requirements on recipients who wish to opt out	1032
16 C.F.R. § 316.6. Severability.....	1032
Excerpts from financial privacy laws.....	1033
Excerpts from the Gramm-Leach-Bliley Act	1033
15 U.S.C. § 6801. Protection of nonpublic personal information	1033
15 U.S.C. § 6802. Obligations with respect to disclosures of personal information.....	1033
15 U.S.C. § 6803. Disclosure of institution privacy policy	1035
15 U.S.C. § 6804. Rulemaking	1037
15 U.S.C. § 6805. Enforcement	1038
15 U.S.C. § 6806. Relation to other provisions.....	1039
15 U.S.C. § 6807. Relation to State laws	1039
15 U.S.C. § 6808. Study of information sharing among financial affiliates	1040
15 U.S.C. § 6809. Definitions	1040
Implementing regulations, 12 C.F.R. Part 1016	1044
12 C.F.R. § 1016.1. Purpose and scope	1044
12 C.F.R. § 1016.2. Model privacy form and examples	1045
12 C.F.R. § 1016.3. Definitions.....	1045
12 C.F.R. § 1016.4. Initial privacy notice to consumers required	1055
12 C.F.R. § 1016.5. Annual privacy notice to customers required	1058
12 C.F.R. § 1016.6. Information to be included in privacy notices.....	1060
12 C.F.R. § 1016.7. Form of opt out notice to consumers; opt out methods.....	1063
12 C.F.R. § 1016.8. Revised privacy notices	1066
12 C.F.R. § 1016.9. Delivering privacy and opt out notices.....	1067
12 C.F.R. § 1016.10. Limits on disclosure of nonpublic personal information to nonaffiliated third parties.....	1069
12 C.F.R. § 1016.11. Limits on redisclosure and reuse of information	1069
12 C.F.R. § 1016.12. Limits on sharing account number information for marketing purposes	1071
12 C.F.R. § 1016.13. Exception to opt out requirements for service providers and joint marketing	1071
12 C.F.R. § 1016.14. Exceptions to notice and opt out requirements for processing and servicing transactions	1072
12 C.F.R. § 1016.15. Other exceptions to notice and opt out requirements	1073
12 C.F.R. § 1016.16. Protection of Fair Credit Reporting Act	1074
12 C.F.R. § 1016.17. Relation to State laws	1074
Appendix A to 12 C.F.R. Part 1016—Model Privacy Form	1075

TABLE OF CONTENTS

xxvii

Illinois Biometric Information Privacy Act.....	1086
Excerpt from Electronic Signatures in Global and National Commerce Act (E-SIGN)	1089
15 U.S.C. § 7001. General Rule of Validity.....	1089
Excerpts from Regulation CC, Availability of Funds and Collection of Checks, 12 C.F.R.	
Part 229	1093
12 C.F.R. § 229.51. General provisions governing substitute checks.....	1093
12 C.F.R. § 229.52. Substitute check warranties	1093
12 C.F.R. § 229.53. Substitute check indemnity.....	1094
12 C.F.R. § 229.54. Expedited recredit for consumers	1095
12 C.F.R. § 229.55. Expedited recredit for banks	1098
12 C.F.R. § 229.56. Liability	1100
12 C.F.R. § 229.57. Consumer awareness.....	1101
12 C.F.R. § 229.58. Mode of delivery of information	1101
12 C.F.R. § 229.59. Relation to other law	1101
12 C.F.R. § 229.60. Variation by agreement.....	1101
Magnuson-Moss Warranty Act.....	1103
The statute, 15 U.S.C. § 2301 et seq.	1103
15 U.S.C. § 2301. Definitions.....	1103
15 U.S.C. § 2302. Rules governing contents of warranties.....	1104
15 U.S.C. § 2303. Designation of written warranties	1106
15 U.S.C. § 2304. Federal minimum standards for warranties.....	1106
15 U.S.C. § 2305. Full and limited warranting of a consumer product	1108
15 U.S.C. § 2306. Service contracts; rules for full, clear and conspicuous disclosure of terms and conditions; addition to or in lieu of written warranty.....	1108
15 U.S.C. § 2307. Designation of representatives by warrantor to perform duties under written or implied warranty.....	1108
15 U.S.C. § 2308. Implied warranties	1108
15 U.S.C. § 2309. Procedures applicable to promulgation of rules by Commission	1109
15 U.S.C. § 2310. Remedies in consumer disputes.....	1109
15 U.S.C. § 2311. Applicability to other laws	1111
15 U.S.C. § 2312. Effective dates	1112
Regulations	1113
16 C.F.R. § 700.1. Products covered.....	1114
16 C.F.R. § 700.2. Date of manufacture.....	1115
16 C.F.R. § 700.3. Written warranty.....	1115
16 C.F.R. § 700.4. Parties “actually making” a written warranty.....	1116
16 C.F.R. § 700.5. Expressions of general policy	1116
16 C.F.R. § 700.6. Designation of warranties	1116
16 C.F.R. § 700.7. Use of warranty registration cards.....	1117
16 C.F.R. § 700.8. Warrantor’s decision as final	1117
16 C.F.R. § 700.9. Duty to install under a full warranty.....	1118
16 C.F.R. § 700.10. Section 102(c).....	1118
16 C.F.R. § 700.11. Written warranty, service contract, and insurance distinguished for purposes of compliance under the Act.....	1118
16 C.F.R. § 700.12. Effective date of 16 CFR parts 701 and 702.....	1119

TABLE OF CONTENTS

16 C.F.R. § 701.1. Definitions.....	1119
16 C.F.R. § 701.2. Scope.....	1120
16 C.F.R. § 701.3. Written warranty terms.....	1120
16 C.F.R. § 701.4. Owner registration cards.....	1121
16 C.F.R. § 702.1. Definitions.....	1121
16 C.F.R. § 702.2. Scope.....	1122
16 C.F.R. § 702.3. Pre-sale availability of written warranty terms.....	1122
16 C.F.R. § 703.1. Definitions.....	1123
16 C.F.R. § 703.2. Duties of warrantor.....	1124
16 C.F.R. § 703.3. Mechanism organization.....	1125
16 C.F.R. § 703.4. Qualification of members.....	1125
16 C.F.R. § 703.5. Operation of the Mechanism.....	1126
16 C.F.R. § 703.6. Recordkeeping.....	1128
16 C.F.R. § 703.7. Audits.....	1129
16 C.F.R. § 703.8. Openness of records and proceedings.....	1129
Excerpts from Title 12 of the Code of Federal Regulations, OCC Regulations.....	1131
12 C.F.R. § 34.3. General rule.....	1131
12 C.F.R. § 34.4. Applicability of state law.....	1131
12 C.F.R. § 7.4000. Visitorial powers with respect to national banks.....	1132
12 C.F.R. § 7.4002. National bank charges.....	1134
12 C.F.R. § 7.4007. Deposit-taking by national banks.....	1134
12 C.F.R. § 7.4008. Lending by national banks.....	1135
12 C.F.R. § 7.4010. Applicability of state law and visitorial powers to federal savings associations and subsidiaries.....	1136
12 U.S.C. § 25b. State law preemption standards for national banks and subsidiaries clarified.....	1137
Excerpts from the Real Estate Settlement Procedures Act and implementing regulations (Regulation X).....	1137
12 U.S.C. § 2607. Prohibition against kickbacks and unearned fees.....	1137
12 C.F.R. § 1024.1. Designation.....	1140
12 C.F.R. § 1024.2. Definitions.....	1141
12 C.F.R. § 1024.3. E-sign applicability.....	1146
12 C.F.R. § 1024.4. Reliance upon rule, regulation or interpretation by the bureau.....	1146
12 C.F.R. § 1024.5. Coverage of RESPA.....	1146
12 C.F.R. § 1024.6. Special information booklet at time of loan application.....	1148
12 C.F.R. § 1024.7. Good faith estimate.....	1149
12 C.F.R. § 1024.8. Use of HUD-1 or HUD-1A settlement statements.....	1152
12 C.F.R. § 1024.9. Reproduction of settlement statements.....	1153
12 C.F.R. § 1024.10. One-day advance inspection of HUD-1 or HUD-1A settlement statement; delivery; recordkeeping.....	1154
12 C.F.R. § 1024.11. Mailing.....	1155
12 C.F.R. § 1024.12. No fee.....	1155
12 C.F.R. § 1024.14. Prohibition against kickbacks and unearned fees.....	1155
12 C.F.R. § 1024.15. Affiliated business arrangements.....	1157
12 C.F.R. § 1024.16. Title companies.....	1159
12 C.F.R. § 1024.20. List of homeownership counseling organizations.....	1159

TABLE OF CONTENTS

xxix

12 C.F.R. § 1024.30. Scope.....	1160
12 C.F.R. § 1024.31. Definitions.....	1161
12 C.F.R. § 1024.32. General disclosure requirements.....	1162
12 C.F.R. § 1024.33. Mortgage servicing transfers	1163
12 C.F.R. § 1024.34. Timely escrow payments and treatment of escrow account balances	1165
12 C.F.R. § 1024.35. Error resolution procedures	1166
12 C.F.R. § 1024.36. Requests for information.....	1169
12 C.F.R. § 1024.37. Force-placed insurance.....	1172
12 C.F.R. § 1024.38. General servicing policies, procedures, and requirements.....	1177
12 C.F.R. § 1024.39. Early intervention requirements for certain borrowers	1179
12 C.F.R. § 1024.40. Continuity of contact	1181
12 C.F.R. § 1024.41. Loss mitigation procedures	1182
Military Lending Act, 10 U.S.C.A. § 987.....	1191
Department of Defense Regulations.....	1195
32 C.F.R. § 232.1. Authority, purpose, and coverage	1195
32 C.F.R. § 232.2. Applicability	1195
32 C.F.R. § 232.3. Definitions	1196
32 C.F.R. § 232.4. Terms of consumer credit extended to covered borrowers.....	1198
32 C.F.R. § 232.5. Optional Identification of covered borrower.....	1201
32 C.F.R. § 232.6. Mandatory loan disclosures.....	1202
32 C.F.R. § 232.7. Preemption.....	1203
32 C.F.R. § 232.8. Limitations.....	1204
32 C.F.R. § 232.9. Penalties and remedies.....	1205
32 C.F.R. § 232.10. Administrative enforcement.....	1206
32 C.F.R. § 232.11. Servicemembers Civil Relief Act Protections Unaffected.....	1206
32 C.F.R. § 232.12. Effective dates.....	1206
32 C.F.R. § 232.13. Compliance dates	1206
Excerpt from the Racketeer Influenced and Corrupt Organizations Act (“RICO”)	1207
18 U.S.C. § 1961. Definitions.....	1207
18 U.S.C. § 1962. Prohibited Activities	1208
18 U.S.C. § 1964. Civil remedies	1209
Selected materials on class actions	1209
Federal Rule of Civil Procedure 23. Class Actions	1209
Excerpts from Title 28, U.S. Code	1214
28 U.S.C. § 1332. Diversity of citizenship; amount in controversy; costs	1214
28 U.S.C. § 1453. Removal of class actions.....	1217
28 U.S.C. § 1712. Coupon settlements	1218
The Federal Arbitration Act	1219
9 U.S.C. § 1. “Maritime transactions” and “commerce” defined; exceptions to operation of title.....	1219
9 U.S.C. § 2. Validity, irrevocability, and enforcement of agreements to arbitrate	1219
9 U.S.C. § 3. Stay of proceedings where issue therein referable to arbitration.....	1219

TABLE OF CONTENTS

9 U.S.C. § 4. Failure to arbitrate under agreement; petition to United States court having jurisdiction for order to compel arbitration; notice and service thereof; hearing and determination.....	1220
9 U.S.C. § 5. Appointment of arbitrators or umpire.....	1220
9 U.S.C. § 6. Application heard as motion	1220
9 U.S.C. § 7. Witnesses before arbitrators; fees; compelling attendance.....	1220
9 U.S.C. § 8. Proceedings begun by libel in admiralty and seizure of vessel or property	1221
9 U.S.C. § 9. Award of arbitrators; confirmation; jurisdiction; procedure	1221
9 U.S.C. § 10. Same; vacation; grounds; rehearing	1221
9 U.S.C. § 11. Same; modification or correction; grounds; order	1222
9 U.S.C. § 12. Notice of motions to vacate or modify; service; stay of proceedings	1222
9 U.S.C. § 13. Papers filed with order on motions; judgment; docketing; force and effect; enforcement.....	1222
9 U.S.C. § 14. Contracts not affected	1222
9 U.S.C. § 15. Inapplicability of the Act of State doctrine	1222
9 U.S.C. § 16. Appeals.....	1223
PART TWO: STATE STATUTES.....	1225
UDAP (Unfair or Deceptive Acts or Practices) Statutes	1226
California Unfair Business Practices Act	1226
Cal. Bus. & Prof. Code § 17200. Unfair competition; prohibited activities	1226
Cal. Bus. & Prof. Code § 17204. Actions for Injunctions by Attorney General, District Attorney, County Counsel, and City Attorneys	1226
Cal. Bus. & Prof. Code § 17500. False or misleading statements; penalty.....	1226
California Consumer Legal Remedies Act	1227
Cal. Civ. Code § 1770. List of proscribed practices	1227
Cal. Civ. Code § 1780. Consumer's action; relief; senior citizens or disabled persons; venue; court costs and attorney's fees.....	1229
Connecticut Unfair Trade Practices Act	1231
Ct. St. § 42-110a. Definitions.....	1231
Ct. St. § 42-110b. Unfair trade practices prohibited. Legislative intent.....	1231
Ct. St. § 42-110c. Exceptions	1231
Ct. St. § 42-110e. Appeals	1232
Ct. St. § 42-110g. Action for damages. Class actions. Costs and fees. Equitable relief. Jury trial	1232
Ct. St. § 42-110h. Class actions	1233
Ct. St. § 42-110m. Restraining orders or injunctions. Relief	1233
Ct. St. § 42-110o. Civil penalties	1233
New York General Business Law	1234
N.Y. Gen. Bus. § 349. Deceptive acts and practices unlawful	1234
N.Y. Gen. Bus. § 350. False advertising unlawful	1235
N.Y. Gen. Bus. § 350-a. False advertising	1235
N.Y. Gen. Bus. § 350-e. Construction.....	1235
Utah Consumer Sales Practices Act.....	1236
Ut. Code § 13-11-1. Citation of act.....	1236
Ut. Code § 13-11-2. Construction and purposes of act.....	1236

TABLE OF CONTENTS

xxxi

Ut. Code § 13–11–3. Definitions.....	1236
Ut. Code § 13–11–4. Deceptive act or practice by supplier.....	1237
Ut. Code § 13–11–5. Unconscionable act or practice by supplier.....	1240
Ut. Code § 13–11–7. Duties of enforcing authority—Confidentiality of identity of persons investigated—Civil penalty for violation of restraining or injunctive orders.....	1240
Ut. Code § 13–11–8. Powers of enforcing authority.....	1241
Ut. Code § 13–11–17. Actions by enforcing authority.....	1240
Ut. Code § 13–11–17.5. Costs and attorney’s fees.....	1242
Ut. Code § 13–11–19. Actions by consumer.....	1242
Ut. Code § 13–11–22. Exemptions from application of act.....	1243
Ut. Code § 13–11–23. Other remedies available—Class action only as prescribed by act.....	1243
Maryland Rental-Purchase Agreement Act, Md. Code Ann., Com. Law §§ 12–1101 to 12–1111.....	1244
Md. Code § 12–1101. Definitions.....	1244
Md. Code § 12–1102. Effect and applicability of subtitle.....	1245
Md. Code § 12–1103. Disclosures—In general.....	1245
Md. Code § 12–1104. Disclosures—Specific information; tags.....	1245
Md. Code § 12–1105. Proscribed terms.....	1247
Md. Code § 12–1106. Reinstatement and repossession.....	1247
Md. Code § 12–1106.1. Retention of a copy of the agreement.....	1248
Md. Code § 12–1107. Receipt; written statement of account.....	1248
Md. Code § 12–1108. New agreements.....	1248
Md. Code § 12–1109. Advertisements.....	1248
Md. Code § 12–1110. Sanctions.....	1249
Md. Code § 12–1110.1. Notice of default, court action to recover property.....	1249
Md. Code § 12–1111. Sample form.....	1249
Michigan Rental Purchase Agreement Act.....	1253
§ 445.951. Short title.....	1253
§ 445.952. Definitions.....	1253
§ 445.953. Rental-purchase agreement, contents.....	1254
§ 445.954. Purchase price.....	1255
§ 445.955. Advertisements; display of merchandise.....	1255
§ 445.956. Rental-purchase agreements, prohibited provisions.....	1255
§ 445.957. Lessors; prohibited practices.....	1256
§ 445.958. Late payments; reinstatement.....	1256
§ 445.959. Violations; notice to attorney general; injunctions, notice; penalties.....	1256
§ 445.960. Allegedly unlawful practices; assurance of discontinuance; stipulations; form.....	1257
§ 445.961. Appearance before attorney general; testimony, production of documents; subpoena; notice; records, disclosure.....	1257
§ 445.962. Noncompliance; penalties.....	1258
§ 445.963. Class actions by attorney general; notice; damages; limitations.....	1259
§ 445.964. Private actions, class actions; orders; damages; limitations.....	1259

TABLE OF CONTENTS

§ 445.969. Effect of act; other causes of action, inconsistent ordinances or regulations.....	1260
§ 445.970. Rental-purchase agreement form.....	1260
Uniform Consumer Credit Code (1974 Act) (with selected comments).....	1263
Prefatory Note.....	1263
Article 1. General Provisions and Definitions.....	1274
§ 1.101. Short Title.....	1274
§ 1.102. Purposes; Rules of Construction.....	1274
§ 1.103. Supplementary General Principles of Law Applicable.....	1275
§ 1.104. Construction Against Implicit Repeal.....	1275
§ 1.105. Severability.....	1275
§ 1.106. Adjustment of Dollar Amounts.....	1275
§ 1.107. Waiver; Agreement to Forego Rights; Settlement of Claims.....	1276
§ 1.108. Effect of Act on Powers of Organizations.....	1276
§ 1.109. Transactions Subject to Act by Agreement.....	1276
§ 1.110. Obligation of Good Faith.....	1277
§ 1.201. Territorial Application.....	1277
§ 1.202. Exclusions.....	1278
§ 1.203. Jurisdiction [and Service of Process].....	1279
§ 1.301. General Definitions.....	1279
§ 1.302. Definition: “Federal Truth in Lending Act”.....	1285
§ 1.303. Other Defined Terms.....	1285
Article 2. Finance Charges and Related Provisions.....	1286
§ 2.101. Short Title.....	1286
§ 2.102. Scope.....	1286
§ 2.201. Finance Charge for Consumer Credit Sales Not Pursuant to Open-End Credit.....	1286
§ 2.202. Finance Charge for Consumer Credit Sales Pursuant to Open-End Credit.....	1287
§ 2.301. Authority to Make Supervised Loans.....	1288
§ 2.302. License to Make Supervised Loans.....	1288
§ 2.303. Revocation or Suspension of License.....	1289
§ 2.304. Records; Annual Reports.....	1289
§ 2.305. Examinations and Investigations.....	1290
§ 2.306. Application of [Administrative Procedure Act] [Part on Administrative Procedure and Judicial Review] to Part.....	1290
§ 2.307. Restrictions on Interest in Land as Security.....	1290
§ 2.308. Regular Schedule of Payments; Maximum Loan Term.....	1291
§ 2.309. No Other Business for Purpose of Evasion.....	1291
§ 2.401. Finance Charge for Consumer Loans.....	1291
§ 2.501. Additional Charges.....	1292
§ 2.502. Delinquency Charges.....	1293
§ 2.503. Deferral Charges.....	1294
§ 2.504. Finance Charge on Refinancing.....	1296
§ 2.505. Finance Charge on Consolidation.....	1296
§ 2.506. Advances to Perform Covenants of Consumer.....	1297
§ 2.507. Attorney’s Fees [ALTERNATIVE A].....	1297

TABLE OF CONTENTS

xxxiii

§ 2.507. Attorney’s Fees [ALTERNATIVE B] 1297

§ 2.508. Conversion to Open-End Credit 1297

§ 2.509. Right to Repay 1298

§ 2.510. Rebate Upon Prepayment 1298

§ 2.601. Charges for Other Credit Transactions 1299

Article 3. Regulation of Agreements and Practices 1299

§ 3.101. Short Title 1300

§ 3.102. Scope 1300

§ 3.201. Compliance with Federal Truth in Lending Act 1300

§ 3.202. Consumer Leases 1300

§ 3.203. Notice to Consumer 1301

§ 3.204. Notice of Assignment 1301

§ 3.205. Change in Terms of Open-End Credit Accounts 1301

§ 3.206. Receipts; Statements of Account; Evidence of Payment 1302

§ 3.207. Form of Insurance Premium Loan Agreement 1302

§ 3.208. Notice to Co-Signers and Similar Parties 1303

§ 3.209. Advertising 1303

§ 3.301. Security in Sales and Leases 1304

§ 3.302. Cross-Collateral 1304

§ 3.303. Debt Secured by Cross-Collateral 1305

§ 3.304. Use of Multiple Agreements 1306

§ 3.305. No Assignment of Earnings 1306

§ 3.306. Authorization to Confess Judgment Prohibited 1306

§ 3.307. Certain Negotiable Instruments Prohibited 1306

§ 3.308. Balloon Payments 1307

§ 3.309. Referral Sales and Leases 1307

§ 3.401. Restriction on Liability in Consumer Lease 1308

§ 3.402. Limitation on Default Charges 1308

§ 3.403. Card Issuer Subject to Claims and Defenses 1308

§ 3.404. Assignee Subject to Claims and Defenses 1309

§ 3.405. Lender Subject to Claims and Defenses Arising From Sales and Leases 1310

§ 3.501. Definition: “Home Solicitation Sale” 1311

§ 3.502. Buyer’s Right to Cancel 1312

§ 3.503. Form of Agreement or Offer; Statement of Buyer’s Rights 1313

§ 3.504. Restoration of Down Payment 1313

§ 3.505. Duty of Buyer; No Compensation for Services Before Cancellation 1314

Article 4. Insurance 1314

§ 4.101. Short Title 1314

§ 4.102. Scope[; Relation to Credit Insurance Act; Applicability to Parties] 1315

§ 4.103. Definitions[s]: “Consumer Credit Insurance”[; “Credit Insurance Act”] 1315

§ 4.104. Creditor’s Provision of and Charge for Insurance; Excess Amount of Charge ... 1315

§ 4.105. Conditions Applying to Insurance to Be Provided by Creditor 1315

§ 4.106. Unconscionability 1315

§ 4.107. Maximum Charge by Creditor for Insurance 1316

TABLE OF CONTENTS

§ 4.108. Refund Required; Amount	1316
§ 4.109. Existing Insurance; Choice of Insurer	1317
§ 4.110. Charge for Insurance in Connection With a Deferral, Refinancing, or Consolidation; Duplicate Charges.....	1317
§ 4.111. Cooperation Between Administrator and [Commissioner] of Insurance	1317
§ 4.112. Administrative Action of [Commissioner] of Insurance	1317
§ 4.201. Term of Insurance	1317
§ 4.202. Amount of Insurance.....	1318
§ 4.203. Filing and Approval of Rates and Forms	1318
§ 4.301. Property Insurance	1319
§ 4.302. Insurance on Creditor's Interest Only	1319
§ 4.303. Liability Insurance.....	1319
§ 4.304. Cancellation by Creditor.....	1319
Article 5. Remedies and Penalties.....	1320
§ 5.101. Short Title.....	1320
§ 5.102. Scope	1320
§ 5.103. Restrictions on Deficiency Judgments	1320
§ 5.104. No Garnishment Before Judgment	1321
§ 5.105. Limitation on Garnishment.....	1321
§ 5.106. No Discharge From Employment for Garnishment	1322
§ 5.107. Extortionate Extensions of Credit.....	1322
§ 5.108. Unconscionability; Inducement by Unconscionable Conduct; Unconscionable Debt Collection.....	1322
§ 5.109. Default	1325
§ 5.110. Notice of Consumer's Right to Cure	1326
§ 5.111. Cure of Default	1326
§ 5.112. Creditor's Right to Take Possession After Default.....	1327
§ 5.113. Venue	1327
§ 5.114. Complaint; Proof	1327
§ 5.115. Stay of Enforcement of or Relief From Default Judgment	1327
§ 5.116. Limitation on Enforcement of Security for Supervised Loan	1328
§ 5.201. Effect of Violations on Rights of Parties	1328
§ 5.202. Damages or Penalties as Set-Off to Obligation	1329
§ 5.203. Civil Liability for Violation of Disclosure Provisions	1329
§ 5.301. Willful and Knowing Violations	1330
§ 5.302. Disclosure Violations.....	1331
Article 6 [omitted]	1331
Uniform Commercial Code (Selected Sections)	1333
Article 1. General Provisions.....	1333
§ 1-309. Option to Accelerate at Will.....	1333
§ 1-310. Subordinated Obligations	1333
Article 2. Sales (Unamended).....	1334
§ 2-202. Final Written Expression: Parol or Extrinsic Evidence.....	1335
§ 2-204. Formation in General.....	1335
§ 2-206. Offer and Acceptance in Formation of Contract	1336
§ 2-207. Additional Terms in Acceptance or Confirmation	1337

TABLE OF CONTENTS

§ 2-209. Modification, Rescission and Waiver 1338

§ 2-302. Unconscionable Contract or Clause 1339

§ 2-313. Express Warranties by Affirmation, Promise, Description, Sample 1340

§ 2-314. Implied Warranty: Merchantability; Usage of Trade..... 1342

§ 2-315. Implied Warranty: Fitness for Particular Purpose 1344

§ 2-316. Exclusion or Modification of Warranties 1345

§ 2-601. Buyer’s Rights on Improper Delivery..... 1347

§ 2-602. Manner and Effect of Rightful Rejection 1347

§ 2-607. Effect of Acceptance, etc..... 1348

§ 2-608. Revocation of Acceptance in Whole or in Part 1350

§ 2-714. Buyer’s Damages for Breach in Regard to Accepted Goods 1351

§ 2-715. Buyer’s Incidental and Consequential Damages..... 1351

§ 2-717. Deduction of Damages from the Price..... 1352

§ 2-719. Contractual Modification or Limitation of Remedy 1353

Article 2. Sales (As Amended In 2003)..... 1354

 § 2-313A. Obligation to Remote Purchaser Created by Record Packaged With or
 Accompanying Goods 1354

 § 2-313B. Obligation to Remote Purchaser Created by Communication to the Public ... 1356

 § 2-316. Exclusion or Modification of Warranties 1358

 § 2-608. Revocation of Acceptance in Whole or in Part 1360

Article 3. Negotiable Instruments 1362

 § 3-302. Holder in Due Course..... 1362

 § 3-302. Holder in Due Course (as amended in 2002) 1362

 § 3-305. Rights of a Holder in Due Course..... 1367

 § 3-305. Defenses and Claims in Recoupment; Claims in Consumer Transactions (as
 amended in 2002)..... 1367

 § 3-403. Unauthorized Signature 1371

 § 3-404. Imposters; Fictitious Payees..... 1373

 § 3-406. Negligence Contributing to Forged Signature or Alteration of Instrument 1375

 § 3-419. Instruments Signed for Accommodation..... 1377

Article 4. Bank Deposits and Collections..... 1380

 § 4-103. Variation by Agreement; Measure of Damages; Action Constituting
 Ordinary Care 1380

 § 4-208. Presentment Warranties 1383

 § 4-401. When Bank May Charge Customer’s Account..... 1384

 § 4-406. Customer’s Duty to Discover and Report Unauthorized Signature or
 Alteration 1385

Article 9. Secured Transactions..... 1388

 § 9-401. Alienability of Debtor’s Rights 1388

 § 9-403. Agreement Not to Assert Defenses Against Assignee..... 1389

 § 9-404. Rights Acquired by Assignee; Claims and Defenses Against Assignee 1391

 § 9-601. Rights After Default, etc. 1393

 § 9-609. Secured Party’s Right to Take Possession After Default 1394

 § 9-625. Remedies for Secured Party’s Failure to Comply With Article 1396

Uniform Computer Information Transactions Act (UCITA)..... 1399

§ 112. Manifesting Assent.....	1399
§ 113. Opportunity to Review	1403
§ 114. Pretransaction Disclosure in Internet-Type Transactions.....	1405
§ 209. Mass-Market License	1406
§ 406. Disclaimer or Modification of Warranty	1410
Principles of the Law Software Contracts.....	1413
§ 2.02. Standard-Form Transfers of Generally Available Software; Enforcement of the Standard Form	1413
Selected Lemon Law Statutes	1421
Ohio Tit. 13 §§ 1345.71 through 1345.78.....	1421
Tit. 13 § 1345.71. Definitions	1421
Tit. 13 § 1345.72. Repair of new vehicle with warranty nonconformity; replacement of vehicle; return and refund of full purchase price; liability of dealer; effect on loan, retail installment sales contract, or lease	1422
Tit. 13 § 1345.73. Presumption of reasonable number of attempts to conform vehicle to warranty.....	1423
Tit. 13 § 1345.74. Statement of buyer's rights; statement following service or repair of vehicle.....	1423
Tit. 13 § 1345.75. Action by aggrieved consumer; time limits; defenses.....	1423
Tit. 13 § 1345.76. Resale or lease of buyback vehicle; vehicles with dangerous defect not to be sold	1424
Tit. 13 § 1345.77. Informal dispute resolution mechanism	1425
Tit. 13 § 1345.78. Unfair and deceptive acts or practices	1426
New York Gen. Bus. L. § 198–a. Warranties.....	1426
Uniform Condominium Act.....	1435
§ 4–114. Implied Warranties of Quality.....	1435
§ 4–115. Exclusion or Modification of Implied Warranties of Quality	1435
Predatory Lending and Usury Statutes—Selected	1437
New York Criminal Usury Statute	1437
N.Y. Penal Law § 190.40. Criminal usury in the second degree	1437
Kentucky Deferred Deposit Service Business and Check Cashing Statute.....	1437
Ky. Rev. Stat. § 286.9–020. Requirement of license.....	1437
Ky. Rev. Stat. § 286.9–030. Exemptions from applicability of this subtitle	1437
Ky. Rev. Stat. § 286.9–100. Procedures to be followed by licensees.....	1437
Ky. Rev. Stat. § 286.9–991. Civil penalty for violation of subtitle	1439
North Carolina General Statutes	1440
N.C. Gen. Stat. § 24–1.1E. Restrictions and limitations on high-cost home loans	1440
State Class Action Statute—Illinois.....	1447
735 ILCS § 5/2–801. Prerequisites for the maintenance of a class action	1447
PART THREE: RESTATEMENT PROVISIONS	1449
Selected Sections from Restatement 2d of Torts	1451
§ 525. Liability for Fraudulent Misrepresentation	1451
§ 526. Conditions under Which Misrepresentation is Fraudulent (Scienter).....	1451
§ 531. General Rule.....	1451
§ 537. General Rule.....	1451
§ 538. Materiality of Misrepresentation	1451

TABLE OF CONTENTS

xxxvii

§ 538A. Opinion	1452
§ 539. Representation of Opinion Implying Justifying Facts	1452
§ 540. Duty to Investigate.....	1452
§ 550. Liability for Fraudulent Concealment	1452
§ 551. Liability for Nondisclosure.....	1452
§ 552. Information Negligently Supplied for the Guidance of Others.....	1453
§ 552A. Contributory Negligence	1453
§ 552B. Damages for Negligent Misrepresentation	1453
§ 552C. Misrepresentation in Sale, Rental or Exchange Transaction	1453
Selected Sections from Restatement 2d of Contracts	1455
§ 161. When Non-Disclosure is Equivalent to an Assertion	1455
§ 162. When a Misrepresentation is Fraudulent or Material	1455
§ 163. When a Misrepresentation Prevents Formation of a Contract.....	1455
§ 164. When a Misrepresentation Makes a Contract Voidable.....	1455
§ 168. Reliance on Assertions of Opinion	1456
§ 169. When Reliance on an Assertion of Opinion is Not Justified	1456
PART FOUR: INTERNATIONAL MATERIALS.....	1457
Directive 2011/83/EU Consumer Contract Rights.....	1459
Article 1—Subject matter	1459
Article 2—Definitions	1459
Article 3—Scope	1460
Article 4—Level of harmonisation.....	1461
Article 5—Information requirements for contracts other than distance or off-premises contracts	1462
Article 6—Information requirements for distance and off-premises contracts	1463
Article 7—Formal requirements for off-premises contracts	1465
Article 8—Formal requirements for distance contracts.....	1465
Article 9—Right of withdrawal.....	1466
Article 10—Omission of information on the right of withdrawal	1467
Article 11—Exercise of the right of withdrawal	1467
Article 12—Effects of withdrawal	1467
Article 13—Obligations of the trader in the event of withdrawal	1468
Article 14—Obligations of the consumer in the event of withdrawal	1468
Article 15—Effects of the exercise of the right of withdrawal on ancillary contracts	1469
Article 16—Exceptions from the right of withdrawal	1469
Article 18—Delivery.....	1470
Directive 93/13/EEC Unfair Terms	1470
Article 1.....	1471
Article 2.....	1471
Article 3.....	1471
Article 4.....	1471
Article 5.....	1471
Article 6.....	1472
Article 7.....	1472

TABLE OF CONTENTS

Article 8.....	1472
Article 9.....	1472
Article 10.....	1472
Article 11.....	1472
Annex.....	1473
PART FIVE: HELPFUL INTERNET SITES	1475