

From: Mark Reiersen
Subject: Reg Z -- Truth in Lending

Comments:

Date: Dec 27, 2010

The Federal Reserve
Washington, DC

Re: Docket No. R-1393
Proposed Rule to Amend Regulation Z Truth-in-Lending

Dear Board of Governors of the Federal Reserve System,

I am writing to you as an employee of PREMIER Bankcard in Sioux Falls, South Dakota urging you to support Congress in opposing the proposed rule that would change the CARD Act.

As an employee, I believe in the product and the service we provide to our customers. The proposed rule change is not what Congress intended, it is not good for the consumer, it is not good for business and it is not good for South Dakota. I listen to hundreds of calls made by my staff during the year and our customer's clearly communicate that they need our product. They state over and over again that they would not be able to obtain credit if it were not for Premier Bankcard's product. This legislation will isolate many of our customers from the use of a credit card. Not only will this impact the credit card user's but it will also impact our great State of South Dakota. Premier Bank and Premier Bankcard employ over 2,000 people and this legislation will devastate our business model and will force our management team to downsize the significantly.

The proposed rule would change the CARD Act passed by Congress and the implementing regulations by including pre-account opening fees in the 25% limitation during the first year after the account is opened. The proposed rule specifically states that "there has been some uncertainty as to whether those limitations apply to fees that a consumer is required to pay prior to account opening". In addition, the proposed rule states that the current practice is consistent with the current language of section 226.52 (a)(1), the Board believe that it is inconsistent with the intent of Section 127(n)(1) insofar as it disturbs the statutory relationship between the costs and benefits of opening a credit card account.

I object to the Board's conclusion that Congress intended for something other than what was passed into law. Section 105 of the CARD Act specifically states:

If the terms of a credit card account under an open end consumer credit plan require the payment of any fees (other than any late fee, over-the-limit fee, or fee for a payment returned for insufficient funds) by the consumer in the first year during which the account is opened in an aggregate amount in excess of 25 percent of the total amount of credit authorized under the account when the account is opened, no payment of any fees (other than any late fee, over-the-limit fee, or fee for a payment returned for insufficient funds) may be made from the credit made available under the terms of the account.

There can be no mistake how the law was written and passed by Congress. If all fees were to be included in the Act, the law would have been written that way and not leave it up to the rule-writers. The Act goes on to make the point even more clear that fees assessed prior to opening are not subject to limitation, except for those already prohibited by law:

No provision of this subsection may be construed as authorizing any imposition or payment of advance fees otherwise prohibited by any provision of law.

Finally, the authority of the Board to "effectuate the purpose of Section 127(n)(1)" is being far exceeded and is in fact changing the Act without due process of Congress. Therefore, I would urge the Board to not adopt the proposed rule to restrict pre-account opening fees that are not charged to the account.

Sincerely,

Mark Reiersen