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DELAWARE STATE SENATE 152nd GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1 FOR SENATE BILL NO. 132

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO THE STUDENT LOAN BORROWER BILL OF RIGHTS ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1	Section 1. Amend Subtitle II, Title 6 of the Delaware Code by making deletions as shown by strike through and
2	insertions as shown by underline as follows:
3	Chapter 25J. Student Loan Borrower Bill of Rights Act.
4	§ 2501J. Title.
5	This chapter may be cited as the Student Loan Borrower Bill of Rights Act.
6	§ 2502J. Definitions.
7	As used in this chapter:
8	(1) "Consumer Protection Unit" means the Consumer Protection Unit of the Fraud and Consumer Protection
9	Division of the Department of Justice.
10	(2) "Consumer report" means as provided in 15 U.S.C. § 1681a.
11	(3) "Cosigner" means as provided in 15 U.S.C. § 1650(a).
12	(4) "Negligently" means acting with negligence. For purposes of this paragraph (4), "negligence" means as
13	defined in § 231(d) of Title 11.
14	(5) "Servicing" means any of the following activities related to a student education loan of a student loan
15	borrower:
16	a. Receiving scheduled periodic payments from a student loan borrower or notification of the payments
17	under the terms of a student education loan.
18	b. Applying payments of principal and interest, and such other payments with respect to the amounts
19	received from a student loan borrower, as may be required under the terms of a student education loan.

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20	c. During a period when a payment on a student education loan is not required, doing all of the following:
21	1. Maintaining account records for the student education loan.
22	2. Communicating with the student loan borrower regarding the student education loan, on behalf of
23	the student education loan's holder.
24	d. Interacting with a student loan borrower as follows:
25	1. Related to the student loan borrower's student education loan, including engaging in activities to
26	help the student loan borrower avoid default on obligations arising from the student education loan.
27	2. To facilitate the activities described in paragraphs (5)a. through c. of this section.
28	e. Performing other administrative services with respect to a student education loan, on behalf of the
29	student education loan's holder.
30	(6)a. "Student education loan" means an extension of credit made primarily for personal use to finance higher-
31	education-related expenses.
32	b. "Student education loan" includes any of the following used in whole or part to finance higher-
33	education-related expenses:
34	1. Loans, including income share agreements.
35	2. Deferred tuition plans.
36	3. Retail installment contracts.
37	c. "Student education loan" does not include any of the following:
38	1. An isolated personal loan made by an individual to another individual for higher-education-related
39	expenses.
40	2. Credit that is secured by real property.
41	3. Open-ended credit.
42	4. Wage assignments.
43	(7) "Student loan borrower" means any of the following:
44	a. A resident of this State who has received or agreed to pay a student education loan.
45	b. A person who shares responsibility for repaying a student education loan with a person described in
46	paragraph (7)a. of this section.
47	(8) "Student Loan Ombudsperson" means the individual appointed under § 2509J(a) of this title.
48	(9) "Student loan servicer" means a person engaged in the business of servicing student education loans in this
49	State. As used in this definition, "person" does not include this State or an agency of this State.
50	§ 2503J. Scope.

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51	This chapter does not apply to a student loan servicer that is any of the following:
52	(1) A bank or credit union.
53	(2) A wholly owned subsidiary of a bank or credit union.
54	(3) An operating subsidiary of a bank or credit union where each owner of the operating subsidiary is wholly
55	owned by the same bank or credit union.
56	(4) A savings association.
57	§ 2504J. Student loan servicer duties.
58	(a) As used in this section, "nonconforming payment" means a payment on a student education loan of a student
59	loan borrower that is different than the required payment.
60	(b) To the extent that state regulation is not preempted by federal law, a federal student education loan agreement,
61	or a contract between the Federal Government and a student loan servicer, a student loan servicer shall do all of the
62	following:
63	(1) On receipt of a written inquiry from a student loan borrower or the representative of a student loan
64	borrower, respond by doing all of the following
65	a. Acknowledging receipt of the written inquiry within 10 days.
66	b. Providing, within 30 days after receiving the inquiry, information relating to the inquiry and, if
67	applicable, the action the student loan servicer will take to correct the student loan borrower's account or an
68	explanation of the student loan servicer's position that the borrower's account is correct.
69	(2) Except as provided in federal law or required by the terms of a student education loan agreement, inquire
70	of a student loan borrower how to apply an overpayment or prepayment to a student education loan.
71	a. A student loan borrower's direction on how to apply an overpayment or prepayment to a student
72	education loan must stay in effect for any future overpayments or prepayments during the term of a student
73	education loan until the student loan borrower provides different directions.
74	b. For purposes of this paragraph (b)(2), "overpayment" or "prepayment" means a payment on a student
75	education loan in excess of the monthly amount due from a student loan borrower on a student education loan.
76	(3) Apply a partial payment or underpayment in a manner that minimizes late fees and negative credit
77	reporting.
78	a. When loans on a student loan borrower's account have an equal stage of delinquency, a student loan
79	servicer shall apply a partial payment or underpayment to satisfy as many individual loan payments as possible on
80	a student loan borrower's account.

81	b. For purposes of this paragraph (b)(3), "partial payment" or "underpayment" means a payment on a
82	student education loan account that contains multiple individual loans in an amount less than the amount necessary
83	to satisfy the outstanding payment due on all loans in the student loan account.
84	(4) If there is a sale, assignment, or other transfer of the servicing of a student education loan that results in a
85	change in the identity of the student loan servicer to whom a student loan borrower is required to send payments or
86	direct any communication concerning the student education loan, the prior student loan servicer shall do all of the
87	following:
88	a. As a condition of the sale, assignment, or transfer, require the new student loan servicer to honor all
89	benefits originally represented as available to the student loan borrower during the repayment of the student
90	education loan and preserve the availability of the benefits, including any benefits for which the student loan
91	borrower has not yet qualified, unless that benefit is no longer available under federal or state law.
92	b. Within 45 days after the sale, assignment, or transfer, transfer to the new student loan servicer all
93	information regarding the student loan borrower, the account of the student loan borrower and the student
94	education loan of the student loan borrower, including the repayment status of the student loan borrower and any
95	benefits associated with the student education loan of the student loan borrower.
96	c. Complete the sale, assignment, or transfer of the servicing of the student education loan at least 7 days
97	before the next payment on the loan is due.
98	(5) If a student loan servicer obtains the right to service a student education loan, adopt policies and
99	procedures to verify that the student loan servicer has received all information regarding the student loan borrower, the
100	account of the student loan borrower, and the student education loan of the student loan borrower, including the
101	repayment status of the student loan borrower and any benefits associated with the student education loan of the
102	student loan borrower. The Student Loan Ombudsperson may investigate these policies and procedures under this
103	<u>chapter.</u>
104	(6) Evaluate a student loan borrower for a repayment program based on income before placing the student
105	loan borrower in forbearance or default, if a repayment program based on income is available to the student loan
106	borrower.
107	(7) Before sending the first billing statement on a student education loan with a cosigner or immediately on
108	receipt of a student education loan with a cosigner following the transfer or assignment of the student education loan
109	with a cosigner, provide to the student loan borrower, and to any cosigner of the student education loan, information
110	concerning the rights and responsibilities of the student loan borrower and cosigner, including information regarding
111	all of the following:

112	a. How the student education loan obligation will appear on the cosigner's consumer report.
113	b. How the cosigner will be notified if the student education loan becomes delinquent, including how the
114	cosigner can cure the delinquency in order to avoid negative credit furnishing and loss of cosigner release
115	eligibility.
116	c. Eligibility for release of the cosigner's obligation on the student education loan, if applicable, including
117	number of on-time payments and any other criteria required to approve the release of the cosigner from the loan
118	obligation.
119	(8) Send annual written notice to all student loan borrowers and cosigners regarding information about
120	cosigner release, if applicable, including the criteria the student education loan servicer requires to approve the release
121	of a cosigner from a student education loan obligation and the process for applying for cosigner release.
122	(9)a. On satisfaction by the student loan borrower of the applicable consecutive on-time payment requirement
123	for purposes of cosigner release eligibility, send, in writing, to the student loan borrower and cosigner all of the
124	following:
125	1. A notification that the consecutive on-time payment requirement has been satisfied and that the
126	cosigner may be eligible for cosigner release.
127	2. Information relating to the procedure for applying for cosigner release and any additional criteria
128	that a cosigner must satisfy in order to be eligible for cosigner release.
129	b.1. Except as provided by paragraph (b)(9)b.2. of this section, the notification and information required
130	under paragraph (b)(9)a. of this section must be sent by United States mail.
131	2. If a student loan borrower or cosigner has elected to receive electronic communications from the
132	student loan servicer, the notification and information required under paragraph (b)(9)a. of this section may be
133	sent by electronic mail.
134	(10) If an application for a cosigner release is incomplete, provide, in writing, all of the following:
135	a. Notice to the student loan borrower and cosigner that the application is incomplete.
136	b. A description of the information that is missing or the additional information that is needed to consider
137	the application complete and the date by which the student loan borrower or cosigner are required to provide the
138	information.
139	(11) Not later than 30 days following the submission of an application for cosigner release, send to the student
140	loan borrower and cosigner a written notice of the decision that the application has been approved or denied.
141	a. If the application for cosigner release has been denied, the written notice must inform the student loan
142	borrower and cosigner that the student loan borrower and cosigner have the right to request all documents and

143	information used by the student loan servicer in the student loan servicer's decision to deny the application
144	including all of the following:
145	1. The credit score threshold used by the student loan servicer.
146	2. The consumer report of the student loan borrower or cosigner.
147	3. The credit score of the student loan borrower or cosigner.
148	4. Any other document that is relevant or specific to the student loan borrower or cosigner.
149	b. The student loan servicer shall provide the student loan borrower and cosigner with any adverse action
150	notices required under federal law if the denial of the application was based in whole or in part on any information
151	contained in a consumer report.
152	(12) Include the information described in paragraph (b)(8) of this section in any response to an application for
153	cosigner release.
154	(13) Refrain from imposing any negative consequences on a student loan borrower or cosigner during the 60
155	days following issuance of the notice described in paragraph (b)(10) of this section, or until a final decision concerning
156	a student loan borrower or cosigner's application for cosigner release is made. For purposes of this paragraph (b)(13)
157	"negative consequences" includes the imposition of additional eligibility criteria, negative credit reporting, loss
158	eligibility for a cosigner release, late fees, interest capitalization, or other financial penalties or injury.
159	(14) On receipt of a request by a student loan borrower or cosigner to a change that results in restarting the
160	count of consecutive on-time payments required for cosigner release eligibility, provide to the student loan borrower
161	and cosigner written notification of the impact of the change on cosigner release eligibility and an opportunity to
162	withdraw or reverse the change for purposes of avoiding the impact.
163	(15) Provide a student loan borrower or cosigner with all of the following:
164	a. The right to request an appeal of a determination to deny a cosigner release application.
165	b. An opportunity to submit additional information or documentation evidencing that the student loan
166	borrower has the ability, willingness, and stability to make the student loan borrower's payment obligations.
167	c. The right to request that a different employee of the student loan servicer review and make a
168	determination on the application for a cosigner release.
169	(16) Establish and maintain a comprehensive record management system reasonably designed to ensure the
170	accuracy, integrity, and completeness of data and other information about cosigner release applications. The system
171	must include all of the following:
172	a. The number of cosigner release applications received.
173	b. The approval and denial rate of the applications.

174	c. The primary reasons for denial of the applications.
175	(17) Provide the cosigner of a student education loan with access to the same documents and records
176	associated with the student education loan that are available to the student loan borrower of the student education loan.
177	(18) If a student loan borrower has electronic access to documents and records associated with a student
178	education loan, provide equivalent electronic access to the documents and records to the cosigner of the student
179	education loan.
180	(19) On request of the student loan borrower or cosigner, restrict the non-requesting party's access to the
181	requesting party's contact information.
182	(20) Provide a student loan borrower or cosigner with prompt notice if the student loan servicer changes the
183	address to which the student loan borrower or cosigner needs to send a payment.
184	(21) Not charge a penalty to a student loan borrower or cosigner if a payment on a student education loan is
185	received at an address used for payments for a period of 90 days after the change of an address used for payments.
186	(22) Once annually, provide a written payment history to a student loan borrower or cosigner on request, at no
187	cost, and within 21 days of receiving the request.
188	(23) Service a student education loan in conformity with § 2511J of this title.
189	(24) Every 3 years, or on servicing the student loan servicer's first student education loan in this State, file
190	notice with the Student Loan Ombudsperson that includes all of the following:
191	a. An address, email address, and phone number for the student loan servicer.
192	b. An attestation that the student loan servicer understands the student loan servicer's duties as described
193	in this section.
194	§ 2505J. Student loan servicer prohibited acts.
195	A student loan servicer may not do any of the following:
196	(1) Directly or indirectly employ a scheme, device, or artifice intended to defraud or mislead a student loan
197	<u>borrower.</u>
198	(2) Engage in an unfair or deceptive practice toward a person or misrepresent or omit material information in
199	connection with the servicing of a student education loan, including misrepresenting the amount, nature, or terms of a
200	fee or payment due or claimed to be due on a student education loan, the terms, and conditions of the student education
201	loan agreement or the student loan borrower's obligations under the student education loan.
202	(3) Engage in abusive acts or practices when servicing a student education loan in this State. An act or
203	practice is abusive in connection with the servicing of a student education loan if the act or practice does any of the

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following:

205	a. Materially interferes with the ability of a student loan borrower to understand a term or condition of a
206	student education loan.
207	b. Takes advantage of any of the following:
208	1. A lack of understanding on the part of a student loan borrower of the material risks, costs, or
209	conditions of the student education loan.
210	2. The inability of a student loan borrower to protect the student loan borrower's interests when
211	selecting or using any of the following:
212	A. A student education loan.
213	B. A feature, term, or condition of a student education loan.
214	3. The reasonable reliance by the student loan borrower on a person engaged in servicing a student
215	education loan to act in the interests of the borrower.
216	c. Any other act or practice that is abusive.
217	(4) Obtain property by fraud or misrepresentation.
218	(5) Misapply or apply student education loan payments to the outstanding balance of a student education loan.
219	(6) Provide inaccurate information to a credit bureau.
220	(7) Fail to report a favorable or unfavorable payment history of a student loan borrower to a nationally
221	recognized consumer credit bureau at least annually if the student loan servicer regularly reports information to a credit
222	<u>bureau.</u>
223	(8) Refuse to communicate with an authorized representative of a student loan borrower who provides a
224	written authorization signed by the student loan borrower. A student loan servicer may adopt procedures reasonably
225	related to verifying that the representative is authorized to act on behalf of the student loan borrower.
226	(9) Negligently make a false statement or make an omission of a material fact in connection with any
227	information or report filed with a governmental agency or in connection with an investigation conducted by the Student
228	Loan Ombudsperson or another governmental agency.
229	(10) Except as provided in federal law, federal student loan agreements, or a contract between the federal
230	government and a student loan servicer, fail to properly evaluate a student loan borrower for an income-driven or other
231	student loan repayment program or for eligibility for a public service loan forgiveness program before placing the
232	student loan borrower in forbearance or default, if an income-driven repayment or other program is available to the
233	student loan borrower.
234	(11) Fail to respond within 15 days to a communication from the Student Loan Ombudsperson, or within a
235	shorter reasonable time as the Student Loan Ombudsperson may request in the communication.

236	(12) Fail to respond within 15 days to a student loan borrower complaint submitted to the servicer by the
237	Student Loan Ombudsperson. If necessary, a student loan servicer may request additional time, up to 45 days, if the
238	request is accompanied by an explanation of why additional time is reasonable and necessary.
239	§ 2506J. Student loan servicer record retention requirements.
240	(a) To the extent state regulation is not preempted by federal law, a student loan servicer shall maintain adequate
241	records of each student education loan transaction for at least 7 years following the final payment on a student education
242	loan or the assignment of a student education loan, whichever occurs first. The Student Loan Ombudsperson may order
243	student loan servicers to maintain records for a period longer than 7 years.
244	(b) Within 5 business days of receipt of a request for student education loan records from the Student Loan
245	Ombudsperson, a student loan servicer shall make the records available to the Student Loan Ombudsperson or shall send
246	the records to the Student Loan Ombudsperson by registered or certified mail, return receipt requested, or by any express
247	delivery carrier that provides a dated delivery receipt. On request, the Student Loan Ombudsperson may grant a student
248	loan servicer additional time to make the records available.
249	§ 2507J. Student loan servicer reporting requirements.
250	By December 31 of each year, a student loan servicer shall report to the Student Loan Ombudsperson non-
251	identifying consumer data from the current calendar year, including all of the following:
252	(1) The number and total dollar amount of student education loans the student loan servicer is servicing in this
253	State.
254	(2) The number, percentage, and total dollar amount of all student education loans that the student loan
255	servicer is servicing that are in default.
256	(3) The number, percentage, and total dollar amount of all student education loans that the student loan
257	servicer is servicing that are more than 60 days delinquent.
258	(4) The number, percentage, and total dollar amount of all student education loans that the student loan
259	servicer is servicing that have been paid off.
260	(5) The number, percentage, and total dollar amount of all student education loans the student loan servicer is
261	servicing that have been forgiven or discharged.
262	(6) Any additional information requested by the Student Loan Ombudsperson.
263	§ 2508J. Student loan servicer compliance with federal law.
264	A student loan servicer shall comply with all applicable federal laws and regulations related to student loan
265	servicing, including the Truth in Lending Act, 15 U.S.C. § 1601 et seq. and the regulations adopted under that Act. In
266	addition to any other remedies provided by law, a violation of the federal law or regulation is a violation of this chapter.

267	§ 2509J. Student Loan Ombudsperson powers and duties; reports.
268	(a) There is established within the Department of Justice an Office of the Student Loan Ombudsperson. The
269	Attorney General shall appoint the Student Loan Ombudsperson.
270	(b) The Student Loan Ombudsperson may do all of the following:
271	(1) Receive, investigate, and attempt to resolve complaints from student loan borrowers.
272	(2) Connect student loan borrowers with complaints to free legal services, where appropriate.
273	(3) Refer appropriate student loan borrower complaints alleging violations of this chapter to the Consumer
274	Protection Unit or other appropriate agencies for investigation. The Consumer Protection Unit and any other
275	appropriate agencies shall have access to information that is available to the Student Loan Ombudsperson, to the extent
276	necessary for investigation purposes under this paragraph (b)(3).
277	(4) Compile and analyze data regarding student loan borrower complaints received under paragraph (b)(1) of
278	this section.
279	(5) Assist student loan borrowers in understanding their rights and responsibilities under the terms of student
280	education loans.
281	(6) Provide information to the public, state agencies, state legislators, and others regarding the problems and
282	concerns of student loan borrowers and make recommendations for resolving those problems and concerns.
283	(7) Analyze and monitor the development and implementation of federal, state, and local laws, regulations,
284	and policies relating to student loan borrowers and make recommendations for any changes deemed necessary.
285	(8) Review the complete student education loan history for any student loan borrower who has provided
286	written consent for the review.
287	(9) Disseminate information concerning the availability of the Student Loan Ombudsperson to assist student
288	loan borrowers and potential student loan borrowers, public institutions of higher education, student loan servicers, and
289	other participants in student education loan lending with student loan servicing concerns.
290	(10) Meet regularly with a member of the Consumer Protection Unit to coordinate efforts under this section.
291	(11) Take any other actions deemed necessary to fulfill the student loan borrower assistance, education, and
292	complaints-related duties in this chapter.
293	(c) The Student Loan Ombudsperson may access, receive, and use any documents, information, or evidence the
294	Student Loan Ombudsperson deems relevant to the inquiry or investigation regardless of the location, possession, control,
295	or custody of the documents, information, or evidence, including any documents, information, or evidence in the possession
296	of a student loan servicer.

297	(d)(1) The Student Loan Ombudsperson shall submit an annual report to all of the following not later than March 1
298	of each year:
299	a. The President Pro Tempore and Secretary of the Senate, for distribution to all Senators.
300	b. The Speaker and Chief Clerk of the House of Representatives, for distribution to all Representatives.
301	c. The Director and Librarian of the Division of Research of Legislative Council.
302	d. The Director of the Delaware Public Archives.
303	e. The Attorney General.
304	<u>f. The Governor.</u>
305	(2) The Student Loan Ombudsperson shall make the annual report available to interested parties and the
306	general public and publish the annual report on the Student Loan Ombudsperson's website.
307	(3) The annual report must include, at a minimum, all of the following:
308	a. Non-identifying consumer data from the preceding calendar year, including the information required
309	under § 2507J of this title, for each student loan servicer.
310	b. Information regarding the implementation of this chapter.
311	c. Information, in the aggregate, regarding the number and categories of student loan borrower complaints
312	filed with the Student Loan Ombudsperson and Consumer Protection Unit.
313	d. The number of student loan borrower complaints investigated and resolved by the Student Loan
314	Ombudsperson and the Consumer Protection Unit.
315	e. Any recommendations pertaining to the regulation of student loan servicers and the enforcement of this
316	chapter.
317	§ 2510J. Regulatory authority.
318	The Attorney General may adopt regulations for the administration and enforcement of this chapter.
319	§ 2511J. Protections for cosigners and borrowers.
320	To the extent that State regulation is not preempted by federal law, a federal student education loan agreement, or
321	a contract between the federal government and a student loan servicer, a student education loan may not do any of the
322	<u>following:</u>
323	(1) Impose any restrictions on a student loan borrower or cosigner that may permanently prevent the student
324	loan borrower or cosigner from qualifying for a cosigner release, if applicable, including restrictions on the number of
325	times a student loan borrower or cosigner may apply for cosigner release.
326	(2) Require a student loan borrower to make more than the equivalent of 12 consecutive on-time payments of
327	principal and interest during any 12-month period as part of the eligibility criteria for cosigner release.

328	(3) If a student loan borrower or cosigner has a total and permanent disability, as determined by any federal or
329	state agency or doctor of medicine or osteopathy legally authorized to practice in this State, and unless otherwise
330	expressly prohibited under the terms of a student education loan agreement, do any of the following:
331	a. Require the borrower or cosigner with the total and permanent disability to remain obligated to repay
332	the student education loan on receipt of notification that the borrower or cosigner has a total and permanent
333	disability.
334	b. Require a cosigner to remain obligated to repay the student education loan on receipt of notification
335	that the borrower has a total and permanent disability.
336	c. Require that a new cosigner be added to the student education loan after the original cosigner has been
337	released from the student education loan under paragraph (3)a. of this section.
338	§ 2512J. Enforcement.
339	(a) In addition to any remedies a consumer may have at law or in equity, a violation of this chapter is deemed an
340	unlawful practice under § 2513 of this title and a violation of subchapter II of Chapter 25 of this title.
341	(b) A court shall award attorney's fees for a violation of this chapter.
342	Section 2. This Act is severable. If any provision of this Act or the application of this Act to any person or
343	circumstance is held invalid, the invalidity does not affect the provisions or applications of this Act that can be given effect
344	without the invalid provision or application.
345	Section 3. This Act takes effect on January 1, 2025.

SYNOPSIS

Over the past decade, an increasing number of states have passed legislation establishing a Student Loan Borrower Bill of Rights. At least 18 states have passed such legislation. Of these 18 states, 12 states have a Student Loan Ombudsperson and 13 have a licensing program, with another two states having a registration program instead of a licensing program.

This Act is a Substitute for Senate Bill No. 132. Like Senate Bill No. 132, this Act enacts a Student Loan Borrower Bill of Rights for this State that does all of the following:

- (1) Requires student loan servicers to engage in certain practices related to communications with student loan borrowers and cosigners of student education loans and handling of transactions by student loan borrowers and cosigners of student education loans.
- (2) Prohibits student loan servicers from engaging in certain practices including unfair or deceptive practices or abusive practices.
- (3) Requires student loan servicers to retain records related to student loan transactions for 7 years and to yearly report non-identifying information about student education loans serviced in this State, including default and delinquency rates, to the Student Loan Ombudsperson.
- (4) Establishes the Office of the Student Loan Ombudsperson which shall, among other duties, receive, investigate, and attempt to resolve complaints from student loan borrowers.

This Act differs from Senate Bill No. 132 as follows:

- (1) Makes a technical correction to correct an incorrect internal reference.
- (2) Excludes the State government from the definition of "student loan servicer".

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- (3) Makes clear the intent to exclude certain types of student loan servicers from the scope of this Act, as these student loan servicers are already regulated by state and federal regulators.
 - (4) Removes an unnecessary "that".
- (5) Adds "if applicable" to make clear the student loan servicer's obligation to provide cosigner information applies only if applicable.
- (6) Moves from § 2504J of this Act certain requirements of student loan servicers related to cosigners and cosigner release to a new § 2511J of this Act containing protections related to cosigners and borrowers.
- (7) Specifies that a student loan servicer is only required to provide a written payment history to a student loan borrower or cosigner once each year.
- (8) Requires a student loan servicer to service a student education loan in conformity with § 2511J of this Act and to file a notice with the Student Loan Ombudsperson every 3 years, or on servicing the student loan servicer's first student education loan in this State, that includes an address, email address, and phone number for the student loan servicer and an attestation that the student loan servicer understands the student loan servicer's duties under this Act.
- (9) Clarifies that the Student Loan Ombudsperson ("Ombudsperson") has certain powers, not that the Ombudsperson is required to exercise those powers in all cases.
- (10) Clarifies that the Consumer Protection Unit of the Department of Justice and other appropriate agencies are to have access to information available to the Ombudsperson to the extent necessary for investigation purposes.
- (11) Permits the Ombudsperson to meet regularly with a member of the Consumer Protection Unit to coordinate efforts.
- (12) Permits the Student Loan Ombudsperson to access, receive, and use any documents, information, or evidence the Ombudsperson deems relevant to the inquiry or investigation, including any documents, information, or evidence in the possession of a student loan servicer.
- (13) Replaces language related to whom the Student Loan Ombudsperson's annual report is due with standard report language developed for the Delaware Legislative Drafting Manual and adds the Attorney General as a recipient of the report.
 - (14) Delays the effective date of the Act until January 1, 2025.

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