§ 5531 Motor vehicle dealer

The term "motor vehicle dealer" means any person or resident in the United States, or any territory of the United States, who—
(A) is licensed by a State, a territory of the United States, or the District of Columbia to engage in the sale of motor vehicles; and
(B) takes title to, holds an ownership in, or takes physical custody of motor vehicles.


REFERENCES IN TEXT


For complete classification of title X to the Code, see Tables.

Short Title note set out under section 5301 of this title which is classified generally to part F (§§ 1061–1067) of title X of Pub. L. 111–203, July 21, 2010, 124 Stat. 2035, which is classified generally to part F (§§ 5581 et seq.) of this subchapter. For complete classification of subtitle F to the Code, see Tables.

PART C—SPECIFIC BUREAU AUTHORITIES

§ 5531. Prohibiting unfair, deceptive, or abusive acts or practices

(a) In general

The Bureau may take any action authorized under part E to prevent a covered person or service provider from committing or engaging in an unfair, deceptive, or abusive act or practice under Federal law in connection with any transaction with a consumer for a consumer financial product or service, or the offering of a consumer financial product or service.

(b) Rulemaking

The Bureau may prescribe rules applicable to a covered person or service provider identifying as unlawful unfair, deceptive, or abusive acts or practices in connection with any transaction with a consumer for a consumer financial product or service, or the offering of a consumer financial product or service. Rules under this section may include requirements for the purpose of preventing such acts or practices.

(c) Unfairness

(1) In general

The Bureau shall have no authority under this section to declare an act or practice in connection with a transaction with a consumer for a consumer financial product or service, or the offering of a consumer financial product or service, to be unlawful on the ground that such act or practice is unfair, unless the Bureau has a reasonable basis to conclude that—
(A) the act or practice causes or is likely to cause substantial injury to consumers which is not reasonably avoidable by consumers; and
(B) such substantial injury is not outweighed by countervailing benefits to consumers or to competition.

(2) Consideration of public policies

In determining whether an act or practice is unfair, the Bureau may consider established public policies as evidence to be considered with all other evidence. Such public policy considerations may not serve as a primary basis for such determination.

(d) Abusive

The Bureau shall have no authority under this section to declare an act or practice abusive in connection with the provision of a consumer financial product or service, unless the act or practice—
(1) materially interferes with the ability of a consumer to understand a term or condition of a consumer financial product or service; or
(2) takes unreasonable advantage of—
(A) a lack of understanding on the part of the consumer to protect the interests of the consumer in selecting or using a consumer financial product or service; or
(B) the reasonable reliance by the consumer on a covered person to act in the interests of the consumer.

(e) Consultation

In prescribing rules under this section, the Bureau shall consult with the Federal banking agencies, or other Federal agencies, as appropriate, concerning the consistency of the proposed rule with prudential, market, or systemic objectives administered by such agencies.

(f) Consideration of seasonal income

The rules of the Bureau under this section shall provide, with respect to an extension of credit secured by residential real estate or a dwelling, if documented income of the borrower, including income from a small business, is a repayment source for an extension of credit secured by residential real estate or a dwelling, the creditor may consider the seasonality and irregularity of such income in the underwriting of and scheduling of payments for such credit.


Effective Date

Pub. L. 111–203, title X, § 1037, July 21, 2010, 124 Stat. 2011, provided that: ‘‘This subtitle [subtitle C (§§1031–1037), enacting this part] shall take effect on the designated transfer date.’’

The term ‘‘designated transfer date’’ is defined in section 5481(9) of this title as the date established under section 5582 of this title.

§ 5532. Disclosures

(a) In general

The Bureau may prescribe rules to ensure that the features of any consumer financial product or service, both initially and over the term of the product or service, are fully, accurately, and effectively disclosed to consumers in a manner that permits consumers to understand the costs,