



STATE OF CALIFORNIA

# Department of Financial Protection and Innovation

GOVERNOR **Gavin Newsom** • ACTING COMMISSIONER **Christopher S. Shultz**

IN REPLY REFER TO  
FILE NO: PRO 03-21

August 18, 2021

INVITATION FOR COMMENTS ON PROPOSED RULEMAKING  
UNDER THE CALIFORNIA CONSUMER FINANCIAL PROTECTION LAW:  
CONSUMER COMPLAINTS  
(PRO 03-21)

## BACKGROUND

On September 25, 2020, Governor Newsom signed AB 1864 (Chapter 157, Statutes of 2020), establishing the California Consumer Financial Protection Law (“CCFPL”) under Division 24 of the Financial Code (Fin. Code, § 90000 et seq.). On February 4, 2021, the Department of Financial Protection and Innovation (“Department”) sought comments from interested parties regarding the implementation of AB 1864. In response to initial comments, the Department is developing draft language to implement various aspects of the CCFPL. Prior to initiating this rulemaking action, the Department invites interested parties to comment on the accompanying draft language implementing section 90008, subdivisions (a), (b), and (d) of the CCFPL.

## INVITATION FOR COMMENTS

The Department seeks input from interested parties on draft language implementing section 90008, subdivisions (a), (b), and (d) of the CCFPL. *Please note this rulemaking only covers the procedures for a covered person or service provider to respond to consumer complaints and inquiries; it does not cover the Department’s handling of complaints and inquiries.*

If an interested party recommends proceeding in a manner that does not appear in the draft text, please include the following information, to the extent known:

- Explain the need for the recommended rule, including data to substantiate the need,
- Provide an explanation of the costs and benefits of the recommended rule,
- Provide sample text of the recommended rule, and
- Explain whether other businesses are subject to the same rule and why the rule is appropriate under the CCFPL.

In addition, the Department seeks comments from interested parties regarding the following:

1. Explain whether a covered person should be allowed to delegate the handling of complaints,
2. Explain the circumstances under which a covered person should be required to expedite its review of, and response to, a complaint,
3. Provide support of, or objection to, any provision in the draft rule, including data to substantiate your position, and
4. Explain the impact of the draft rules on the ability of California businesses to compete with businesses in other states.
5. Explain the economic impact of the draft rules.
6. Explain whether and to what extent the draft rules would create or eliminate jobs within the state.
7. Explain whether and to what extent the draft rules would create new businesses or eliminate existing businesses within the state.
8. Explain whether and to what extent the draft rules would affect the competitive advantages or disadvantages for businesses currently doing business within the state.
9. Explain whether and to what extent the draft rules would affect the expansion of businesses currently doing business within the state.
10. Explain whether and to what extent the draft rules would increase or decrease investment in the state.
11. Explain whether and to what extent the draft rules would affect the incentives for innovation in products, materials, or processes.
12. Explain whether and to what extent the draft rules would benefit the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits.
13. Explain whether there is a more cost-effective way that is equally effective in achieving the purpose of the draft rules.
14. Describe any reasonable alternatives to the draft rules that would lessen any adverse impact on small business.

#### TIME FOR COMMENTS

The Commissioner invites interested parties to submit comments by **September 17, 2021**.

### WHERE TO SUBMIT COMMENTS

You may submit comments by any of the following means:

#### Electronic

Comments may be submitted electronically to [regulations@dfpi.ca.gov](mailto:regulations@dfpi.ca.gov) with a copy to [David.Bae@dfpi.ca.gov](mailto:David.Bae@dfpi.ca.gov). Include "PRO 03-21" in the subject line.

#### Mail

Department of Financial Protection and Innovation  
Attn: Sandra Sandoval, Legal Division  
300 S. Spring Street, Suite 15513  
Los Angeles, CA 90013

### CONTACT PERSONS

Questions regarding this invitation for comments may be directed to David Bae at [David.Bae@dfpi.ca.gov](mailto:David.Bae@dfpi.ca.gov).