



STATE OF CALIFORNIA

Department of Financial Protection and Innovation

GOVERNOR **Gavin Newsom** • COMMISSIONER **Clothilde V. Hewlett**

**NOTICE OF THIRD MODIFICATION TO PROPOSED RULEMAKING
UNDER THE CALIFORNIA CONSUMER FINANCIAL PROTECTION LAW:
CONSUMER COMPLAINTS AND INQUIRIES
(PRO 03-21)**

TITLE 10. CALIFORNIA DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION

To Interested Persons:

On May 20, 2022, the Commissioner of Financial Protection and Innovation published a Notice of Proposed Rulemaking to adopt Article 5, including sections 1070, 1071, 1072, 1073, 1074, and 1075 of Title 10, Chapter 3, Subchapter 4 of the California Code of Regulations, to implement, interpret, and make specific Financial Code section 90008 of the California Consumer Financial Protection Law (“CCFPL”)¹ administered by the Department. On December 22, 2022, and March 23, 2023, the Commissioner proposed modifications to the initially proposed text.

After considering written comments to the initially proposed text and to the modifications, the Commissioner now proposes additional modifications. A copy of the proposed modifications is being made available to the public in accordance with the requirements of Government Code section 11346.8, subdivision (c). The text, showing proposed modifications to the rules noticed on March 23, 2023, is attached; additions are shown in single underline, and deletions are shown in single strikethrough. The public may submit, and the Department will consider, comments on the proposed modifications.

Moreover, the Commissioner identifies the following as documents relied upon for this rulemaking:

- 1) Consumer Response Annual Report, January 1-December 31, 2022, published March 2023 by the Consumer Financial Protection Bureau. Available for download at: https://files.consumerfinance.gov/f/documents/cfpb_2022-consumer-response-annual-report_2023-03.pdf.
- 2) Consumer Response Annual Report, January 1-December 31, 2021, published March 2022 by the Consumer Financial Protection Bureau. Available for download at:

¹ Fin. Code, § 90000 et seq.

https://files.consumerfinance.gov/f/documents/cfpb_2021-consumer-response-annual-report_2022-03.pdf.

THE RULEMAKING FILE

The initial statement of reasons for the proposed action containing all the information upon which the proposal is based is available on the Department of Financial Protection and Innovation's website at www.dfpi.ca.gov, and from the Legal Division of the Department of Financial Protection and Innovation. As required by the Administrative Procedure Act, the Legal Division maintains a rulemaking file containing all the information upon which the proposal is based. The rulemaking file is available for public inspection during regular business hours.

15-DAY COMMENT PERIOD

Any interested person or authorized representative may submit written comments regarding the proposed changes to the regulations, by postal or electronic mail:

By Postal Mail

Department of Financial Protection and Innovation
Attn: Araceli Dyson
2101 Arena Blvd.
Sacramento, CA 95834

By Electronic Mail

Comments may be submitted electronically to regulations@dfpi.ca.gov with a copy to David.Bae@dfpi.ca.gov. Please identify the comments as PRO 03-21 in the subject line.

Written comments may be submitted through **April 29, 2023**.

The proposed changes to the Commissioner's rules in the text accompanying this notice are not yet effective and will not be effective until approved by the Office of Administrative Law and filed with the Secretary of State in accordance with Government Code Section 11349.3.

Questions regarding the content of this notice may be directed to David.Bae@dfpi.ca.gov.

Dated: April 14, 2023