OHIO

SURVEY OF UNITED STATES GAP REGULATIONS FOR EXCLUSIVE USE BY THE EQUIPMENT LEASING & FINANCE ASSOCIATION (Current as of 01/1/2014)

GUARANTEED AUTO/ASSET PROTECTION is generally a contract intended to cover the excess of outstanding indebtedness over the primary property insurance benefits that may occur in the event of a total loss to a collateral asset. A <u>GAP WAIVER</u> is a contractual obligation (accessory to the retail installment contract) to waive any remaining indebtedness after application of insurance. In most instances, the terms of the waiver are left to negotiation by the parties; accordingly, waivers may cover many different events. <u>GAP INSURANCE</u> is typically credit insurance protection contained in an insurance policy between the borrower and a property and casualty or limited lines insurer accepting the risk of loss any excess indebtedness after application of insurance.

The following survey of GAP insurance and GAP waiver regulations provides a state by state summary of how these products are regulated on a state by state basis and includes references to applicable legislative, executive and administrative rules and regulations, as well as, other citations applicable to GAP insurance and GAP Waivers in each of the fifty states and the District of Columbia. While this survey provides commonly used industry definitions, in some states the terms may vary and may be subject to differing interpretations.

While this survey is not intended as legal advice and each member is urged to seek independent legal advice, ELFA hopes the survey will aid members considering the financing of GAP insurance and/or GAP waivers. ELFA, McGlinchey Stafford, PLLC and the authors make no representations or warranties as to the accuracy or completeness of the information provided in the survey.

This survey was conducted in December 2013 and was prepared on information obtained through January 1, 2014. The laws or regulations of a state or several states may change. There is no responsibility by ELFA, McGlinchey Stafford, PLLC or the authors for updating the information provided in this survey.

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FOR EXCLUSIVE USE BY THE EQUIPMENT LEASING & FINANCE ASSOCIATION

(Current as of 12/1/2013)

KEY OF TERMS

<u>CREDIT INSURANCE</u> – generally means any insurance which is applicable or appropriate for use in connection with any loan, retail installment transaction or any other credit transaction. Such insurance includes, but is not limited to the following: credit life, credit disability, credit property, credit unemployment, mortgage life, guaranty, or disability, guaranteed automobile protection insurance and any other form of insurance offered in connection with an extension of credit that is limited to partially or wholly extinguishing a credit obligation.

<u>COMMERCIAL</u> – not primarily used for personal, family or household purposes.

<u>DEBT CANCELLATION CONTRACT</u>
(<u>DCC</u>)/<u>DEBT WAIVER/DEBT SUSPENSION</u>
<u>AGREEMENT (DSA)</u> - Different terms for GAP
Waiver Agreements.

<u>GAP INSURANCE</u> - typically is a three party indemnity contract that covers the difference between what the borrower's primary property insurance pays when a vehicle is a total loss and the amount the borrower owes to the bank, sales finance company or lessor.

GAP WAIVER - typically is a two party agreement (usually an addendum to a retail installment contract, sale or lease contract) whereby an extender of credit/lessor agrees with the borrower to waive any unpaid balance on a loan, credit sale, etc. due to physical damage, total loss or constructive loss or unrecovered theft to the covered collateral secured by an eligible security device. Some states also reference death, disability or loss of health. Debt cancellation, debt waiver and debt

suspension agreements are forms of GAP waivers.

<u>MV</u> - Motor Vehicle, generally defined as a self-propelled, motorized conveyance driven device, which is designed to transport persons or property on upon public highways, except one which is propelled solely by human power or by electric power obtained from overhead trolley wires by not operated on rails.

<u>N/A</u> - Not applicable.

<u>NONE</u> - No statutes, rules nor regulations were found.

OBLIGOR - The party that is obligated to perform under the GAP Insurance (by indemnifying) or GAP Waiver contract (by waiving) if loss should occur.

 $\underline{P\&C}$ - Property and Casualty Insurance

<u>PERMISSIVE REGULATION</u> - Regulations governing only a specified class of persons, which (i) authorize members of the class to make GAP Waiver agreements and (ii) provide an exemption from insurance regulations.

PRVI or Property Residual Value

<u>INSURANCE</u>- generally is an agreement whereby a person other than the owner, seller, lessee or lessor of property assumes the risk of and/or expense or portion thereof for the value of property at a specific future time, which value is determined by agreement at the time the contract of lease or sale is entered into.

<u>TPA</u> - Third Party Administrator, an administrative service company.

UCCC - Uniform Consumer Credit Code

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STATE	COVERAGE TYPE	INSURANCE RE	OTHER GULATION OR AGENCY	EXEMPTIONS
	GAP Insurance	Yes - Credit P & C insurance (Ala. Admin. Code r. 482-1-11103(g)); Limited line credit insurance (Ala. Code § 27-7-1 (11))	No other statutory provision	None
AL	GAP Waiver	No - Debt Cancellation Contracts are not considered insurance (Ala. Admin. Code r. 482-1- 11103(j)); Ala. Op. Att'y Gen. No. 2000-029 (Nov. 8, 1999).	No other statutory provision	None
	GAP Insurance	Yes - Limited lines of credit insurance (Alaska Stat. Ann. § 21.27.900 (18))	No other statutory provision	None
AK	GAP Waiver	The Insurance Division of Alaska's Commerce & Economic Development Department determines whether GAP waivers are insurance products on a case-by-case basis after a review of all relevant contracts and facts. Consequently, if any GAP waiver product is sold, the contract must clearly state the "nature, purpose and amount" of the coverage. (Alaska Stat. Ann. §45.10.130)	No other statutory provision	None

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STATE	COVERAGE TYPE	INSURANCE RE	OTHER EGULATION OR AGENCY	EXEMPTIONS
	GAP Insurance	Yes - Limited lines credit insurance (Ariz. Rev. Stat. Ann. § 20-281(6))	No other statutory provision	None
AZ	GAP Waiver	No – mentioned in DOI Bulletin (10/21/03)	No statutory provision	None
	GAP Insurance	Yes- Limited lines credit insurance (Ark. Code Ann. § 23-64-502 (7))	No other statutory provision	None
AR	GAP Waiver	No. (Arkansas Department of Insurance Bulletin No. 2-2008)	No other statutory provision	None
CA	GAP Insurance	Yes - Credit Insurance (Cal. Ins. Code §§ 1758.992 (d)(1), 1758.96(e))	No other statutory provision	None
	GAP Waiver	No. (Cal. Ins. Code § 1758.992(h)(2))	No other statutory provision	None
СО	GAP Insurance	Yes - Limited lines credit insurance (Colo. Rev. Stat. Ann. § 10-2-103 (7.5))	Yes, Uniform Consumer Credit Code (4 Colo. Code Regs. § 902-1 Rule 8)	Commercial exemption only from Uniform Consumer Credit Code – Insurance (Colo. Rev. Stat. Ann. § 5-4-102 (2))
	GAP Waiver	No – as mentioned in Attorney General Advisory Opinion (10/12/05)	Yes - Uniform Consumer Credit Code (4 Colo. Code Regs. § 902-1 Rule 8)	Commercial exemption only under Consumer Credit Code - Insurance (Colo.

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STATE	COVERAGE TYPE	INSURANCE RE	OTHER EGULATION OR AGENCY	EXEMPTIONS
				Rev. Stat. Ann. § 5-4-102 (2))
СТ	GAP Insurance	Yes - Limited line credit insurance (Conn. Gen. Stat. Ann. § 38a-702a (9))	No other statutory provision	None
	GAP Waiver	No statutory provision	None	None
DE	GAP Insurance	Yes - Limited line credit insurance (Del. Code Ann. tit. 18, § 1702 (k))	No other statutory provision	None
	GAP Waiver	No statutory provision	N/A	N/A
	GAP Insurance	Yes - Credit limited line insurance (D.C. Mun. Regs. tit. 26-A, § 199)	No other statutory provision	None
DC	GAP Waiver	No statutory provision	GAP waiver fees are not expressly permitted under the D.C. Code or Municipal Regulations, and fees not expressly permitted may not be charged in connection with the sale or financing of a motor vehicle. (D.C. Mun. Regs. §16-336.1)	None
	GAP Insurance	Yes - Credit Insurance (Fla. Stat. Ann. § 626.321 (e)); Property residual value insurance (FL. Stat. §624.6081).	No other statutory provision	None
FL				

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STATE	COVERAGE TYPE	INSURANCE	OTHER REGULATION OR AGENCY	EXEMPTIONS
	GAP Waiver	No. (FL Memorandum 2002-059, 08/15/02)	No other statutory provision	None
	GAP Insurance	Yes - Credit insurance (GA Stat. § 33-7-3.1).	No other statutory provision	None
GA	GAP Waiver	No. (GA Stat. §§33-63-1; 33-63-2(c))	Yes – Guaranteed Asset Protection Waivers (GA Comp. R. & Regs. 120-2-10201 et seq.) Permissive Regulation – not insurance when issued by a financial institution (GA Dept. of Banking and Finance R. & Regs. 80-1-209)	Subsection (c) of GA Stat. § 33-63-4 and GA Stat. §§ 33-63-6 and 33-63-9 shall not be applicable to a guaranteed asset protection waiver offered in connection with a lease or retail installment sale associated with a commercial transaction.
НІ	GAP Insurance	Yes - Limited lines credit insurance (Haw. Rev. Stat. § 431:9A- 102)	No other statutory provision	None
	GAP Waiver	No statutory provision	None	None
ID	GAP Insurance	Limited lines insurance (Idaho Code Ann. § 41-1003 (4))	No other statutory provision	None
	GAP Waiver	No. (Idaho Code Ann. § 28-41-106(5))	None	None
	GAP Insurance	No statutory provision	None	None
IL	GAP Waiver	No statutory provision	Yes – Motor Vehicle Retail Installment Sales Act (815 Ill. Comp.	Commercial exemption under MVRISA (815 III. Comp. Stat.

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STATE	COVERAGE TYPE	INSURANCE I	OTHER REGULATION OR AGENCY	EXEMPTIONS
			Stat. §375/1 et seq.)	§375/2.2)
IN	GAP Insurance	Yes - Limited line credit insurance (In. Code § 27-1-15.6-2 (10)(I))	Yes - Uniform Consumer Credit Code (IC 24-4.5) Indiana DFI GAP Program Approval Application	Commercial exemption only from Uniform Consumer Credit (Ind. Code Ann. § 24-4.5-4-102)
	GAP Waiver	No statutory provision	Yes - Indiana DFI GAP Program Approval Application	None
	GAP Insurance	Yes - Credit insurance (Iowa Code Ann. § 522B.6 (2)(h))	Permissive Regulation - state banks and credit unions may offer (Iowa Code Ann. § 524.913)	None
IA			Iowa Consumer Credit Code Informal Advisory # 92 (June 24, 2003); Iowa Code Ann. §322.19)	
	GAP Waiver	No. (Iowa Consumer Credit Code Informal Advisory # 92 (June 24, 2003); Iowa Code Ann. §322.19)	Permissive Regulation - state banks and credit unions may offer (Iowa Code Ann. § 524.913)	None
	GAP Insurance	Yes- Limited line credit insurance (Kan. Stat. Ann. § 40-4902 (p))	Yes - Consumer Credit Code (Kan. Stat. Ann. § 16a-4- 101)	Commercial exception only from Consumer Credit Code (Kan. Stat. Ann. § 16a-4- 102)

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STATE	COVERAGE TYPE	INSURANCE F	OTHER REGULATION OR AGENCY	EXEMPTIONS
KS	GAP Waiver	No statutory provision	Yes – Amended Admin. Interpretation No. 1004 (Dec. 19, 2012)	Commercial exemption from guidelines under Amended Admin. Interpretation No. 1004 (Dec. 19, 2012)
KY	GAP Insurance	Yes - Limited line credit insurance (KY Rev. Stat. Ann. §304.9- 020(11))	No other statutory provision	None
	GAP Waiver	No. (KY Rev. Stat. Ann. §190.100(7))	None	None
LA	GAP Insurance	Yes - Property Residual Value Insurance (La. R.S. 22:381 et seq.); Credit Property & Casualty Insurance (La. R.S. 22:47 (16)(b); La. R.S. §6:969.6(15), (19)(a), (b))	No other statutory provision	None
	GAP Waiver	No - GAP coverage may be in the form of debt waiver or debt forgiveness agreements issued by a licensed lender. (La. R.S. 6:969.6 (19)(c))	Yes - Motor Vehicle Commission (La. R.S. 6:969.6; La. Admin. Code 46V:7711)	Commercial exemption (La. R.S. 969.6)
ME	GAP Insurance	Yes - Limited line insurance (Me. Rev. Stat. tit. 24-A § 1420-A(7))	No other statutory provision	None

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	GAP Waiver	No statutory provision	N/A	N/A
MD	GAP Insurance	Yes - Limited line credit insurance (Md. Code Ann., Ins. § 10- 101(e)(9))	No other statutory provision	None
	GAP Waiver	No. (79 MD Atty. Gen. Opn. No 303, October 17, 1994)	Yes- Retail Installment Sales Act (Md. Code Ann., Com. Law § 12-601)	Commercial exemption (Md. Code Ann., Com. Law § 12-601)
MA	GAP Insurance	Yes - Limited lines credit insurance (Mass. Gen. Laws Ann. ch. 175, § 162H)	No other statutory provision	A dealer with a Class 1 or Class 2 license and sells in conjunction with a motor vehicles sales contract does not need an insurance license. (Mass. Gen. Laws Ann. ch. 175, § 162J(8))
	GAP Waiver	No statutory provision	Yes (209 CMR Ch. 32.00: Disclosure of Consumer Credit Costs and Terms; Division of Banks Selected Opinion 03-133 (April 1, 2004))	Commercial exemption (209 CMR 32.03)
	GAP Insurance	Yes - Limited line credit insurance (Mich. Comp. Laws Ann. § 500.1201(g))	No other statutory provision	None

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STATE	COVERAGE TYPE	INSURANCE I	OTHER REGULATION OR AGENCY	EXEMPTIONS
MI	GAP Waiver	No statutory provision	Yes - subject to the MVSFA (MI. Comp. Laws §492.101 et seq.; MI Comp. Laws §\$492.21 et seq.)	Commercial exemption (MI Comp. Laws §492.33(2))
	GAP Insurance	Yes - Limited line credit insurance (MN. Stat. §60K.31)	No other statutory provision.	None
MN	GAP Waiver	No statutory provision	Yes – Motor Vehicle Retail Installment Sales Act – disclosure of the debt cancellation agreement fee (Minn. Stat. Ann. §53C.08)	None
MS	GAP Insurance	Yes - Limited line credit insurance (MS Code § 83-17-53(h)); Replacement Bulletin for Bulletin No. 2000-2 (April 17, 2000))	No other statutory provision	None
	GAP Waiver	Replacement Bulletin for Bulletin No. 2000-2 (April 17, 2000)	None	None
	GAP Insurance	Yes- Limited line credit insurance (MO Rev. Stat. §375.012(8))	No other statutory provision	None
МО	GAP Waiver	No – As long as credit provider indemnifies the debt cancellation agreement (DOI website- http://insurance.mo.gov/ industry/filings/checklist	Yes – Motor Vehicle Retail Time Sales Act (MO Rev. Stat. §§365.010 et seq.)	None

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STATE	COVERAGE TYPE	INSURANCE F	OTHER REGULATION OR AGENCY	EXEMPTIONS
		s/ AutoCommChklist.php, as of 8/26/13)		
	GAP Insurance	Yes - Limited line insurance (Mont. Code Ann. § 33-17-102(13)); Casualty insurance (MT Code §33-1-217)	No other statutory provision	None
MT	GAP Waiver	No. (Mont. Code Ann. §30-14-151(4))	Yes – Guaranteed Asset Protection Waiver Act (Mont. Code Ann. §§30- 14-151 through 30- 14-157)	Commercial exemption (Mont. Code Ann. §30-14-157)
	GAP Insurance	Yes - Limited line credit insurance (NE Rev. Stat. §44-4049(8))	No other statutory provision	None
NE	GAP Waiver	No. (NE Rev. Stat. §45-1102(3))	Yes - Guaranteed Asset Protection Waiver Act (NE Rev. Stat. §§45- 1101 et seq.)	Guaranteed Asset Protection Waiver Act does not apply to GAP waivers sold by financial institutions. (NE Rev. Stat. §45- 1102(2)(c))
	GAP Insurance	Yes - Credit Insurance (NV Rev. Stat. § 683A.261(1)(f)); Credit Personal Property Insurance (NV Rev. Stat. § 691C.060)	No other statutory provision	Commercial exemption only from credit personal property insurance regulation (NV
NV				Rev. Stat. §691C.240(1))

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STATE	COVERAGE TYPE	INSURANCE I	OTHER REGULATION OR AGENCY	EXEMPTIONS
	GAP Waiver	Yes – Credit Personal Property Insurance (NV Rev. Stat. § 691C.060; NV Admin. Code §691C.010(2))	N/A	N/A
	GAP Insurance	Yes - Limited line credit insurance (N.H. Rev. Stat. Ann. § 402- J:2(VII))	No other statutory provision	None
NH	GAP Waiver	No - Consumer Guaranty Contracts (includes debt cancellation and debt suspension agreements) are not insurance (NH Rev. Stat. §415-C:2(II)); No statutory provision governing commercial agreements.	No other statutory provision	Commercial exemption from regulation as Consumer Guaranty Contract (NH Rev. Stat. § 415-C:1(II))
NJ	GAP Insurance	Yes - Limited line credit insurance (N.J. Stat. Ann. § 17:22A-28); Credit insurance (N.J. Stat. Ann. § 17:30A-5)	No other statutory provision	None
	GAP Waiver	No statutory provision	Yes. (N.J. Admin. Code 11:1-34.6)	N/A
NM	GAP Insurance	Yes - Credit insurance (NM Bulletin No. 2004- 001 (February 18, 2004))	No other statutory provision	None
	GAP Waiver	No. (NM Bulletin No. 2004-001 (February 18, 2004))	No other statutory provision	None

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NY	GAP Insurance	Yes - Motor Vehicle Creditor GAP Ins. and Motor Vehicle Debtor GAP Ins. (Ny Ins. Law §1113 (26))	No other statutory provision	None
	GAP Waiver	No - subject to certain conditions (NY Ins. Law § 1101 (b)(3))	Yes - Motor Vehicle Retail Installment Sales Act (Ny Pers. Prop. Law §302)	Commercial exemption from MVRISA (NY Pers. Prop. Law§ 301 (4))
	GAP Insurance	Limited line credit insurance (NC. Gen. Stat. §58-33-10(9))	No other statutory provision	None
NC	GAP Waiver	No. (N.C. Gen. Stat. §66-442)	Yes – Guaranteed Asset Protection Waiver Act (N.C. Gen. Stat. §66-440 et seq.)	None
ND	GAP Insurance	Yes - Credit Insurance (N.D. Admin. Code 45- 02-02-04(5)(b)); Consumer Credit Insurance (N.D. ST. § 26.1-37-01 et seq.)	No other statutory provision	Commercial Exemption only from Consumer Credit Insurance regulation (N.D. ST. § 26.1- 37-01(2)(b))
	GAP Waiver	Yes - The definition of insurance specifically excludes DCCs issued by a bank, credit union, or savings association, suggesting DCCs issued by anyone else would fall under the definition of insurance. (ND Stat. §26.1-02.1-01 (4))	None	None

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ОН	GAP Insurance	Yes - Limited line credit insurance (OH Rev. Code §3905.01(I))	No other statutory provision	None
	GAP Waiver	No. (OH Stat. §1317.05(B))	None	None
	GAP Insurance	Yes - Limited line credit insurance (OK Stat. tit. 36§1435.2(10))	No other statutory provision	None
OK	GAP Waiver	No. (OK Stat. tit.15 §140.1)	Yes - Department of Consumer Credit Regulations (OK Admin. Code § 160:45-1-4)	Commercial exemption (OK Admin. Code §160:45-1-1)
	GAP Insurance	Yes - Limited class credit insurance and limited class insurance (OR Rev. Stat. § 744.052(3))	No other statutory provision	None
OR	GAP Waiver	Yes - Limited class credit insurance (OR Rev. Stat. § 744.052)	Permissive Regulation - DCCs issued by national banks are not insurance (49 Or. Op. Atty. Gen. 200, November 3, 1999)	Exemption from insurance regulation for sellers/lessors/lende rs of motor vehicles if offered at no additional charge (OR RS §731.036(9))
PA	GAP Insurance	Yes – Limited line credit insurance (40 P.S. §310.1)	No other statutory provision	None
	GAP Waiver	No statutory provision.	Yes – Motor Vehicle Sales Finance Act (69 P.S. §601 et seq.) – Repealed by HB 1128 (approved	None

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STATE	COVERAGE TYPE	INSURANCE	OTHER REGULATION OR AGENCY	EXEMPTIONS
			November 27, 2013) and to become Motor Vehicle Sales Finance (62 P.S. §6201 et seq.)	
	GAP Insurance	Yes – Limited line credit insurance (R.I. Gen. Laws §27-2.4- 2(10)	No other statutory provision	None
RI	GAP Waiver	No. (R.I. Ins. Bulletin 2009-3)	Yes – Debt cancellation agreements are 'incidental' to the banking transaction and are subject to regulation by the primary regulator. (R.I. Ins. Bulletin 2009-3).	None
SC	GAP Insurance	Yes – Limited line credit insurance (S.C. Code §38-1-20(36))	No other statutory provision	None
	GAP Waiver	No - DOI GAP Position (9/12/00)	N/A	N/A
	GAP Insurance	Yes – Credit Insurance (S.D. Codified Laws §58-30-142(4))	No other statutory provision	None
SD	GAP Waiver	No statutory provision	Yes - Consumer Installment Sales Contracts (S.D. Codified Laws §54- 3A-5)	None

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STATE	COVERAGE TYPE	INSURANCE I	OTHER REGULATION OR AGENCY	EXEMPTIONS
	GAP Insurance	Yes – Limited line credit insurance (Tenn. Code Ann. §56-6- 102(9))	No other statutory provision	None
TN	GAP Waiver	No. (Tenn. Code Ann. §§56-59-101(b); 56-59-109)	Yes – Guaranteed Asset Protection Waiver Act of 2008 (Tenn. Code Ann. §56-59-101 et seq.)	None
TX	GAP Insurance	Yes – Guaranteed Auto Protection is a line of property and casualty insurance. (Tex. Admin. Code tit. 28 §5.9310(Q)); Credit Insurance (Tex. Ins. §4055.101(1)(E))	Yes – Motor Vehicle Installment Sales (Tex. Fin. Code §348.208(b)(4); Tex. Admin. Code tit. 7 §84.804(4)(K); Tex. Fin. Code §348.601 et seq.)	None
	GAP Waiver	No - A debt cancellation agreement is not considered an insurance product. (Tex. Fin Code §\$348.001(1-b), 348.124(b); Tex. Admin. Code tit. 7 §84.302(h))	Yes – Consumer Loans (Tex. Fin. Code 342.4021(b); Rules for Regulated Lenders (Tex. Admin. Code tit. 7 §83.812).	None
UT	GAP Insurance	Yes – Limited line credit insurance (UT Code Ann. §31A-1- 301(104)(i))	No other statutory provision	None

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STATE	COVERAGE TYPE	INSURANCE	OTHER REGULATION OR AGENCY	EXEMPTIONS
	GAP Waiver	No. (UT Code Ann. §31A-6b-103(1)(a))	No other statutory provision	Commercial exemption (UT Code Ann. §31A-6b-103(5))
VT	GAP Insurance	Yes – Limited line credit insurance (Vt. Admin. Code 4-3- 50:4(D))	No other statutory provision	None
	GAP Waiver	No - subject to certain conditions (Vt. Stat. tit. 8 §10405(a))	No other statutory provision	None
VA	GAP Insurance	Yes – Limited line credit insurance (Code of VA §38.2-1800)	No other statutory provision	None
	GAP Waiver	No statutory provision	N/A	N/A
	GAP Insurance	Yes – Limited line credit insurance (WA Rev. Code 48.17.010(9)); Casualty Insurance/Debt and financing coverage (WA Rev. Code 48.22.060)	No other statutory provision	None
	GAP Waiver	No. (WA Rev. Code 48.160.050(10); WA Admin. Code 284-160- 100))	Yes – Guaranteed Asset Protection Waivers Act (WA Rev. Code §48.160.001 et seq.)	The Guaranteed Asset Protection Waivers Act does not apply to: (a) An insurance
WA				policy offered by an insurer under this title; or
				(b) A federally

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STATE	COVERAGE TYPE	INSURANCE	OTHER REGULATION OR AGENCY	EXEMPTIONS
				regulated financial institution operating under 12 C.F.R. 721.3(g), or state regulated banks, credit unions, financial institutions operating pursuant to chapter 63.14 RCW, and consumer loan companies operating pursuant to chapter 31.04 RCW. However, an exempt federal or state chartered bank, credit union, or financial institution may elect to offer a guaranteed asset protection waiver that complies with this section, RCW 48.160.010, and 48.160.030 through 48.160.060.
	GAP Insurance	Yes – Limited line credit insurance (W Va. Code §33-12-2(i)	Permissive Regulation - A lender or creditor may impose and collect a fee in connection with an insurance contract for Guaranteed Automobile Protection ("GAP") provided that several requirements are	None

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STATE	COVERAGE TYPE	INSURANCE	OTHER REGULATION OR AGENCY	EXEMPTIONS
			met. (W Va. Admin. Code §106- 11-6(6.2))	
WV	GAP Waiver	No – Informational Letter No. 171 (Sept. 2009)	Yes – WV Consumer Credit Protection Act (W. Va. Code §46A-1- 101 et seq.) Permissible Charges for Debt Cancellation Contracts (WV Admin. Code §106- 11-6(6.1))	Commercial exemption under Consumer Credit Protection Act (W. Va. Code §46A-1- 102)
	GAP Insurance	Yes – Limited line credit insurance (Wis. Admin. Code §6.50(2)(b)	Yes – Consumer Credit Code (Wis. Stat. §424.201 et seq.)	Commercial exemption only from Consumer Credit Code (Wis. Stat. §424.201)
WI	GAP Waiver	No statutory provision	Permissive regulation - The Department approves the practice of assessing a charge for gap products when sold as debt cancellation agreements in connection with credit sales and loans, if certain conditions are met, including applicable disclosures found in WI Stat. §422.202(2s)(a). (Department of	None

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STATE	COVERAGE TYPE	INSURANCE F	OTHER REGULATION OR AGENCY	EXEMPTIONS
			Financial Institutions Communication, Wisconsin Consumer Act, GAP Products (revised June 5, 2008))	
	GAP Insurance	Yes – Limited line credit insurance (Wyo. Stat. §26-9-202(a)(v))	No other statutory provision	None
WY	GAP Waiver	No. (Memorandum 02- 2004 October 15, 2004)	No other statutory provision	N/A