

BUCKLEY

Equipment Leasing & Finance Practice

Commercial equipment leasing and finance companies increasingly face the same regulatory and compliance requirements traditionally reserved for consumer finance entities. Even the best-managed equipment leasing and finance companies are often resource-constrained and struggle to keep pace with the evolving regulatory landscape.

Buckley's transactional and regulatory experience closely aligns with the needs of equipment lessors and financiers who have identified regulatory scope creep as a primary concern due to broadly drafted and interpreted state and federal laws.

We help clients identify and meet state and federal compliance obligations to develop and maintain direct and indirect lending and leasing channels. We draw on our fintech and financing experience to assist equipment lessors and financiers deploy emerging technologies and new business models in pursuit of a competitive edge in a crowded marketplace.

Our work in this area includes:

- Advising equipment finance companies on the transactional and regulatory facets of equipment leasing law, including lease versus loan distinctions under the Uniform Commercial Code and state lending laws, usury, licensing, change-in-control transactions, and loan and lease portfolio sales
- Representing clients in supervisory and enforcement matters initiated by state and federal regulators
- Establishing compliance protocols for cybersecurity and data safeguarding rules, for international, federal, and state privacy regulations, such as the European Union's General Data Protection Regulation (GDPR) and California Consumer Privacy Act (CCPA)
- Structuring and negotiating equipment leasing and financing transactions, including vendor and indirect finance transactions
- Developing and implementing fintech and e-commerce solutions, including electronic documents and contracting processes, leasing and remarketing opportunities, and development of the Standards and Procedures for Electronic Records and Signatures

- Tailoring policies and procedures to comply with the Bank Secrecy Act, anti-money-laundering regulations (BSA/AML), the Equal Credit Opportunity Act (ECOA), the Fair Credit Reporting Act (FCRA), and the Federal Trade Commission Act's prohibition on unfair and deceptive acts or practices (UDAP)