

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 CONFERENCE COMMITTEE  
4 SUBSTITUTE  
5 FOR ENGROSSED  
6 HOUSE BILL NO. 1265

By: Miller and Martin (Scott)  
of the House

and

Johnson (Mike) and Myers of  
the Senate

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9  
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to the Commission on Consumer Credit;  
12 creating the Consumer Credit Administrative Expenses  
13 Revolving Fund; providing for continuing nature of  
14 fund; providing fund not subject to fiscal year  
15 limitations; stating sources of revenue; prescribing  
16 procedures for expenditures; amending 14A O.S. 2001,  
17 Section 3-503, which relates to licenses; increasing  
18 and directing deposit of certain annual fees;  
19 amending 59 O.S. 2001, Section 1505, which relates to  
20 licenses; increasing and directing deposit of certain  
21 fees; amending 59 O.S. 2001, Section 1506, which  
22 relates to licenses; increasing and directing deposit  
23 of certain fees; amending 59 O.S. 2001, Section 1525,  
24 which relates to licenses and investigations;  
increasing and directing deposit of certain fees;  
amending 59 O.S. 2001, Section 1526, which relates to  
dealer licenses; increasing and directing deposit of  
certain fees and adding certain late fee; providing  
for codification; providing an effective date; and  
declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 6-301 of Title 14A, unless there  
3 is created a duplication in numbering, reads as follows:

4 There is hereby created in the State Treasury a revolving fund  
5 for the Commission on Consumer Credit to be designated as the  
6 "Consumer Credit Administrative Expenses Revolving Fund". The fund  
7 shall be a continuing fund, not subject to fiscal year limitations  
8 and shall consist of all monies as directed to be deposited in such  
9 fund by law. Monies accruing to the credit of this fund are hereby  
10 appropriated and may be budgeted and expended by the Administrator  
11 of the Commission on Consumer Credit upon warrants issued by the  
12 State Treasurer against claims filed as prescribed by law with the  
13 Director of State Finance for approval and payment.

14 SECTION 2. AMENDATORY 14A O.S. 2001, Section 3-503, is  
15 amended to read as follows:

16 Section 3-503. (1) Application for a license shall be under  
17 oath, shall give the approximate location from which the business is  
18 to be conducted, and shall contain such relevant information as the  
19 Administrator may require. When making application for one or more  
20 licenses, the applicant shall pay Two Hundred Twenty-five Dollars  
21 (\$225.00) to the Administrator as an investigation fee and ~~One~~  
22 ~~Hundred Fifty (\$150.00)~~ One Hundred Ninety Dollars (\$190.00) for  
23 each license as the annual fee provided in this part for the current  
24 calendar year, provided if a license is granted after June 30, in

1 any year, such fee shall be ~~Seventy-five Dollars (\$75.00)~~ Ninety-  
2 five Dollars (\$95.00) for that year.

3 (2) Every licensee shall maintain on file with the  
4 Administrator a written appointment of a resident of this state as  
5 the agent for service of all judicial or other process or legal  
6 notice, unless the licensee has appointed an agent under another  
7 statute of this state. In case of noncompliance, such service may  
8 be made on the Administrator.

9 (3) Every applicant shall, also, at the time of filing such  
10 application, file with the Administrator, if required, a bond  
11 satisfactory to the Administrator and in an amount not to exceed  
12 Five Thousand Dollars (\$5,000.00) for the first license and One  
13 Thousand Dollars (\$1,000.00) for each additional license with a  
14 surety company qualified to do business in this state as surety,  
15 whose total liability in the aggregate shall not exceed the amount  
16 of such bond so fixed. The bond shall run to the state for the use  
17 of the state and of any person or persons who may have cause of  
18 action against the obligor of the bond under the provisions of this  
19 title. Such bond shall be conditional that the obligor will  
20 faithfully conform to and abide by the provisions of this title and  
21 to all rules lawfully made by the Administrator hereunder and will  
22 pay to the state and to any such person or persons any and all  
23 amounts of money that may become due or owing to the state or to  
24 such person or persons from such obligor under and by virtue of the

1 provisions of this title during the calendar year for which the bond  
2 is given.

3 (4) As part of the investigation, the Administrator may conduct  
4 a national criminal history check pursuant to subsection B of  
5 Section 150.9 of Title 74 of the Oklahoma Statutes. The applicant  
6 shall furnish to the Administrator, upon request by the  
7 Administrator, a complete set of the applicant's fingerprints that  
8 shall be certified by an authorized law enforcement officer.

9 (5) Of the license fee provided for in subsection (1) of this  
10 section, One Hundred Fifty Dollars (\$150.00) shall be deposited in  
11 the General Revenue Fund of the State Treasury and Forty Dollars  
12 (\$40.00) shall be deposited in the Consumer Credit Administrative  
13 Expenses Revolving Fund created in Section 1 of this act.

14 (6) Of the half-year license fees provided for in subsection  
15 (1) of this section, Seventy-five Dollars (\$75.00) shall be  
16 deposited in the General Revenue Fund of the State Treasury and  
17 Twenty Dollars (\$20.00) shall be deposited in the Consumer Credit  
18 Administrative Expenses Revolving Fund created in Section 1 of this  
19 act.

20 SECTION 3. AMENDATORY 59 O.S. 2001, Section 1505, is  
21 amended to read as follows:

22 Section 1505. A. Upon the filing of an application and bond  
23 and payment of the annual license fee of ~~One Hundred Dollars~~  
24 ~~(\$100.00)~~ One Hundred Forty Dollars (\$140.00) and an investigation

1 fee of One Hundred Twenty-five Dollars (\$125.00), the Administrator  
2 shall conduct an investigation. If he finds that the financial  
3 responsibility, experience, character and general fitness of the  
4 applicant are such as to warrant belief that the business will be  
5 operated lawfully and fairly, within the purposes of Section 1501 et  
6 seq. of this title, and the applicant meets the eligibility  
7 requirements of Section 7 1503A of this ~~act~~ title, he shall grant  
8 the application and issue to the applicant a license which will  
9 evidence his authority to do business under the provisions of  
10 Section 1501 et seq. of this title. Provided, that if a license is  
11 granted pursuant to an application filed after June 30 of any year  
12 the license fee for the balance of such year shall be ~~Fifty Dollars~~  
13 ~~(\$50.00)~~ Seventy Dollars (\$70.00).

14 B. If the Administrator does not so find facts sufficient to  
15 warrant issuance of a license, he shall notify the applicant. If  
16 within thirty (30) days of such notification the applicant requests  
17 a hearing on the application, a hearing shall be held within sixty  
18 (60) days after the date of the request. In the event of the denial  
19 of a license, the investigation fee shall be retained by the  
20 Administrator, but the annual license fee shall be returned to the  
21 applicant.

22 C. The Administrator shall grant or deny each application for  
23 license within sixty (60) days from its filing with the required  
24 fees, or from the hearing thereon, if any, unless the period is

1 extended by written agreement between the applicant and the  
2 Administrator.

3 D. No license to engage in the business of a pawnbroker shall  
4 be issued for any location where a license has been issued and is in  
5 effect under the provisions of Section 3-501 et seq. of Title 14A of  
6 the Oklahoma Statutes. The word "location" as used in this  
7 subsection means the entire space in which a Title 14A licensee  
8 conducts business. No pawnshop may be connected with any location  
9 in which a Title 14A licensee conducts business, except by a  
10 passageway to which the public is not admitted.

11 E. Of the license fee provided for in subsection A of this  
12 section, One Hundred Dollars (\$100.00) shall be deposited in the  
13 General Revenue Fund of the State Treasury and Forty Dollars  
14 (\$40.00) shall be deposited in the Consumer Credit Administrative  
15 Expenses Revolving Fund created in Section 1 of this act.

16 F. Of the half-year license fees provided for in subsection A  
17 of this section, Fifty Dollars (\$50.00) shall be deposited in the  
18 General Revenue Fund of the State Treasury and Twenty Dollars  
19 (\$20.00) shall be deposited in the Consumer Credit Administrative  
20 Expenses Revolving Fund created in Section 1 of this act.

21 SECTION 4. AMENDATORY 59 O.S. 2001, Section 1506, is  
22 amended to read as follows:

23 Section 1506. A. Each license shall state the name of the  
24 licensee and the address at which the business is to be conducted.

1 The license shall be displayed at the place of business named in the  
2 license. The license shall not be transferable or assignable except  
3 upon approval by the Administrator.

4 B. A separate license shall be required for each pawnshop  
5 operated under this act.

6 The Administrator may issue more than one license to any one  
7 person upon compliance with the provisions of this act as to each  
8 license. When a licensee wishes to move his pawnshop to another  
9 location, he shall give thirty (30) days' written notice to the  
10 Administrator, who shall amend the license accordingly.

11 C. Each license shall remain in full force and effect until  
12 relinquished, suspended, revoked or expired. Every licensee, on or  
13 before each December 1, shall pay the Administrator ~~One Hundred~~  
14 ~~Dollars (\$100.00)~~ One Hundred Forty Dollars (\$140.00) for each  
15 license held by him as the annual fee for the succeeding calendar  
16 year. If the annual fee remains unpaid fifteen (15) days after  
17 written notice of delinquency has been given to the licensee by the  
18 Administrator, the license shall thereupon expire, but expiration  
19 shall not occur before December 31 of any year for which an annual  
20 fee has been paid.

21 D. No licensing requirement or license fee shall be required,  
22 levied or collected by any municipal corporation of this state;  
23 provided that municipal corporations may require the payment of  
24 regulatory fees not in excess of Fifty Dollars (\$50.00) per annum.

1 E. Of the license fee provided for in subsection C of this  
2 section, One Hundred Dollars (\$100.00) shall be deposited in the  
3 General Revenue Fund of the State Treasury and Forty Dollars  
4 (\$40.00) shall be deposited in the Consumer Credit Administrative  
5 Expenses Revolving Fund created in Section 1 of this act.

6 SECTION 5. AMENDATORY 59 O.S. 2001, Section 1525, is  
7 amended to read as follows:

8 Section 1525. A. Upon the filing of an application, bond and  
9 the payment of an annual license fee of ~~Fifty Dollars (\$50.00)~~ Two  
10 Hundred Dollars (\$200.00) and a one-time investigation fee of ~~Fifty~~  
11 ~~Dollars (\$50.00)~~ Two Hundred Twenty-five Dollars (\$225.00) by a  
12 dealer, the Administrator shall conduct an investigation of the  
13 applicant prior to issuance of a dealer license.

14 B. Upon the filing of an application, and payment of the fee as  
15 provided for in subsection A of Section 1526 of this title, and  
16 payment of a ~~twenty five dollar~~ one-hundred-dollar fee by an  
17 employee of a licensed dealer, the Administrator shall conduct an  
18 investigation of the applicant prior to issuance of an employee  
19 license.

20 C. Upon renewal of a license for either a dealer or an  
21 employee, the Administrator may conduct an investigation at his  
22 discretion or at the request of a district attorney for any county  
23 in which the applicant has a permanent place of business.

24

1 D. If the Administrator finds that the financial  
2 responsibility, experience and character of the dealer are such as  
3 to warrant belief that the business will be operated lawfully and  
4 fairly, within the purposes of this act, the dealer shall be issued  
5 a license. Any person engaged as a dealer or employee on the  
6 operative date of this act shall have thirty (30) days from the  
7 operative date of this act to apply for a license.

8 E. A separate license shall be required for each location,  
9 place or premises used by a dealer for the conducting of business  
10 pursuant to the provisions of this act and each license shall  
11 designate the location, place, or premises to which it applies. The  
12 business of the dealer shall not be conducted in any place other  
13 than that designated by the license. The license shall not be  
14 transferable.

15 F. If the Administrator does not find facts sufficient to  
16 warrant issuance of a license, he shall notify the applicant. If  
17 within thirty (30) days of such notification the applicant requests  
18 a hearing on the application, a hearing shall be held within sixty  
19 (60) days after the day of the request. In the event of the denial  
20 of a license, the investigation fee shall be retained by the  
21 Administrator, but the annual license fee shall be returned to the  
22 applicant.

23 G. The Administrator shall grant or deny an application for  
24 license within sixty (60) days from the day of filing or from the

1 last day of a hearing as provided in subsection F of this section,  
2 unless the period is extended by written agreement between the  
3 applicant and the Administrator.

4 H. The Administrator may issue more than one license to any one  
5 person upon compliance with the provisions of this act as to each  
6 license. When a dealer wishes to move his business to another  
7 location, he shall give thirty (30) days' written notice to the  
8 Administrator, who shall amend the license accordingly.

9 I. Licensed pawnbrokers shall not be subject to any of the fees  
10 provided for in this section.

11 J. Of the license fee provided for in subsection A of this  
12 section, Fifty Dollars (\$50.00) shall be deposited in the General  
13 Revenue Fund of the State Treasury and One Hundred Fifty Dollars  
14 (\$150.00) shall be deposited in the Consumer Credit Administrative  
15 Expenses Revolving Fund created in Section 1 of this act.

16 K. Of the one-time inspection fee provided for in subsection A  
17 of this section, Fifty Dollars (\$50.00) shall be deposited in the  
18 General Revenue Fund of the State Treasury and One Hundred Seventy-  
19 five Dollars (\$175.00) shall be deposited in the Consumer Credit  
20 Administrative Expenses Revolving Fund created in Section 1 of this  
21 act.

22 L. Of the fee required of employees as provided for in  
23 subsection B of this section, Twenty-five Dollars (\$25.00) shall be  
24 deposited in the General Revenue Fund of the State Treasury and

1 Seventy-five Dollars (\$75.00) shall be deposited in the Consumer  
2 Credit Administrative Expenses Revolving Fund created in Section 1  
3 of this act.

4 SECTION 6. AMENDATORY 59 O.S. 2001, Section 1526, is  
5 amended to read as follows:

6 Section 1526. A. Each year, every dealer, on or before each  
7 December 1, shall pay the Administrator ~~Fifty Dollars (\$50.00)~~ Two  
8 Hundred Dollars (\$200.00) for each license held by him as the annual  
9 fee for the succeeding calendar year. If not renewed, expiration  
10 shall occur on December 31 of the year in which the annual fee has  
11 been paid.

12 B. Each year, every employee, on or before December 1, shall  
13 pay the Administrator ~~Twenty-five Dollars (\$25.00)~~ One Hundred  
14 Dollars (\$100.00) for the license held by him as the annual fee for  
15 the succeeding calendar year. If not renewed, expiration shall  
16 occur on December 31 of the year in which the annual fee has been  
17 paid.

18 C. There shall be a fee of Fifty Dollars (\$50.00) for a late  
19 application for renewal of a license received after December 1,  
20 which will be placed in the Consumer Credit Administrative Expenses  
21 Revolving Fund created in Section 1 of this act.

22 D. Of the fee on dealers provided for in subsection A of this  
23 section, Fifty Dollars (\$50.00) shall be deposited in the General  
24 Revenue Fund of the State Treasury and One Hundred Fifty Dollars

1 (\$150.00) shall be deposited in the Consumer Credit Administrative  
2 Expenses Revolving Fund created in Section 1 of this act.

3 E. Of the one-time inspection fee provided for in subsection A  
4 of this section, Fifty Dollars (\$50.00) shall be deposited in the  
5 General Revenue Fund of the State Treasury and One Hundred Seventy-  
6 five Dollars (\$175.00) shall be deposited in the Consumer Credit  
7 Administrative Expenses Revolving Fund created in Section 1 of this  
8 act.

9 SECTION 7. This act shall become effective July 1, 2009.

10 SECTION 8. It being immediately necessary for the preservation  
11 of the public peace, health and safety, an emergency is hereby  
12 declared to exist, by reason whereof this act shall take effect and  
13 be in full force from and after its passage and approval.

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