

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 503

By: Russell

4
5
6 AS INTRODUCED

7 An Act relating to the Department of Consumer Credit;
8 amending 14A O.S. 2001, Sections 3-503, as last
9 amended by Section 1, Chapter 415, O.S.L. 2010, 3-
10 504, 3-505, 3-506, 6-113, 6-203 and 6-501, as amended
11 by Sections 2, 3, 4, 5, 6 and 9, Chapter 415, O.S.L.
12 2010 (14A O.S. Supp. 2010, Sections 3-503, 3-504, 3-
13 505, 3-506, 6-113, 6-203 and 6-501), which relate to
14 the Uniform Consumer Credit Code; providing fees for
15 certain purposes; directing certain deposit of fee
16 amounts; modifying language; setting maximum fees for
17 certain examination and examiner; providing certain
18 exception for examination fee; authorizing billing of
19 certain fee; authorizing late fee; establishing
20 maximum fee to be charged in certain time period;
21 setting amount of late fee; setting certain
22 administrative fee; making gender neutral; setting
23 additional fees for certain persons upon filing
24 certain notification; stating criteria for
determining additional notification fee; directing
deposit of certain fees in General Revenue Fund;
deleting definition; abolishing the Consumer Credit
Advisory Committee; amending 24 O.S. 2001, Sections
143, 144, 145 and 146, as amended by Sections 10, 11,
12 and 13, Chapter 415, O.S.L. 2010 (24 O.S. Supp.
2010, Sections 143, 144, 145 and 146), which relate
to the Credit Services Organization Act; stating fees
for certain purposes; deleting certain authority to
set certain fees; modifying language; setting maximum
fee for certain examination; amending 59 O.S. 2001,
Sections 1505 and 1506, as last amended by Sections
14 and 15, Chapter 415, O.S.L. 2010, 1507 and 1508,
as amended by Sections 16 and 17, Chapter 415, O.S.L.
2010 (59 O.S. Supp. 2010, Sections 1505, 1506, 1507
and 1508), which relate to the Oklahoma Pawnshop Act;
setting certain fees for certain purposes; setting

1 prorated fee; directing deposit of certain fee
2 amounts in certain funds; deleting certain authority
3 to set certain fees; modifying language; stating
4 maximum examination fee; modifying reference;
5 amending 59 O.S. 2001, Sections 1525 and 1526, as
6 last amended by Sections 18 and 19, Chapter 415,
7 O.S.L. 2010 and 1528, as amended by Section 20,
8 Chapter 415, O.S.L. 2010 (59 O.S. Supp. 2010,
9 Sections 1525, 1526 and 1528), which relate to the
10 Precious Metal and Gem Dealer Licensing Act; setting
11 certain fees for certain purposes; directing deposit
12 of certain fee amounts into certain funds; deleting
13 certain authority to set fees; amending 59 O.S. 2001,
14 Sections 1953 and 1955, as amended by Sections 21 and
15 22, Chapter 415, O.S.L. 2010 (59 O.S. Supp. 2010,
16 Sections 1953 and 1955), which relate to the Oklahoma
17 Rental-Purchase Act; setting maximum examination fee;
18 deleting reference; amending 59 O.S. 2001, Sections
19 2002 and 2009, as amended by Sections 23 and 24,
20 Chapter 415, O.S.L. 2010 (59 O.S. Supp. 2010,
21 Sections 2002 and 2009), which relate to the Oklahoma
22 Health Spa Act; stating certain fees for certain
23 purposes; deleting certain authority to set certain
24 fees; deleting authority for certain fee and contract
review; modifying language; amending Sections 6, 8,
9, 10, 19, 20 and 26, Chapter 190, O.S.L. 2009, as
amended by Sections 25, 26, 27, 28, 29, 30 and 31,
Chapter 415, O.S.L. 2010 (59 O.S. Supp. 2010,
Sections 2095.3, 2095.5, 2095.6, 2095.7, 2095.16,
2095.17 and 2095.23), which relate to the Oklahoma
Secure and Fair Enforcement for Mortgage Licensing
Act; deleting certain exceptions; deleting reference;
modifying language; setting certain fees for certain
purposes; amending Sections 13, 15 and 17, Chapter
240, O.S.L. 2003, as amended by Sections 32, 33 and
34, Chapter 415, O.S.L. 2010, Section 18, Chapter
240, O.S.L. 2003, as last amended by Section 35,
Chapter 415, O.S.L. 2010, and Section 9, Chapter 557,
O.S.L. 2004, as amended by Section 36, Chapter 415,
O.S.L. 2010 (59 O.S. Supp. 2010, Sections 3113, 3115,
3117, 3118 and 3119), which relate to the Deferred
Deposit Lending Act; modifying language; construing
deposit requirement; providing reference authority;
setting fee for examination and examiner; providing
for billing certain fees; authorizing certain late
fee; deleting certain authority to set certain fee;
stating certain fees for certain purposes; allowing

1 independent hearing examiner; providing for repayment
2 of excessive fees; renaming the Consumer Credit
3 Counseling Revolving Fund; directing deposit of
4 certain fees and fines; redirecting certain amount
5 from deferred deposit loans; deleting authority to
6 transfer certain percentage to certain fund;
7 modifying language; recreating and naming the
8 Consumer Credit Investigation Fund; providing for
9 deposit and expenditures; directing certain deposit
10 from the Oklahoma Rental-Purchase Act into the
11 General Revenue Fund; recreating and naming the
12 Health Spa Revolving Fund; providing for deposits and
13 expenditures; establishing continuing education
14 requirements for mortgage broker and mortgage loan
15 originators; stating course providers; requiring list
16 of approved courses; prohibiting renewal without
17 completion of continuing education courses; providing
18 certain exceptions; recreating and naming the
19 Oklahoma Mortgage Broker and Mortgage Loan Originator
20 Revolving Fund; repealing Section 7 and 8, Chapter
21 415, O.S.L. 2010 (14A O.S. Supp. 2010, Sections 6-302
22 and 6-303), which relate to prescription of fees and
23 deposit of fees; providing for codification;
24 providing an effective date; and declaring an
emergency.

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

SECTION 1. AMENDATORY 14A O.S. 2001, Section 3-503, as
last amended by Section 1, Chapter 415, O.S.L. 2010 (14A O.S. Supp.
2009, Section 3-503), is amended to read as follows:

Section 3-503. (1) Application for a license shall be under
oath, shall give the approximate location from which the business is
to be conducted, and shall contain such relevant information as the
Administrator of Consumer Credit may require. When making
application for one or more licenses, the applicant shall pay Two

1 Hundred Twenty-five Dollars (\$225.00) to the Administrator as an
2 investigation fee and an annual license fee One Hundred Ninety
3 Dollars (\$190.00) for each license for the annual fee, provided if a
4 license is granted after June 30, in any year, such fee shall be
5 Ninety-five Dollars (\$95.00) for that year.

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

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

1 pay to the state and to any such person or persons any and all
2 amounts of money that may become due or owing to the state or to
3 such person or persons from such obligor under and by virtue of the
4 provisions of this title during the calendar year for which the bond
5 is given.

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

12 (5) Of the license fee provided for in subsection (1) of this
13 section, One Hundred Fifty Dollars (\$150.00) shall be deposited in
14 the General Revenue Fund of the State Treasury and Forty Dollars
15 (\$40.00) shall be deposited in the Consumer Credit Administrative
16 Expenses Revolving Fund.

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

22 SECTION 2. AMENDATORY 14A O.S. 2001, Section 3-504, as
23 amended by Section 2, Chapter 415, O.S.L. 2010 (14A O.S. Supp. 2010,
24 Section 3-504), is amended to read as follows:

1 Section 3-504. (1) On filing such application, bond, and
2 payment of the required fees, the Administrator of Consumer Credit
3 shall investigate the facts and if the Administrator shall find the
4 financial responsibility, experience, character and general fitness
5 of the applicant are such as to command the confidence of the public
6 and to warrant belief the business will be operated lawfully and
7 fairly, within the purposes of this title, and the applicant has
8 available for the operation of such business net assets of at least
9 Twenty-five Thousand Dollars (\$25,000.00), the Administrator shall
10 grant such application and issue to the applicant a license which
11 shall be the applicant's license and authority to make supervised
12 loans under the provisions of this title.

13 (2) If the Administrator shall not so find, the Administrator
14 shall notify the applicant, who shall, on request within thirty (30)
15 days be entitled to a hearing on such application within sixty (60)
16 days after the date of the request. The investigation fee shall be
17 retained by the Administrator, but the annual fee shall be returned
18 to the applicant in the event of denial.

19 (3) Each application for a license shall be granted or denied
20 within ninety (90) days from its filing with the required fees, or,
21 from the hearing thereon, if any, unless the period is extended by
22 written agreement between the applicant and the Administrator or the
23 independent hearing examiner.

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1 (4) Each license shall state the address of the office from
2 which the business is to be conducted and the name of the licensee.
3 The license shall be displayed at the place of business named in the
4 license. The license shall not be transferable or assignable except
5 upon approval by the Administrator.

6 (5) Each license shall remain in full force and effect until
7 relinquished, suspended, revoked or expired. Every licensee shall,
8 on or before each December 1, pay to the Administrator a fee One
9 Hundred Fifty Dollars (\$150.00) for each license held by the
10 licensee, as the annual fee for the succeeding calendar year. If
11 the annual fee remains unpaid fifteen (15) days after written notice
12 of delinquency has been given to the licensee by the Administrator,
13 the license shall thereupon expire but not before December 31 of any
14 year for which an annual fee has been paid. There shall be a late
15 fee of Fifty Dollars (\$50.00) for a late application for renewal of
16 a license received after December 1. The fee for a duplicate or
17 amended license shall be ~~prescribed by rule of the Commission on~~
18 ~~Consumer Credit~~ Twenty-five Dollars (\$25.00).

19 (6) Every licensee shall maintain net assets of at least
20 Twenty-five Thousand Dollars (\$25,000.00), either used or readily
21 available for use, in the conduct of the business of each licensed
22 office.

23 (7) A separate license shall be required for each office
24 operated under this title. The Administrator may issue more than

1 one license to any one person upon compliance with this part as to
2 each license. Nothing contained herein, however, shall be construed
3 to require a license for any place of business devoted to accounting
4 or other record keeping and where supervised loans are not made.

5 (8) When a licensee wishes to move an office to another
6 location, the licensee shall give thirty (30) days' written notice
7 to the Administrator, who shall amend the license accordingly.

8 (9) For purposes of this section, the term "office" shall mean
9 a location occupied by a licensee with the following
10 characteristics:

- 11 (a) a manager for the office who is not common to any
12 other supervised lender's office,
- 13 (b) a street and mailing address separate from any other
14 supervised lender's office,
- 15 (c) an entrance through which the public may access only
16 one supervised lender's office,
- 17 (d) separation from any other supervised lender's office
18 by walls or otherwise and through which neither
19 employees nor the public may pass, and
- 20 (e) any other characteristics required pursuant to rule
21 adopted by the Administrator.

22 (10) Any person holding a license under this title who shall
23 violate any provision hereof shall be subject to forfeiture of each
24 license held by the licensee and if a corporation, its charter shall

1 be subject to forfeiture, and it shall be the duty of the Attorney
2 General, when any such violation is called to the Attorney General's
3 attention, to file suit for such forfeiture of charter and
4 cancellation of the license in a district court in Oklahoma County.

5 SECTION 3. AMENDATORY 14A O.S. 2001, Section 3-505, as
6 amended by Section 3, Chapter 415, O.S.L. 2010 (14A O.S. Supp. 2010,
7 Section 3-505), is amended to read as follows:

8 Section 3-505. (1) The Administrator of Consumer Credit shall
9 appoint an independent hearing examiner to conduct all
10 administrative hearings involving alleged violations of this title.
11 The independent hearing examiner shall have authority to exercise
12 all powers granted by Article II of the Administrative Procedures
13 Act in conducting hearings. The independent hearing examiner shall
14 recommend penalties authorized by this title and issue proposed
15 orders, with proposed findings of fact and proposed conclusions of
16 law, to the Administrator pursuant to Article II of the
17 Administrative Procedures Act. The Administrator shall review the
18 proposed order and issue a final agency order in accordance with
19 Article II of the Administrative Procedures Act. A final agency
20 order issued by the Administrator shall be appealable by all parties
21 to the district court as provided in Article II of the
22 Administrative Procedures Act. The costs of the hearing examiner
23 may be assessed by the hearing examiner against the respondent,
24 unless the respondent is the prevailing party.

1 (2) The Administrator may, after notice and hearing as provided
2 in subsection (1) of this section, censure, probate, suspend, revoke
3 or refuse to renew any license, or in addition to or in lieu of
4 censure, probation, suspension or revocation, order refunds for
5 unlawful charges if the Administrator finds that:

6 (a) The licensee has failed to pay the annual license fee
7 imposed by this title, or an examination fee,
8 investigation fee or other fee or charge imposed by
9 the Administrator under the authority of this title,

10 (b) The licensee, either knowingly or without the exercise
11 of due care to prevent the same, has violated any
12 provision of this title or any regulation or order
13 lawfully made pursuant to and within the authority of
14 this title, or

15 (c) Any fact or condition exists which, if it had existed
16 or had been known to exist at the time of the original
17 application for such license, clearly would have
18 justified the Administrator in refusing to issue such
19 license.

20 (3) Any licensee may surrender any license by delivering it to
21 the Administrator with written notice of its surrender, but such
22 surrender shall not affect the administrative, civil or criminal
23 liability for acts committed prior thereto.

1 (4) No revocation, suspension, or surrender of any license
2 shall impair or affect the obligation of any preexisting lawful
3 contract between the licensee and any borrower.

4 (5) The Administrator may reinstate suspended licenses or issue
5 new licenses to a person whose license or licenses have been revoked
6 if no fact or condition then exists which clearly would have
7 justified the Administrator or the independent hearing examiner in
8 refusing originally to issue such license under this part.

9 (6) Every licensee shall notify the Administrator of the
10 conviction of or plea of guilty or nolo contendere to any felony
11 within thirty (30) days after the plea is taken and also within
12 thirty (30) days of the entering of an order of judgment and
13 sentencing and shall notify the Administrator of any administrative
14 action resulting in revocation, suspension, or amendment of a
15 license taken against the licensee in another state within thirty
16 (30) days of the entering of the administrative order in that state.

17 SECTION 4. AMENDATORY 14A O.S. 2001, Section 3-506, as
18 amended by Section 4, Chapter 415, O.S.L. 2010 (14A O.S. Supp. 2010,
19 Section 3-506), is amended to read as follows:

20 Section 3-506. (1) At such times as the Administrator of
21 Consumer Credit shall deem necessary, the Administrator or a duly
22 authorized representative shall make an examination of the place or
23 places of business of each licensee and shall inquire into and
24 examine the loans, transactions, books, accounts, papers,

1 correspondence, and records of such licensee insofar as they pertain
2 to the business regulated by this title. In the course of such
3 examination, the Administrator or the duly authorized representative
4 shall have free access to the office, place of business, files,
5 safes and vaults of such licensee, and shall have the right to make
6 copies of such books, accounts, papers, correspondence and records.
7 The Administrator or the duly authorized representative may, during
8 the course of such examination, administer oaths and examine any
9 person under oath upon any subject pertinent to any matter about
10 which the Administrator is authorized or required by this title to
11 consider, investigate, or secure information. Any licensee who
12 shall fail or refuse to let the Administrator or the duly authorized
13 representative examine or make copies of such books, or other
14 relevant documents shall thereby be deemed in violation of this
15 title and such failure or refusal shall constitute grounds for the
16 administrative action against such license. The information
17 obtained in the course of such examination shall be confidential.
18 Each licensee shall pay to the Administrator an ~~examination fee.~~
19 ~~The Administrator may require payment of an examination fee either~~
20 ~~at the time of initial application, renewal of the license, or after~~
21 ~~an examination has been conducted~~ amount assessed by the
22 Administrator to cover the direct and indirect cost of such
23 examination and a proportionate share of general administrative
24 expense, not to exceed Three Hundred Dollars (\$300.00); provided,

1 however, that for any examination which lasts in excess of eight (8)
2 hours, the Administrator shall charge an additional fee of Fifty
3 Dollars (\$50.00) per hour for each examiner required to complete
4 such an examination; provided, further, that the Administrator may
5 waive the examination fee for any examination which takes one (1)
6 hour or less. If an examination fee is due and is not paid upon
7 completion of an examination, the Administrator shall bill the
8 licensee, and there shall be a late fee of Fifty Dollars (\$50.00) if
9 the amount due is not received within thirty (30) days of the
10 invoice date. No licensee shall be assessed and charged a total fee
11 in excess of Six Hundred Fifty Dollars (\$650.00) for each licensed
12 office in any one (1) calendar year.

13 (2) For the purpose of discovering violations of this title or
14 of securing information required hereunder, the Administrator or a
15 duly authorized representative may investigate the books, accounts,
16 papers, correspondence and records of any licensee or other person
17 whom the Administrator has reasonable cause to believe is violating
18 any provision of this title whether or not such person shall claim
19 to be within the authority or scope of this part. For the purpose
20 of this part, any person who advertises for, solicits or otherwise
21 communicates a willingness to make loans on which the loan finance
22 charge exceeds ten percent (10%) per year as determined according to
23 the provisions on loan finance charges for consumer loans, Section

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1 3-201 of this title, shall be presumed to be engaged in the business
2 of making supervised loans.

3 (3) Each licensee shall keep or make available in this state
4 such books and records relating to loans made under this title as
5 are necessary to enable the Administrator to determine whether the
6 licensee is complying with this title. Such books and records shall
7 be consistent with accepted accounting practices.

8 (4) Each licensee shall preserve or make available such books
9 and records in this state relating to each of its loans for four (4)
10 years from the date of the loan, or two (2) years from the date of
11 the final entry made thereon, whichever is later. Each licensee's
12 system of records shall be accepted if it discloses such information
13 as may be reasonably required under this title. All obligations
14 signed by borrowers shall be kept at an office in this state
15 designated by the licensee, except when transferred under an
16 agreement which gives the Administrator access thereto.

17 (5) Each licensee shall, annually on or before the first day of
18 May, file a report with the Administrator setting forth such
19 relevant information as the Administrator may reasonably require
20 concerning the business and operations during the preceding calendar
21 year for each licensed place of business conducted by such licensee
22 within the state. Such report shall be made under oath and shall be
23 in the form prescribed by the Administrator, who shall make and
24 publish annually a consolidated analysis and recapitulation of such

1 reports, but the individual reports shall be held confidential.

2 There shall be a late fee of Twenty-five Dollars (\$25.00) for any
3 annual report received after May 1.

4 (6) The Administrator may promulgate rules necessary for the
5 enforcement of this title and consistent with all of its provisions.
6 Before adopting a rule the Administrator shall give every licensee
7 at least twenty (20) days' written notice of a public hearing,
8 stating the time and place thereof and the terms or substance of the
9 proposed rule. At the hearing, any licensee or other person may be
10 heard and introduce evidence, data, or arguments or place the same
11 on file. The Administrator shall adopt and promulgate every rule in
12 written form stating the date of adoption and the date of
13 promulgation. A copy of every rule shall be mailed to each licensee
14 prior to the effective date.

15 (7) On application of any person and payment of the costs
16 therefor, the Administrator shall furnish under the Administrator's
17 seal and signed by the Administrator or an assistant, a certificate
18 of good standing or a certified copy of any license, rule or order.

19 (8) Any transcript of any hearing held by the Administrator or
20 the independent hearing examiner under this title shall be a public
21 record and open to inspection at all reasonable times.

22 (9) Upon failure without lawful excuse to obey a subpoena or to
23 give testimony and upon reasonable notice to all persons affected
24 thereby, the Administrator or a representative may apply to a court

1 for an order compelling compliance, as provided by the
2 Administrative Procedures Act.

3 (10) There shall be assessed, in addition to any other
4 penalties provided for by law, an administrative service fee of
5 Twenty-five Dollars (\$25.00) for each check returned to the
6 Department of Consumer Credit or any agent thereof by reason of the
7 refusal of the bank upon which such check was drawn to honor the
8 same. However, the fee provided in this subsection shall not be
9 assessed for any check returned because of "insufficient funds"
10 unless the check has been presented to the bank two times and
11 payment declined by the bank.

12 SECTION 5. AMENDATORY 14A O.S. 2001, Section 6-113, as
13 amended by Section 5, Chapter 415, O.S.L. 2010 (14A O.S. Supp. 2010,
14 Section 6-113), is amended to read as follows:

15 Section 6-113. (1) After demand, the Administrator of Consumer
16 Credit may bring a civil action against a creditor for making or
17 collecting charges in excess of those permitted by the Uniform
18 Consumer Credit Code. An action may relate to transactions with
19 more than one debtor. If it is found that an excess charge has been
20 made, the court shall order the respondent to refund to the debtor
21 or debtors the amount of the excess charge. If a creditor has made
22 an excess charge in deliberate violation of or in reckless disregard
23 for the Uniform Consumer Credit Code, or if a creditor has refused
24 to refund an excess charge within a reasonable time after demand by

1 the debtor or the Administrator, the court may also order the
2 respondent to pay to the debtor or debtors a civil penalty in an
3 amount determined by the court not in excess of the greater of
4 either the amount of the credit service or loan finance charge or
5 ten times the amount of the excess charge. Refunds and penalties to
6 which the debtor is entitled pursuant to this subsection may be set
7 off against the debtor's obligation. If a debtor brings an action
8 against a creditor to recover an excess charge or civil penalty an
9 action by the Administrator to recover for the same excess charge or
10 civil penalty shall be stayed while the debtor's action is pending
11 and shall be dismissed if the debtor's action is dismissed with
12 prejudice or results in a final judgment granting or denying the
13 debtor's claim. With respect to excess charges arising from sales
14 made pursuant to revolving charge accounts or from loans made
15 pursuant to revolving loan accounts, no action pursuant to this
16 subsection may be brought more than two (2) years after the time the
17 excess charge was made. With respect to excess charges arising from
18 other consumer credit sales or consumer loans, no action pursuant to
19 this subsection may be brought more than one (1) year after the due
20 date of the last scheduled payment of the agreement pursuant to
21 which the charge was made. If the creditor establishes by a
22 preponderance of evidence that a violation is unintentional or the
23 result of a bona fide error, no liability to pay a penalty shall be
24 imposed under this subsection.

1 (2) The Administrator may bring a civil action against a
2 creditor or a person acting in his or her behalf to recover a civil
3 penalty for willfully violating the Uniform Consumer Credit Code,
4 and if the court finds that the defendant has engaged in a course of
5 repeated and willful violations of the Uniform Consumer Credit Code,
6 it may assess a civil penalty of no more than Five Thousand Dollars
7 (\$5,000.00). No civil penalty pursuant to this subsection may be
8 imposed for violations of the Uniform Consumer Credit Code occurring
9 more than two (2) years before the action is brought or for making
10 unconscionable agreements or engaging in a course of fraudulent or
11 unconscionable conduct.

12 (3) Any entity or individual offering to engage or engaged in
13 making consumer credit sales, consumer leases, consumer loans or
14 supervised loans in this state without a license or notification
15 filing required by this title shall be subject to a civil penalty
16 not to exceed Five Thousand Dollars (\$5,000.00).

17 (4) The Administrator may impose a civil penalty as prescribed
18 in subsection (3) of this section, after notice and hearing as
19 provided in Section 3-505 of this title and in accordance with
20 Article II of the Administrative Procedures Act. Any administrative
21 order or settlement agreement imposing a civil penalty pursuant to
22 this section may be enforced in the same manner as civil judgments
23 in this state. The Administrator may file an application to enforce
24

1 an administrative order or settlement agreement imposing a civil
2 penalty in the district court of Oklahoma County.

3 SECTION 6. AMENDATORY 14A O.S. 2001, Section 6-203, as
4 amended by Section 6, Chapter 415, O.S.L. 2010 (14A O.S.Supp. 2010,
5 Section 6-203), is amended to read as follows:

6 Section 6-203. (1) Any person required to file notification
7 pursuant to the provisions of Section 6-201 of this title, on or
8 before January 31 of each year, shall pay to the Administrator of
9 Consumer Credit an annual fee ~~for each business location. A late~~
10 ~~fee shall be charged for any notification filed after January 31 of~~ of
11 Twenty Dollars (\$20.00) for that year.

12 (2) ~~The term "licensee" or "license", as used in this title,~~
13 ~~includes any entity or individual that has filed or is required to~~
14 ~~file notification with the Administrator pursuant to the provisions~~
15 ~~of Sections 6-201 through 6-203 of this title~~ Persons required to
16 file notification pursuant to the provisions of Section 6-202 of
17 this title who are sellers, lessors, or lenders shall pay an
18 additional fee, at the time and in the manner stated in subsection
19 (1) of this section, of Ten Dollars (\$10.00) for each One Hundred
20 Thousand Dollars (\$100,000.00), or part thereof, in excess of One
21 Hundred Thousand Dollars (\$100,000.00) of the original unpaid
22 balances arising from consumer credit sales, consumer leases, and
23 consumer loans made in this state within the preceding calendar year
24 and held either by the seller, lessor, or lender for more than

1 thirty (30) days after the inception of the sale, lease, or loan
2 giving rise to the obligations, or held by an assignee who has not
3 filed notification. A refinancing of a sale, lease, or loan
4 resulting in an increase in the amount of an obligation is
5 considered a new sale, lease, or loan to the extent of the amount of
6 the increase.

7 (3) Persons required to file notification pursuant to the
8 provisions of Section 6-202 of this title who are assignees shall
9 pay an additional fee, at the time and in the manner stated in
10 subsection (1) of this section, of Ten Dollars (\$10.00) for each One
11 Hundred Thousand Dollars (\$100,000.00), or part thereof, of the
12 unpaid balances at the time of the assignment of obligations arising
13 from consumer credit sales, consumer leases, and consumer loans made
14 in this state taken by assignment during the preceding calendar
15 year, but an assignee need not pay a fee with respect to an
16 obligation on which the assignor or other person has already paid a
17 fee.

18 (4) All fees collected pursuant to the provisions of this
19 section shall be deposited into the General Revenue Fund of the
20 State Treasury.

21 SECTION 7. AMENDATORY 14A O.S. 2001, Section 6-501, as
22 amended by Section 9, Chapter 415, O.S.L. 2010 (14A O.S. Supp. 2010,
23 Section 6-501), is amended to read as follows:

24 Section 6-501. There is hereby created:

- 1 (a) the Department of Consumer Credit;
- 2 (b) the Commission on Consumer Credit. The Commission
3 shall be the policy-making and governing authority of
4 the Department and shall appoint the Administrator of
5 Consumer Credit and be responsible for the enforcement
6 of the Uniform Consumer Credit Code; and
- 7 (c) the Office of Administrator of Consumer Credit; ~~and~~
- 8 ~~(d) the Consumer Credit Advisory Committee.~~
- 9 ~~(i) The Consumer Credit Advisory Committee shall be~~
10 ~~appointed by the Commission on Consumer Credit~~
11 ~~and shall consist of the following members: two~~
12 ~~licensed supervised lenders, one of whom shall be~~
13 ~~recommended for appointment by the Oklahoma~~
14 ~~Consumer Finance Association and one of whom~~
15 ~~shall be recommended for appointment by the~~
16 ~~Independent Finance Institute; one licensed~~
17 ~~pawnbroker recommended for appointment by the~~
18 ~~Oklahoma Pawnbrokers Association; one licensed~~
19 ~~mortgage broker and mortgage loan originator~~
20 ~~recommended for appointment by the Oklahoma~~
21 ~~Association of Mortgage Professionals; one~~
22 ~~licensed rental dealer recommended for~~
23 ~~appointment by the Oklahoma Rental Dealers~~
24 ~~Association; one licensed precious metal and gem~~

1 ~~dealer; one licensed health spa; one licensed~~
2 ~~credit services organization; one entity or~~
3 ~~individual that has filed notification pursuant~~
4 ~~to Section 6-202 of this title; one entity~~
5 ~~licensed as a deferred deposit lender recommended~~
6 ~~for appointment by the Community Financial~~
7 ~~Services Association of America; and the~~
8 ~~Administrator of Consumer Credit. The~~
9 ~~Administrator of Consumer Credit shall serve as~~
10 ~~the Chair of the Advisory Committee. If a~~
11 ~~licensee is an entity, the Commission may appoint~~
12 ~~an employee of the licensed entity to serve on~~
13 ~~the Consumer Credit Advisory Committee. The~~
14 ~~Commission shall have authority to prescribe~~
15 ~~rules to govern appointments to the Consumer~~
16 ~~Credit Advisory Committee.~~

17 ~~(ii) The appointments shall be a public record of the~~
18 ~~Department of Consumer Credit. The term of~~
19 ~~office for each appointed member shall begin~~
20 ~~January 1, 2011, and shall continue for a period~~
21 ~~of four (4) years expiring on January 1. For~~
22 ~~initial appointments, the Commission shall~~
23 ~~appoint two members to serve for a term of one~~
24 ~~(1) year, two members to serve for a term of two~~

1 ~~(2) years, three members to serve for a term of~~
2 ~~three (3) years, and three members to serve for a~~
3 ~~term of four (4) years from their respective~~
4 ~~dates of appointment and qualification. Each~~
5 ~~appointed member shall be eligible for~~
6 ~~reappointment.~~

7 ~~(iii) The Consumer Credit Advisory Committee shall have~~
8 ~~authority to review fees applicable to licensees~~
9 ~~of the Department of Consumer Credit. The~~
10 ~~Consumer Credit Advisory Committee shall make~~
11 ~~recommendations to the Commission on Consumer~~
12 ~~Credit regarding any fees applicable to licensees~~
13 ~~of the Department. The Consumer Credit Advisory~~
14 ~~Committee shall also have the authority to adopt~~
15 ~~rules for conducting its proceedings.~~

16 ~~(iv) The Consumer Credit Advisory Committee shall meet~~
17 ~~on an annual basis and at such other times as~~
18 ~~necessary.~~

19 ~~(v) Meetings of the Consumer Credit Advisory~~
20 ~~Committee shall be held in accordance with the~~
21 ~~Oklahoma Open Meeting Act.~~

22 ~~(vi) Members of the Consumer Credit Advisory Committee~~
23 ~~may be reimbursed for travel costs in accordance~~
24 ~~with the State Travel Reimbursement Act.~~

1 SECTION 8. AMENDATORY 24 O.S. 2001, Section 143, as
2 amended by Section 10, Chapter 415, O.S.L. 2010 (24 O.S. Supp. 2010,
3 Section 143), is amended to read as follows:

4 Section 143. A. Upon the filing of an application and bond,
5 payment of an annual license fee of One Hundred Dollars (\$100.00),
6 and an investigation fee of One Hundred Dollars (\$100.00), the
7 Administrator of Consumer Credit shall conduct an investigation. If
8 the Administrator finds that the financial responsibility,
9 experience, character and general fitness of the applicant are such
10 as to warrant belief that the business will be operated pursuant to
11 the Credit Services Organization Act and rules promulgated pursuant
12 thereto, the Administrator shall grant the application and issue to
13 the applicant a license which will evidence the authority of the
14 applicant to do business under the provisions of the Credit Services
15 Organization Act.

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

24

1 C. The Administrator shall grant or deny such application for
2 license within sixty (60) days from its filing with the required
3 fees, or from the hearing thereon, if any, unless the period is
4 extended by written agreement between the applicant and the
5 Administrator.

6 D. No license to engage in the business of a credit services
7 organization shall be issued for any location if a license has been
8 issued and is in effect under the provisions of Sections 3-501
9 through 3-514 of Title 14A of the Oklahoma Statutes. As used in
10 this subsection the term "location" means the entire area in which a
11 person licensed pursuant to any provision of Title 14A of the
12 Oklahoma Statutes conducts business. No credit service organization
13 may be connected with any location in which a person licensed
14 pursuant to any provision of Title 14A of the Oklahoma Statutes
15 conducts business, except by a passageway to which the public is not
16 admitted.

17 ~~E. The Commission on Consumer Credit may prescribe by rule a~~
18 ~~fee for each license change, duplicate license or returned check.~~

19 SECTION 9. AMENDATORY 24 O.S. 2001, Section 144, as
20 amended by Section 11, Chapter 415, O.S.L. 2010 (24A O.S. Supp.
21 2010, Section 144), is amended to read as follows:

22 Section 144. A. Each license shall state the name of the
23 license and the address of which the business is to be conducted.
24 The license shall be displayed at the place of business named in the

1 license. The license shall not be transferable or assignable except
2 upon approval by the Administrator of Consumer Credit.

3 B. A separate license shall be required for each credit service
4 organization operated pursuant to the Credit Services Organization
5 Act.

6 The Administrator may issue more than one license to any one
7 person upon compliance with the provisions of the Credit Services
8 Organization Act as to each license. A licensee desiring to move a
9 licensed credit service operation to another location shall give
10 thirty (30) days' written notice to the Administrator, who shall
11 amend the license accordingly.

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

22 ~~D. A late fee, as prescribed by rule of the Commission on~~
23 ~~Consumer Credit, shall be imposed for any license renewed after~~
24 ~~December 1.~~

1 SECTION 10. AMENDATORY 24 O.S. 2001, Section 145, as
2 amended by Section 12, Chapter 415, O.S.L. 2010 (24A O.S. Supp.
3 2010, Section 145), is amended to read as follows:

4 Section 145. A. The Administrator of Consumer Credit shall
5 appoint an independent hearing examiner to conduct all
6 administrative hearings involving alleged violations of the Credit
7 Services Organization Act. The independent hearing examiner shall
8 have authority to exercise all powers granted by Article II of the
9 Administrative Procedures Act in conducting hearings. The
10 independent hearing examiner shall have authority to recommend
11 penalties authorized by the Credit Services Organization Act and
12 issue proposed orders, with proposed findings of fact and proposed
13 conclusions of law, to the Administrator pursuant to Article II of
14 the Administrative Procedures Act. The Administrator shall review
15 the proposed order and issue a final agency order in accordance with
16 Article II of the Administrative Procedures Act. A final agency
17 order issued by the Administrator shall be appealable by all parties
18 to the district court as provided in Article II of the
19 Administrative Procedures Act. The costs of the hearing examiner
20 may be assessed by the hearing examiner against the respondent,
21 unless the respondent is the prevailing party.

22 B. The Administrator may, after notice and hearing, decline to
23 renew a license, suspend or revoke any license, or in addition to or
24 in lieu of suspension or revocation, order refunds for any unlawful

1 charges or enter a cease and desist order if the Administrator finds
2 that:

3 1. The licensee has failed to pay any fee or charge properly
4 imposed by the Administrator under the authority of the Credit
5 Services Organization Act;

6 2. The licensee or any entity or individual subject to the
7 Credit Services Organization Act, either knowingly or without the
8 exercise of due care to prevent the same, has violated any
9 provisions of the Credit Services Organization Act or any regulation
10 or order lawfully made pursuant thereto; or

11 3. Any fact or condition exists which, if it had existed or had
12 been known to exist at the time of the original application for a
13 license, clearly would have justified the Administrator in refusing
14 the license.

15 C. Any licensee may surrender any license by delivering it to
16 the Administrator with written notice of its surrender, but such
17 surrender shall not affect the licensee's civil or criminal
18 liability for acts committed prior thereto.

19 D. No revocation, suspension or surrender of any license shall
20 impair or affect the obligation of any preexisting lawful contract
21 between the licensee and any customer.

22 E. The Administrator may reinstate suspended licenses or issue
23 new licenses to a person whose license or licenses have been revoked
24 if no fact or condition then exists which clearly would have

1 justified the Administrator in refusing originally to issue such
2 license pursuant to the Credit Services Organization Act.

3 F. On application of any person and payment of the cost
4 thereof, the Administrator shall furnish under the seal and
5 signature of the Administrator a certificate of good standing or a
6 certified copy of any license.

7 G. Any entity or individual offering to engage or engaged as a
8 credit service organization without a license in this state shall be
9 subject to a civil penalty not to exceed Five Thousand Dollars
10 (\$5,000.00).

11 H. The Administrator may impose a civil penalty as prescribed
12 in subsection G of this section, after notice and hearing in
13 accordance with Article II of the Administrative Procedures Act.
14 Any administrative order or settlement agreement imposing a civil
15 penalty pursuant to this section may be enforced in the same manner
16 as civil judgments in this state. The Administrator may file an
17 application to enforce an administrative order or settlement
18 agreement imposing a civil penalty in the district court of Oklahoma
19 County.

20 SECTION 11. AMENDATORY 24 O.S. 2001, Section 146, as
21 amended by Section 13, Chapter 415, O.S.L. 2010 (24 O.S. Supp. 2010,
22 Section 146), is amended to read as follows:

23 Section 146. A. At such times as the Administrator of Consumer
24 Credit may deem necessary, the Administrator or a duly authorized

1 representative of the Administrator may make an examination of the
2 place of business of each licensee and may inquire into and examine
3 the transactions, books, accounts, papers, correspondence and
4 records of such licensee insofar as they pertain to the business
5 regulated by the Credit Services Organization Act. Such books,
6 accounts, papers, correspondence and records shall also be open for
7 inspection at any reasonable time by any peace officer, without any
8 need of judicial writ or other process. In the course of an
9 examination, the Administrator or a duly authorized representative
10 of the Administrator shall have free access to the office, place of
11 business, files, safes and vaults of such licensee, and shall have
12 the right to make copies of any books, accounts, papers,
13 correspondence and records. The Administrator or duly authorized
14 representative, during the course of such examination, may
15 administer oaths and examine any person under oath upon any subject
16 pertinent to any matter about which the Administrator is authorized
17 or required by the Credit Services Organization Act to consider,
18 investigate or secure information. Any licensee who fails or
19 refuses to permit the Administrator or ~~his~~ duly authorized
20 representative to examine or make copies of such books or other
21 relevant documents shall be deemed to be in violation of the Credit
22 Services Organization Act and such failure or refusal shall
23 constitute grounds for the suspension or revocation of such license.
24 The information obtained in the course of any examination or

1 inspection shall be confidential, except in civil or administrative
2 proceedings conducted by the Administrator, or criminal proceedings
3 instituted by the state. Each licensee shall pay to the
4 Administrator an ~~examination fee~~ amount assessed by the
5 Administrator to cover the direct or indirect cost of such
6 examination, not to exceed Two Hundred Dollars (\$200.00) in any
7 calendar year. The Administrator may require payment of an
8 examination fee either at the time of initial application, renewal
9 of the license, or after an examination has been conducted.

10 B. For the purpose of discovering violations of the Credit
11 Services Organization Act or of securing information required by the
12 Credit Services Organization Act, the Administrator or duly
13 authorized representative may investigate the books, accounts,
14 papers, correspondence and records of any licensee or other person
15 who the Administrator has reasonable cause to believe is violating
16 any provision of the Credit Services Organization Act whether or not
17 such person shall claim to be within the authority or scope of the
18 Credit Services Organization Act.

19 C. Each licensee shall keep or make available in this state
20 such books and records relating to credit service transactions made
21 pursuant to the Credit Services Organization Act as are necessary to
22 enable the Administrator to determine whether the licensee is
23 complying with the Credit Services Organization Act. Such books and
24 records shall be consistent with accepted accounting practices.

1 D. Each licensee shall preserve or make available such books
2 and records in this state relating to each of its credit service
3 transactions for four (4) years from the date of the transaction, or
4 two (2) years from the date of the final entry made thereon,
5 whichever is later. Each licensee's system of records shall be
6 accepted if it discloses such information as may be reasonably
7 required pursuant to the Credit Services Organization Act. All
8 agreements signed by customers shall be kept at an office in this
9 state designated by the licensee, except when transferred under an
10 agreement which gives the Administrator access thereto.

11 E. Each licensee, annually on or before the first day of May or
12 other date thereafter fixed by the Administrator, shall file a
13 report with the Administrator setting forth such relevant
14 information as the Administrator may reasonably require concerning
15 the business and operations during the preceding calendar year for
16 each licensed place of business conducted by such licensee within
17 the state. Such report shall be made under oath and shall be in the
18 form prescribed by the Administrator, who may make and publish
19 annually a consolidated analysis and recapitulation of such reports,
20 but the individual reports shall be held confidential.

21 SECTION 12. AMENDATORY 59 O.S. 2001, Section 1505, as
22 last amended by Section 14, Chapter 415, O.S.L. 2010 (59 O.S. Supp.
23 2010, Section 1505), is amended to read as follows:

24

1 Section 1505. A. Upon the filing of an application and bond
2 and payment of an annual license fee of One Hundred Forty Dollars
3 (\$140.00) and an investigation fee of One Hundred Twenty-five
4 Dollars (\$125.00), the Administrator of Consumer Credit shall
5 conduct an investigation. If the Administrator finds that the
6 financial responsibility, experience, character and general fitness
7 of the applicant are such as to warrant belief that the business
8 will be operated lawfully and fairly, within the purposes of the
9 Oklahoma Pawnshop Act, and the applicant meets the eligibility
10 requirements of Section 1503A of this title, the Administrator shall
11 grant the application and issue to the applicant a license which
12 will evidence the applicant's authority to do business under the
13 provisions of the Oklahoma Pawnshop Act. Provided, that if a
14 license is granted pursuant to an application filed after June 30 of
15 any year the license fee for the balance of such year shall be
16 Seventy Dollars (\$70.00).

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

1 C. The Administrator shall grant or deny each application for
2 license within sixty (60) days from its filing with the required
3 fees, or from the hearing thereon, if any, unless the period is
4 extended by written agreement between the applicant and the
5 Administrator.

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

14 E. Of the license fee provided for in subsection A of this
15 section, One Hundred Dollars (\$100.00) shall be deposited in the
16 General Revenue Fund of the State Treasury and Forty Dollars
17 (\$40.00) shall be deposited in the Consumer Credit Administrative
18 Expenses Revolving Fund.

19 F. Of the half-year license fees provided for in subsection A
20 of this section, Fifty Dollars (\$50.00) shall be deposited in the
21 General Revenue Fund of the State Treasury and Twenty Dollars
22 (\$20.00) shall be deposited in the Consumer Credit Administrative
23 Expenses Revolving Fund.

24

1 SECTION 13. AMENDATORY 59 O.S. 2001, Section 1506, as
2 last amended by Section 15, Chapter 415, O.S.L. 2010 (59 O.S. Supp.
3 2010, Section 1506), is amended to read as follows:

4 Section 1506. A. Each license shall state the name of the
5 licensee and the address at which the business is to be conducted.
6 The license shall be displayed at the place of business named in the
7 license. The license shall not be transferable or assignable except
8 upon approval by the Administrator of Consumer Credit.

9 B. A separate license shall be required for each pawnshop
10 operated under the Oklahoma Pawnshop Act.

11 The Administrator may issue more than one license to any one
12 person upon compliance with the provisions of the Oklahoma Pawnshop
13 Act as to each license. When a licensee wishes to move the
14 licensee's pawnshop to another location, the licensee shall give
15 thirty (30) days' written notice to the Administrator, who shall
16 amend the license accordingly.

17 C. Each license shall remain in full force and effect until
18 relinquished, suspended, revoked or expired. Every licensee, on or
19 before each December 1, shall pay the Administrator One Hundred
20 Forty Dollars (\$140.00) for each license held by the licensee as an
21 annual fee for the succeeding calendar year. If the annual fee
22 remains unpaid fifteen (15) days after written notice of delinquency
23 has been given to the licensee by the Administrator, the license

24

1 shall thereupon expire, but expiration shall not occur before
2 December 31 of any year for which an annual fee has been paid.

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

7 E. Of the license fee provided for in subsection C of this
8 section, One Hundred Dollars (\$100.00) shall be deposited in the
9 General Revenue Fund of the State Treasury and Forty Dollars
10 (\$40.00) shall be deposited in the Consumer Credit Administrative
11 Expenses Revolving Fund.

12 SECTION 14. AMENDATORY 59 O.S. 2001, Section 1507, as
13 amended by Section 16, Chapter 415, O.S.L. 2010 (59 O.S. Supp. 2010,
14 Section 1507), is amended to read as follows:

15 Section 1507. A. The Administrator of Consumer Credit shall
16 appoint an independent hearing examiner to conduct all
17 administrative hearings involving alleged violations of the Oklahoma
18 Pawnshop Act. The independent hearing examiner shall have authority
19 to exercise all powers granted by Article II of the Administrative
20 Procedures Act in conducting hearings. The independent hearing
21 examiner shall have authority to recommend penalties authorized by
22 the Oklahoma Pawnshop Act and issue proposed orders, with proposed
23 findings of fact and proposed conclusions of law, to the
24 Administrator pursuant to Article II of the Administrative

1 Procedures Act. The Administrator shall review the proposed order
2 and issue a final agency order in accordance with Article II of the
3 Administrative Procedures Act. A final agency order issued by the
4 Administrator shall be appealable by all parties to the district
5 court as provided in Article II of the Administrative Procedures
6 Act. The costs of the hearing examiner may be assessed by the
7 hearing examiner against the respondent, unless the respondent is
8 the prevailing party.

9 B. The Administrator may, after notice and hearing, decline to
10 renew a license, suspend or revoke any license, or in addition to or
11 in lieu of suspension or revocation, order refunds for any unlawful
12 charges or enter a cease and desist order if the Administrator finds
13 that:

14 1. The licensee or any entity or individual subject to the
15 Oklahoma Pawnshop Act has failed to pay any fee or charge properly
16 imposed by the Administrator under the authority of the Oklahoma
17 Pawnshop Act;

18 2. The licensee, either knowingly or without the exercise of
19 due care to prevent the same, has violated any provision of the
20 Oklahoma Pawnshop Act or any rule or order lawfully made pursuant to
21 and within the authority of the Oklahoma Pawnshop Act; or

22 3. Any fact or condition exists which, if it had existed or had
23 been known to exist at the time of the original application for a
24

1 license, clearly would have justified the Administrator in refusing
2 the license.

3 C. Any licensee may surrender any license by delivering it to
4 the Administrator with written notice of its surrender, but such
5 surrender shall not affect the licensee's civil or criminal
6 liability for acts committed prior thereto.

7 D. No revocation, suspension or surrender of any license shall
8 impair or affect the obligation of any preexisting lawful contract
9 between the licensee and any customer.

10 E. The Administrator may reinstate suspended licenses or issue
11 new licenses to a person whose license or licenses have been revoked
12 if no fact or condition then exists which clearly would have
13 justified the Administrator in refusing originally to issue such
14 license under the Oklahoma Pawnshop Act.

15 F. On application of any person and payment of the cost
16 thereof, the Administrator shall furnish under the Administrator's
17 seal and signature a certificate of good standing or a certified
18 copy of any license.

19 ~~G. The Commission on Consumer Credit shall prescribe by rule a~~
20 ~~fee for each license change, duplicate license, or returned check.~~

21 ~~H. A licensee shall pay a late fee as prescribed by rule of the~~
22 ~~Commission on Consumer Credit if a license is not renewed by~~
23 ~~December 1.~~

24

1 ~~F.~~ Any entity or individual offering to engage or engaged in
2 making pawn transactions in this state without a license shall be
3 subject to a civil penalty not to exceed Five Thousand Dollars
4 (\$5,000.00).

5 ~~F.~~ H. The Administrator may impose a civil penalty as
6 prescribed in subsection ~~F~~ G of this section, after notice and
7 hearing in accordance with Article II of the Administrative
8 Procedures Act. Any administrative order or settlement agreement
9 imposing a civil penalty pursuant to this section may be enforced in
10 the same manner as civil judgments in this state. The Administrator
11 may file an application to enforce an administrative order or
12 settlement agreement imposing a civil penalty in the district court
13 of Oklahoma County.

14 SECTION 15. AMENDATORY 59 O.S. 2001, Section 1508, as
15 amended by Section 17, Chapter 415, O.S.L. 2010 (59 O.S. Supp. 2010,
16 Section 1508), is amended to read as follows:

17 Section 1508. A. At such times as the Administrator of
18 Consumer Credit may deem necessary, the Administrator or a duly
19 authorized representative of the Administrator may make an
20 examination of the place of business of each licensee and may
21 inquire into and examine the transactions, books, accounts, papers,
22 correspondence and records of such licensee insofar as they pertain
23 to the business regulated by the Oklahoma Pawnshop Act. Such books,
24 accounts, papers, correspondence, records and property taken,

1 purchased or received shall also be open for inspection at any
2 reasonable time to federal law enforcement officials and the chief
3 of police, district attorney, sheriff or written designee of the law
4 enforcement body in whose jurisdiction the pawnshop is located,
5 without any need of judicial writ or other process. In the course
6 of an examination, the Administrator or ~~his~~ duly authorized
7 representative or any authorized peace officer shall have free
8 access to the office, place of business, files, safes and vaults of
9 such licensee, and shall have the right to make copies of any books,
10 accounts, papers, correspondence and records insofar as they pertain
11 to the business regulated by the Oklahoma Pawnshop Act. The
12 Administrator or duly authorized representative may, during the
13 course of such examination, administer oaths and examine any person
14 under oath upon any subject pertinent to any matter about which the
15 Administrator is authorized or required by the Oklahoma Pawnshop Act
16 to consider, investigate or secure information. Any licensee who
17 fails or refuses to permit the Administrator or duly authorized
18 representative or any authorized peace officer to examine or make
19 copies of such books or other relevant documents shall thereby be
20 deemed in violation of the Oklahoma Pawnshop Act and such failure or
21 refusal shall constitute grounds for the suspension or revocation of
22 such license. The information obtained in the course of any
23 examination or inspection shall be confidential, except in civil or
24 administrative proceedings conducted by the Administrator, or

1 criminal proceedings instituted by the state. Each licensee shall
2 pay to the Administrator an ~~examination fee.~~ ~~The Administrator may~~
3 ~~require payment of an examination fee either at the time of initial~~
4 ~~application, renewal of the license, or after an examination has~~
5 ~~been conducted~~ amount assessed by the Administrator to cover the
6 direct or indirect cost of such examination, not to exceed Two
7 Hundred Dollars (\$200.00) in any calendar year.

8 B. Whenever a peace officer has probable cause to believe that
9 property in possession of a licensed pawnbroker is stolen or
10 embezzled, the peace officer of the local law enforcement agency of
11 the municipality or other political subdivision in which the
12 pawnshop resides may place a written hold order on the property.
13 The initial term of the written hold order shall not exceed thirty
14 (30) days. However, the holding period may be extended in
15 successive thirty (30) day increments upon written notification
16 prior to the expiration of the initial holding period. If the
17 holding period has expired and has not been extended, the hold order
18 shall be considered expired and no longer in effect, and title shall
19 vest in the pawnbroker subject to any restrictions contained in the
20 pawn contract. The initial written hold order shall contain the
21 following information:

- 22 1. Signature of the pawnbroker or designee;
- 23 2. Name, title and identification number of the peace officer
24 placing the hold order;

1 3. Name and address of the agency to which the peace officer is
2 attached and the offense number;

3 4. Complete description of the property to be held, including
4 model number, serial number and transaction number;

5 5. Name of agency reporting the property to be stolen or
6 embezzled;

7 6. Mailing address of the pawnshop where the property is held;

8 7. Expiration date of the holding period.

9 C. While a hold order is in effect, the pawnbroker may consent
10 to release, upon written receipt, the stolen or embezzled property
11 to the custody of the local law enforcement agency to which the
12 peace officer placing the hold order is attached. The consent to
13 release the stolen or embezzled property to the custody of law
14 enforcement is not a waiver or release of the pawnbroker's property
15 rights or interest in the property. Otherwise, the pawnbroker shall
16 not release or dispose of the property except pursuant to a court
17 order or the expiration of the holding period including all
18 extensions. The district attorney's office shall notify the
19 pawnbroker in writing in cases where criminal charges have been
20 filed that the property may be needed as evidence. The notice shall
21 contain the case number, the style of the case, and a description of
22 the property. The pawnbroker shall hold such property until
23 receiving notice of the disposition of the case from the district
24 attorney's office. The district attorney's office shall notify the

1 pawnbroker in writing within fifteen (15) days of the disposition of
2 the case. Willful noncompliance of a pawnbroker to a written hold
3 order shall be cause for the pawnbroker's license to either be
4 suspended or revoked pursuant to paragraph 2 of subsection A of
5 Section 1507 of this title. A hold order may be released prior to
6 the expiration of any thirty-day holding period by written release
7 from the agency placing the initial hold order.

8 D. For the purpose of discovering violations of the Oklahoma
9 Pawnshop Act or of securing information required hereunder, the
10 Administrator or ~~his~~ duly authorized representative may investigate
11 the books, accounts, papers, correspondence and records of any
12 licensee or other person who the Administrator has reasonable cause
13 to believe is violating any provision of the Oklahoma Pawnshop Act
14 whether or not such person shall claim to be within the authority or
15 scope of the Oklahoma Pawnshop Act. For the purpose of this
16 section, any person who advertises for, solicits or holds himself
17 out as willing to make pawn transactions, shall be presumed to be a
18 pawnbroker.

19 E. Each licensee shall keep or make available in this state
20 such books and records relating to pawn transactions made under the
21 Oklahoma Pawnshop Act as are necessary to enable the Administrator
22 to determine whether the licensee is complying with the Oklahoma
23 Pawnshop Act. Such books and records shall be consistent with
24 accepted accounting practices.

1 F. Each licensee shall preserve or make available such books
2 and records in this state relating to each of its pawn transactions
3 for four (4) years from the date of the transaction, or two (2)
4 years from the date of the final entry made thereon, whichever is
5 later. Each licensee's system of records shall be accepted if it
6 discloses such information as may be reasonably required under the
7 Oklahoma Pawnshop Act. All agreements signed by customers shall be
8 kept at an office in this state designated by the licensee, except
9 when transferred under an agreement which gives the Administrator
10 access thereto. All credit sales made by a pawnbroker, other than
11 those sales defined in paragraph 6 of Section 1502 of this title, as
12 a pawn transaction, shall be made in accordance with and subject to
13 the provisions of Title 14A of the Oklahoma Statutes.

14 G. Each licensee shall, annually on or before the first day of
15 May or other date thereafter fixed by the Administrator, file a
16 report with the Administrator setting forth such relevant
17 information as the Administrator may reasonably require concerning
18 the business and operations during the preceding calendar year for
19 each licensed place of business conducted by such licensee within
20 the state. Such report shall be made under oath and shall be in the
21 form prescribed by the Administrator, who may make and publish
22 annually a consolidated analysis and recapitulation of such reports,
23 but the individual reports shall be held confidential.

24

1 H. The Administrator may promulgate rules necessary for the
2 enforcement of the Oklahoma Pawnshop Act consistent with all its
3 provisions. Before making such a rule relating to the licensees
4 subject to the Oklahoma Pawnshop Act, the Administrator shall give
5 each licensee at least thirty (30) days' written notice of a public
6 hearing, stating the time and place thereof and the terms or
7 substance of the proposed regulation. At the hearing, any licensee
8 or other person may be heard and may introduce evidence, data or
9 arguments or place the same on file. The Administrator, after
10 consideration of all relevant matters presented, shall adopt and
11 promulgate every rule in written form, stating the date of adoption
12 and date of promulgation. Each ~~such~~ rule shall be entered in a
13 permanent record book which shall be public record and be kept in
14 the Administrator's office. A copy of every rule shall be mailed to
15 each licensee, and no ~~such~~ rule shall become effective until the
16 expiration of at least twenty (20) days after such mailing. On the
17 application of any person and payment of the cost thereof, the
18 Administrator shall furnish such person a certified copy of such
19 rule.

20 I. Except as otherwise expressly provided in the Oklahoma
21 Pawnshop Act, the Administrative Procedures Act, ~~Section 251 et seq.~~
22 ~~and 301 et seq. of Title 75 of the Oklahoma Statutes~~, applies to and
23 governs all administrative actions and civil proceedings taken by
24 the Administrator pursuant to the Oklahoma Pawnshop Act.

1 SECTION 16. AMENDATORY 59 O.S. 2001, Section 1525, as
2 last amended by Section 18, Chapter 415, O.S.L. 2010 (59 O.S. Supp.
3 2010, Section 1525), is amended to read as follows:

4 Section 1525. A. Upon the filing of an application, bond and
5 the payment of an annual license fee of Two Hundred Dollars
6 (\$200.00) and a one-time investigation fee of Two Hundred Twenty-
7 five Dollars (\$225.00) by a dealer, the Administrator of Consumer
8 Credit shall conduct an investigation of the applicant prior to
9 issuance of a dealer license.

10 B. Upon the filing of an application, and payment of the fee as
11 provided for in subsection A of Section 1526 of this title, and
12 payment of a fee of One Hundred Dollars (\$100.00) by an employee of
13 a licensed dealer, the Administrator shall conduct an investigation
14 of the applicant prior to issuance of an employee license.

15 C. Upon renewal of a license for either a dealer or an
16 employee, the Administrator may conduct an investigation at the
17 Administrator's discretion or at the request of a district attorney
18 for any county in which the applicant has a permanent place of
19 business.

20 D. If the Administrator finds that the financial
21 responsibility, experience and character of the dealer are such as
22 to warrant belief that the business will be operated lawfully and
23 fairly, within the purposes of the Precious Metal and Gem Dealer
24 Licensing Act, the dealer shall be issued a license.

1 E. A separate license shall be required for each location,
2 place or premises used by a dealer for the conducting of business
3 pursuant to the provisions of the Precious Metal and Gem Dealer
4 Licensing Act and each license shall designate the location, place,
5 or premises to which it applies. The business of the dealer shall
6 not be conducted in any place other than that designated by the
7 license. The license shall not be transferable.

8 F. If the Administrator does not find facts sufficient to
9 warrant issuance of a license, the Administrator shall notify the
10 applicant. If within thirty (30) days of such notification the
11 applicant requests a hearing on the application, a hearing shall be
12 held within sixty (60) days after the day of the request. In the
13 event of the denial of a license, the investigation fee shall be
14 retained by the Administrator, but the annual license fee shall be
15 returned to the applicant.

16 G. The Administrator shall grant or deny an application for
17 license within sixty (60) days from the day of filing or from the
18 last day of a hearing as provided in subsection F of this section,
19 unless the period is extended by written agreement between the
20 applicant and the Administrator.

21 H. The Administrator may issue more than one license to any one
22 person upon compliance with the provisions of the Precious Metal and
23 Gem Dealer Licensing Act as to each license. When a dealer wishes
24 to move the dealer's business to another location, the dealer shall

1 give thirty (30) days' written notice to the Administrator, who
2 shall amend the license accordingly.

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

5 J. Of the license fee provided for in subsection A of this
6 section, Fifty Dollars (\$50.00) shall be deposited in the General
7 Revenue Fund of the State Treasury and One Hundred Fifty Dollars
8 (\$150.00) shall be deposited in the Consumer Credit Administrative
9 Expenses Revolving Fund.

10 K. Of the one-time inspection fee provided for in subsection A
11 of this section, Fifty Dollars (\$50.00) shall be deposited in the
12 General Revenue Fund of the State Treasury and One Hundred Seventy-
13 five Dollars (\$175.00) shall be deposited in the Consumer Credit
14 Administrative Expenses Revolving Fund.

15 L. Of the fee required of employees as provided for in
16 subsection B of this section, Twenty-five Dollars (\$25.00) shall be
17 deposited in the General Revenue Fund of the State Treasury and
18 Seventy-five Dollars (\$75.00) shall be deposited in the Consumer
19 Credit Administrative Expenses Revolving Fund.

20 SECTION 17. AMENDATORY 59 O.S. 2001, Section 1526, as
21 last amended by Section 19, Chapter 415, O.S.L. 2010 (59 O.S. Supp.
22 2010, Section 1526), is amended to read as follows:

23 Section 1526. A. Each year, every dealer, on or before each
24 December 1, shall pay the Administrator of Consumer Credit a fee Two

1 Hundred Dollars (\$200.00) for each license held by the dealer as the
2 annual fee for the succeeding calendar year. If not renewed,
3 expiration shall occur on December 31 of the year in which the
4 annual fee has been paid.

5 B. Each year, every employee, on or before December 1, shall
6 pay the Administrator ~~a fee~~ One Hundred Dollars (\$100.00) for the
7 license held by the employee as the annual fee for the succeeding
8 calendar year. If not renewed, expiration shall occur on December
9 31 of the year in which the annual fee has been paid.

10 C. There shall be a fee of Fifty Dollars (\$50.00) for a late
11 application for renewal of a license received after December 1,
12 which will be placed in the Consumer Credit Administrative Expenses
13 Revolving Fund created in Section 6-301 of Title 14A of the Oklahoma
14 Statutes.

15 D. Of the fee on dealers provided for in subsection A of this
16 section, Fifty Dollars (\$50.00) shall be deposited in the General
17 Revenue Fund of the State Treasury and One Hundred Fifty Dollars
18 (\$150.00) shall be deposited in the Consumer Credit Administrative
19 Expenses Revolving Fund.

20 E. Of the one-time inspection fee provided for in subsection A
21 of this section, Fifty Dollars (\$50.00) shall be deposited in the
22 General Revenue Fund of the State Treasury and One Hundred Seventy-
23 five Dollars (\$175.00) shall be deposited in the Consumer Credit
24 Administrative Expenses Revolving Fund.

1 SECTION 18. AMENDATORY 59 O.S. 2001, Section 1528, as
2 amended by Section 20, Chapter 415, O.S.L. 2010 (59 O.S. Supp. 2010,
3 Section 1528), is amended to read as follows:

4 Section 1528. A. The Administrator shall appoint an
5 independent hearing examiner to conduct all administrative hearings
6 involving alleged violations of the Precious Metal and Gem Dealer
7 Licensing Act. The independent hearing examiner shall have
8 authority to exercise all powers granted by Article II of the
9 Administrative Procedures Act in conducting hearings. The
10 independent hearing examiner shall have authority to recommend
11 penalties authorized by the Precious Metal and Gem Dealer Licensing
12 Act and issue proposed orders, with proposed findings of fact and
13 proposed conclusions of law, to the Administrator pursuant to
14 Article II of the Administrative Procedures Act. The Administrator
15 shall review the proposed order and issue a final agency order in
16 accordance with Article II of the Administrative Procedures Act. A
17 final agency order issued by the Administrator shall be appealable
18 by all parties to the district court as provided in Article II of
19 the Administrative Procedures Act. The costs of the hearing
20 examiner may be assessed by the hearing examiner against the
21 respondent, unless the respondent is the prevailing party.

22 B. The Administrator may, after notice and hearing, deny,
23 decline to renew a license, suspend or revoke any license or order a
24 cease and desist order if it is found that:

1 1. The applicant has been convicted of a felony or crime
2 involving fraud, theft, receiving or possession of stolen property
3 in the five (5) years preceding the submission of the application;

4 2. The licensee has failed to pay any fee or charge properly
5 imposed by the Administrator under the authority of the Precious
6 Metal and Gem Dealer Licensing Act;

7 3. The licensee or any entity or individual subject to the
8 Precious Metal and Gem Dealer Licensing Act has violated any
9 provision of the Precious Metal and Gem Dealer Licensing Act or any
10 rule promulgated or order made pursuant to and within the authority
11 of the Precious Metal and Gem Dealer Licensing Act; or

12 4. Any fact or condition exists which, if it had existed or had
13 been known to exist at the time of the original application for a
14 license, clearly would have justified the Administrator in refusing
15 the license.

16 C. Any licensee may surrender any license by delivering it to
17 the Administrator with written notice of its surrender. Such
18 surrender shall not affect the civil or criminal liability of the
19 licensee for acts committed prior to the surrender of the license.

20 D. No revocation, suspension or surrender of any license shall
21 impair or affect the obligation of any preexisting lawful contract
22 between the licensee and any customer.

23 ~~E. The Commission on Consumer Credit shall prescribe by rule a~~
24 ~~fee for each license change, duplicate license, or returned check.~~

1 ~~F.~~ Any entity or individual offering to engage or engaged as a
2 precious metal and gem dealer in this state without a license shall
3 be subject to a civil penalty not to exceed Five Thousand Dollars
4 (\$5,000.00).

5 ~~G.~~ F. The Administrator may impose a civil penalty as
6 prescribed in subsection ~~F~~ E of this section, after notice and
7 hearing in accordance with Article II of the Administrative
8 Procedures Act. Any administrative order or settlement agreement
9 imposing a civil penalty pursuant to this section may be enforced in
10 the same manner as civil judgments in this state. The Administrator
11 may file an application to enforce an administrative order or
12 settlement agreement imposing a civil penalty in the district court
13 of Oklahoma County.

14 SECTION 19. AMENDATORY 59 O.S. 2001, Section 1953, as
15 amended by Section 21, Chapter 415, O.S.L. 2010 (59 O.S. Supp. 2010,
16 Section 1953), is amended to read as follows:

17 Section 1953. ~~A.~~ Lessors shall pay an ~~initial investigation~~
18 ~~and license fee and an~~ annual license renewal fee of One Hundred
19 Dollars (\$100.00) per place of business, which ~~fees~~ fee shall
20 accompany the license renewal form. ~~Lessors shall also pay a fee~~
21 ~~for any returned check, address or license change, or duplicate~~
22 ~~license request.~~

23 ~~B.~~ ~~Lessors shall pay a rental-purchase agreement reviewal fee~~
24 ~~as prescribed by rule of the Commission on Consumer Credit for any~~

1 ~~rental purchase agreement submitted to the Administrator of Consumer~~
2 ~~Credit for review and approval. The Commission may prescribe by~~
3 ~~rule a process for submitting rental purchase agreements to the~~
4 ~~Administrator for review and approval.~~

5 SECTION 20. AMENDATORY 59 O.S. 2001, Section 1955, as
6 amended by Section 22, Chapter 415, O.S.L. 2010 (59 O.S. Supp. 2010,
7 Section 1955), is amended to read as follows:

8 Section 1955. A. A consumer damaged by a violation of the
9 Oklahoma Rental-Purchase Act by a lessor is entitled to recover from
10 the lessor:

11 1. Actual damages;

12 2. Twenty-five percent (25%) of an amount equal to the total
13 amount of payments required to obtain ownership of the merchandise
14 involved, except that the amount recovered under this section shall
15 not be less than One Hundred Dollars (\$100.00) nor more than One
16 Thousand Dollars (\$1,000.00), or in the case of a class action, an
17 amount the court may allow, except that as to each member of the
18 class no minimum recovery may be applicable and the total recovery
19 other than for actual damages in any class action or series of class
20 actions arising out of the same failure to comply by the same lessor
21 shall not be more than the lesser of Five Hundred Thousand Dollars
22 (\$500,000.00) or one percent (1%) of the net worth of the lessor;
23 and

24 3. Reasonable attorney fees and court costs.

1 B. In addition to the enforcement powers provided in Section 6-
2 102 of Title 14A of the Oklahoma Statutes, the Administrator of
3 Consumer Credit or a duly authorized representative of the
4 Administrator may investigate the books, accounts, papers,
5 correspondence and records of any lessor licensed under the Oklahoma
6 Rental-Purchase Act. For the purposes of this section, any person
7 who advertises for, solicits or holds himself out as willing to make
8 rental-purchase transactions, shall be presumed to be a
9 rental-purchase lessor. Each lessor shall pay to the Administrator
10 ~~an examination fee as prescribed by rule of the Commission on~~
11 Consumer Credit amount assessed by the Administrator to cover the
12 direct or indirect cost of such examination, not to exceed Two
13 Hundred Dollars (\$200.00) in any calendar year. The Administrator
14 may require payment of an examination fee either at the time of
15 initial application, renewal of the license, or after an examination
16 has been conducted.

17 C. The Administrator may promulgate rules and regulations
18 necessary for the enforcement of the Oklahoma Rental-Purchase Act
19 and consistent with all its provisions.

20 D. The Administrator shall appoint an independent hearing
21 examiner to conduct all administrative hearings involving alleged
22 violations of the Oklahoma Rental-Purchase Act. The independent
23 hearing examiner shall have authority to exercise all powers granted
24 by Article II of the Administrative Procedures Act in conducting

1 hearings. The independent hearing examiner shall have authority to
2 recommend penalties authorized by the Oklahoma Rental-Purchase Act
3 and issue proposed orders, with proposed findings of fact and
4 proposed conclusions of law, to the Administrator pursuant to
5 Article II of the Administrative Procedures Act. The Administrator
6 shall review the proposed order and issue a final agency order in
7 accordance with Article II of the Administrative Procedures Act. A
8 final order issued by the Administrator shall be appealable by all
9 parties to the district court as provided in Article II of the
10 Administrative Procedures Act. The costs of the hearing examiner
11 may be assessed by the hearing examiner against the respondent,
12 unless the respondent is the prevailing party.

13 E. After notice and hearing, the Administrator may decline to
14 renew a license, or suspend or revoke any license issued pursuant to
15 the Oklahoma Rental-Purchase Act for violating any provision of the
16 Oklahoma Rental-Purchase Act or any rules promulgated by the
17 Administrator, or in lieu of or in addition to such denial,
18 suspension or revocation, order the refund of any unlawful charges,
19 or enter a cease and desist order.

20 F. Except as otherwise expressly provided in the Oklahoma
21 Rental-Purchase Act, the Administrative Procedures Act, ~~Sections 301~~
22 ~~through 326 of Title 75 of the Oklahoma Statutes,~~ applies to and
23 governs all administrative actions and civil proceedings taken by
24 the Administrator pursuant to the Oklahoma Rental-Purchase Act.

1 G. Where there are multiple lessees to a rental-purchase
2 agreement, there shall be no more than one recovery under the
3 Oklahoma Rental-Purchase Act for a violation.

4 H. A lessor is not liable under the Oklahoma Rental-Purchase
5 Act for a violation thereof caused by the lessor's error if before
6 the sixtieth day after the date the lessor discovers the error, and
7 before an action under this section is filed or written notice of
8 the error is received by the lessor from the lessee, the lessor
9 gives the lessee written notice of the error and makes adjustments
10 in the lessee's account as necessary to ensure that the lessee will
11 not be required to pay an amount in excess of the amount disclosed
12 and that the agreement otherwise complies with this subsection. Nor
13 may a lessor be held liable in any action brought under the Oklahoma
14 Rental-Purchase Act for a violation of the Oklahoma Rental-Purchase
15 Act if the lessor shows by a preponderance of the evidence that the
16 violation was not intentional and resulted from a bona fide error
17 notwithstanding the maintenance of procedures reasonably adopted to
18 avoid the error. A bona fide error includes, but is not limited to,
19 a clerical, calculation, computer malfunction in programming, and
20 printing error, but not an error of legal judgment with respect to a
21 lessor's disclosure obligations under the Oklahoma Rental-Purchase
22 Act.

23 I. Any entity or individual offering to engage or engaged as a
24 rental-purchase lessor in this state without a license shall be

1 subject to a civil penalty not to exceed Five Thousand Dollars
2 (\$5,000.00).

3 J. The Administrator may impose a civil penalty as prescribed
4 in subsection I of this section, after notice and hearing in
5 accordance with Article II of the Administrative Procedures Act.
6 Any administrative order or settlement agreement imposing a civil
7 penalty pursuant to this section may be enforced in the same manner
8 as civil judgments in this state. The Administrator may file an
9 application to enforce an administrative order or settlement
10 agreement imposing a civil penalty in the district court of Oklahoma
11 County.

12 SECTION 21. AMENDATORY 59 O.S. 2001, Section 2002, as
13 amended by Section 23, Chapter 415, O.S.L. 2010 (59 O.S. Supp. 2010,
14 Section 2002), is amended to read as follows:

15 Section 2002. A. No health spa shall offer or advertise health
16 spa services unless first being registered with the Administrator of
17 Consumer Credit. The registration shall:

18 1. Disclose the address, ownership, date of first sales and
19 date of first opening of the health spa;

20 2. State the name and address of the registered agent of the
21 registrant, if the registrant is a corporation;

22 3. Be renewed each succeeding calendar year; and

23 4. Be accompanied by ~~an initial investigation and registration~~
24 ~~fee and an annual registration fee as prescribed by rule of the~~

1 ~~Commission on Consumer Credit~~ a fee of Two Hundred Dollars (\$200.00)
2 per registration and annual renewal.

3 B. Each separate location where health spa services are offered
4 shall be considered a separate health spa and shall file a separate
5 registration, even though the separate locations are owned or
6 operated by the same owner.

7 ~~C. The Commission on Consumer Credit shall prescribe by rule a~~
8 ~~fee for each registration change, duplicate registration, or~~
9 ~~returned check.~~

10 ~~D. The Commission on Consumer Credit shall prescribe by rule a~~
11 ~~late fee for a registration not renewed on or before the expiration~~
12 ~~date of the registration.~~

13 ~~E. A health spa shall pay a contract reviewal fee as prescribed~~
14 ~~by rule of the Commission on Consumer Credit for each health spa~~
15 ~~contract submitted to the Administrator for review and approval.~~
16 ~~The Commission may prescribe by rule a process for submitting health~~
17 ~~spa contracts for review and approval by the Administrator.~~

18 SECTION 22. AMENDATORY 59 O.S. 2001, Section 2009, as
19 amended by Section 24, Chapter 415, O.S.L. 2010 (59 O.S. Supp. 2010,
20 Section 2009), is amended to read as follows:

21 Section 2009. A. Any person who engages in business as a
22 health spa without first being properly registered with the
23 Administrator of Consumer Credit as prescribed in the Oklahoma
24 Health Spa Act or who otherwise violates any provision of the

1 Oklahoma Health Spa Act, upon conviction, shall be guilty of a
2 misdemeanor ~~and shall be punished~~ punishable by the imposition of a
3 fine not to exceed Five Thousand Dollars (\$5,000.00) or imprisonment
4 in the county jail for not more than one (1) year, or by both such
5 fine and imprisonment.

6 B. The provisions of Title 14A of the Oklahoma Statutes shall
7 also apply to those health spas registered pursuant to the Oklahoma
8 Health Spa Act.

9 C. The Oklahoma Health Spa Act shall only govern those health
10 spa contracts or membership agreements executed after November 1,
11 1987.

12 D. The Administrator shall appoint an independent hearing
13 examiner to conduct all administrative hearings involving alleged
14 violations of the Oklahoma Health Spa Act. The independent hearing
15 examiner shall have authority to exercise all powers granted by
16 Article II of the Administrative Procedures Act in conducting
17 hearings. The independent hearing examiner shall have authority to
18 recommend penalties authorized by the Oklahoma Health Spa Act and
19 issue proposed orders, with proposed findings of fact and proposed
20 conclusions of law, to the Administrator pursuant to Article II of
21 the Administrative Procedures Act. The Administrator shall review
22 the proposed order and issue a final agency order in accordance with
23 Article II of the Administrative Procedures Act. A final agency
24 order issued by the Administrator shall be appealable by all parties

1 to the district court as provided in Article II of the
2 Administrative Procedures Act. The costs of the hearing examiner
3 may be assessed by the hearing examiner against the respondent,
4 unless the respondent is the prevailing party.

5 E. After notice and hearing, the Administrator may decline to
6 renew a registration, or suspend or revoke any registration issued
7 pursuant to the Oklahoma Health Spa Act or any rules promulgated by
8 the Administrator, or in lieu of or in addition to such denial,
9 suspension or revocation, order the refund of any unlawful charges,
10 or enter a cease and desist order.

11 F. Any entity or individual offering to engage or engaged as a
12 health spa in this state without a license shall be subject to a
13 civil penalty not to exceed Five Thousand Dollars (\$5,000.00).

14 G. The Administrator may impose a civil penalty as prescribed
15 in subsection F of this section, after notice and hearing in
16 accordance with Article II of the Administrative Procedures Act.
17 Any administrative order or settlement agreement imposing a civil
18 penalty pursuant to this section may be enforced as in the same
19 manner as civil judgments in this state. The Administrator may file
20 an application to enforce an administrative order or settlement
21 agreement imposing a civil penalty in the district court of Oklahoma
22 County.

23

24

1 SECTION 23. AMENDATORY Section 6, Chapter 190, O.S.L.
2 2009, as amended by Section 25, Chapter 415, O.S.L. 2010 (59 O.S.
3 Supp. 2010, Section 2095.3), is amended to read as follows:

4 Section 2095.3 The following are exempt from all provisions of
5 the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act:

6 1. Registered mortgage loan originators, when acting for an
7 entity described in divisions (1), (2) and (3) of subparagraph a of
8 paragraph 17 of Section 2095.2 of this title;

9 2. An individual who offers or negotiates or modifies terms of
10 a residential mortgage loan with or on behalf of an immediate family
11 member of the individual;

12 3. An individual who offers or negotiates or modifies terms of
13 a residential mortgage loan secured by a dwelling that served as the
14 individual's residence; or

15 4. A licensed attorney who negotiates or modifies the terms of
16 a residential mortgage loan on behalf of a client as an ancillary
17 matter to the attorney's representation of the client, unless the
18 attorney is compensated by a lender, a mortgage broker or other
19 mortgage loan originator or by any agent of such lender, mortgage
20 broker, or other mortgage loan originator; ~~or~~

21 ~~5. Entities described in divisions (1), (2) and (3) of~~
22 ~~subparagraph a of paragraph 17 of Section 2095.2 of this title.~~

23

24

1 SECTION 24. AMENDATORY Section 8, Chapter 190, O.S.L.
2 2009, as amended by Section 26, Chapter 415, O.S.L. 2010 (59 O.S.
3 Supp. 2010, Section 2095.5), is amended to read as follows:

4 Section 2095.5 A. 1. An entity or individual, unless
5 specifically exempted from the Oklahoma Secure and Fair Enforcement
6 for Mortgage Licensing Act, ~~as provided in Section 2095.3 of this~~
7 ~~title,~~ shall not engage in the business of a mortgage broker or
8 mortgage loan originator with respect to any dwelling located in
9 this state without first obtaining and maintaining annually a
10 license under the Oklahoma Secure and Fair Enforcement for Mortgage
11 Licensing Act. Each licensed mortgage broker and mortgage loan
12 originator must register with and maintain a valid unique identifier
13 issued by the Nationwide Mortgage Licensing System and Registry.

14 2. In order to facilitate an orderly transition to licensing
15 and minimize disruption in the mortgage marketplace, the effective
16 date for licensing all entities and individuals as provided in this
17 subsection, including those currently licensed as mortgage brokers
18 or mortgage loan originators, shall be July 31, 2010, or such later
19 date approved by the Secretary of the U.S. Department of Housing and
20 Urban Development, pursuant to the authority granted under 12
21 U.S.C., Section 5107.

22 B. A loan processor or underwriter who is an independent
23 contractor may not engage in the activities of a loan processor or
24 underwriter unless such independent contractor loan processor or

1 underwriter obtains and maintains a license as required by the
2 Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act.
3 Each independent contractor loan processor or underwriter licensed
4 as a mortgage broker or mortgage loan originator must have and
5 maintain a valid unique identifier issued by the Nationwide Mortgage
6 Licensing System and Registry.

7 C. For the purposes of implementing an orderly and efficient
8 licensing process, the Administrator of Consumer Credit may
9 establish licensing rules, upon approval by the Commission, and the
10 Administrator may establish interim procedures for licensing and
11 acceptance of applications. For previously registered or licensed
12 entities or individuals, the Administrator may establish expedited
13 review and licensing procedures.

14 SECTION 25. AMENDATORY Section 9, Chapter 190, O.S.L.
15 2009, as amended by Section 27, Chapter 415, O.S.L. 2010 (59 O.S.
16 Supp. 2010, Section 2095.6), is amended to read as follows:

17 Section 2095.6 A. Applicants for a license shall apply on a
18 form as prescribed by the Administrator of Consumer Credit.

19 B. In order to fulfill the purposes of the Oklahoma Secure and
20 Fair Enforcement for Mortgage Licensing Act, the Administrator is
21 authorized to establish relationships or contracts with the
22 Nationwide Mortgage Licensing System and Registry or other entities
23 designated by the Nationwide Mortgage Licensing System and Registry
24 to collect and maintain records and process transaction fees or

1 other fees related to licensees or other entities or individuals
2 subject to the Oklahoma Secure and Fair Enforcement for Mortgage
3 Licensing Act.

4 C. In connection with an application for licensing as a
5 mortgage loan originator, the applicant shall, at a minimum, furnish
6 to the Nationwide Mortgage Licensing System and Registry information
7 concerning the applicant's identity including:

8 1. Fingerprints for submission to the Federal Bureau of
9 Investigation and any governmental agency or entity authorized to
10 receive such information for a state, national and international
11 criminal history background check; and

12 2. Personal history and experience in a form prescribed by the
13 Nationwide Mortgage Licensing System and Registry and the
14 Administrator to obtain:

15 a. an independent credit report obtained from a consumer
16 reporting agency defined in 15 U.S.C., Section
17 1681a(p), and

18 b. information related to any administrative, civil or
19 criminal findings by any governmental jurisdiction.

20 D. In connection with an application for licensing as a
21 mortgage broker, the applicant shall, at a minimum, furnish to the
22 Nationwide Mortgage Licensing System and Registry information
23 concerning each owner, officer, director or partner, as applicable
24 including:

1 1. Fingerprints for submission to the Federal Bureau of
2 Investigation and any governmental agency or entity authorized to
3 receive such information for a state, national and international
4 criminal history background check; and

5 2. Personal history and experience in a form prescribed by the
6 Nationwide Mortgage Licensing System and Registry and the
7 Administrator to obtain:

8 a. an independent credit report obtained from a consumer
9 reporting agency described in 15 U.S.C., Section
10 1681a(p), and

11 b. information related to any administrative, civil or
12 criminal findings by any governmental jurisdiction.

13 E. For purposes of this section and, in order to reduce points
14 of contact which the Federal Bureau of Investigation may have to
15 maintain for purposes of paragraph 1 and subparagraph b of paragraph
16 2 of subsection D of this section, the Administrator may use the
17 Nationwide Mortgage Licensing System and Registry as a channeling
18 agent for requesting information from and distributing information
19 to the Department of Justice or any governmental agency.

20 F. For the purposes of this section and in order to reduce the
21 points of contact which the Administrator may have to maintain for
22 purposes of subparagraphs a and b of paragraph 2 of subsection D of
23 this section, the Administrator may use the Nationwide Mortgage
24 Licensing System and Registry as a channeling agent for requesting

1 and distributing information to and from any source so directed by
2 the Administrator.

3 G. A license issued ~~under~~ pursuant to the Oklahoma Secure and
4 Fair Enforcement for Mortgage Licensing Act shall be valid for a
5 period of one (1) year, unless otherwise revoked or suspended by the
6 Administrator as provided in the Oklahoma Secure and Fair
7 Enforcement for Mortgage Licensing Act.

8 H. The Administrator, on determining that the applicant is
9 qualified and upon payment of the fees by the applicant, shall issue
10 a license to the applicant. An applicant who has been denied a
11 license may not reapply for the license for sixty (60) days from the
12 date of the previous application.

13 I. A licensee shall pay the renewal fee on or before December
14 1. If the license is not renewed by December 1, the licensee shall
15 pay a renewal fee that is double the amount of the license.
16 Licenses not renewed by December 31 shall expire and the licensee
17 shall not act as a mortgage broker or mortgage loan originator until
18 a new license is issued pursuant to the Oklahoma Secure and Fair
19 Enforcement for Mortgage Licensing Act. A license shall not be
20 granted to the holder of an expired license except as provided in
21 the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act
22 for the issuance of an original license.

23 J. On or before December 31, a licensee may request inactive
24 status for the following license year and the license shall be

1 placed on inactive status after payment to the Administrator of the
2 inactive status renewal fee prescribed in this section and the
3 surrender of the license to the Administrator. During inactive
4 status, an inactive license shall not act as a mortgage broker or
5 mortgage loan originator. A licensee may not be on inactive status
6 for more than two (2) consecutive years, nor for more than four (4)
7 years in any ten-year period. The license is deemed expired for
8 violation of any of the limitations of this subsection.

9 K. An inactive licensee may return to active status
10 notwithstanding the requirements of this section by making a request
11 in writing to the Administrator for reactivation and paying the
12 prorated portion of the annual fee that would have been charged to
13 the licensee to maintain normal active status. The licensee shall
14 also provide the Administrator with proof that the licensee meets
15 all of the other requirements for acting as a mortgage broker or
16 mortgage loan originator, including any applicable education and
17 testing requirements.

18 L. A licensee shall prominently display the mortgage broker or
19 mortgage loan originator license in the office of the mortgage
20 broker or mortgage loan originator and any branch office of the
21 mortgage broker.

22 M. 1. Initial and renewal license fees shall be ~~as prescribed~~
23 ~~by rule of the Commission on Consumer Credit~~ One Hundred Dollars
24 (\$100.00) for each year;

1 2. A late renewal fee shall be ~~as prescribed by rule of the~~
2 ~~Commission on Consumer Credit~~ Two Hundred Dollars (\$200.00);

3 3. Branch office fees shall be ~~as prescribed by rule of the~~
4 ~~Commission on Consumer Credit~~ Fifty Dollars (\$50.00) for each year;

5 4. Inactive status fees shall be ~~as prescribed by rule of the~~
6 ~~Commission on Consumer Credit~~ Fifty Dollars (\$50.00) for each year;

7 5. A fee ~~as prescribed by rule of the Commission on Consumer~~
8 ~~Credit~~ of Twenty-five Dollars (\$25.00) shall be charged for each
9 license change, duplicate license or returned check;

10 6. A fee ~~as prescribed by rule of the Commission on Consumer~~
11 ~~Credit~~ of Fifty Dollars (\$50.00) shall be paid by applicants and
12 licensees into the Oklahoma Mortgage Broker and Mortgage Loan
13 Originator Recovery Fund as provided for in Section 2095.20 of this
14 title for each initial application and each renewal application; and

15 7. An examination fee shall be ~~as prescribed by rule of the~~
16 ~~Commission on Consumer Credit~~; ~~and~~

17 8. ~~An application fee shall be as prescribed by rule of the~~
18 ~~Commission on Consumer Credit~~ Three Hundred Dollars (\$300.00) unless
19 an additional fee is required in accordance with subsection C of
20 Section 2095.23 of this title.

21 SECTION 26. AMENDATORY Section 10, Chapter 190, O.S.L.
22 2009, as amended by Section 28, Chapter 415, O.S.L. 2010 (59 O.S.
23 Supp. 2010, Section 2095.7), is amended to read as follows:

24

1 Section 2095.7 The Administrator of Consumer Credit shall not
2 issue a mortgage loan originator license unless the Administrator
3 makes at a minimum the following findings:

4 1. The applicant has never had a mortgage loan originator
5 license revoked in any governmental jurisdiction, except that a
6 subsequent formal vacation of such revocation shall not be deemed a
7 revocation;

8 2. The applicant has not been convicted of, or pled guilty or
9 nolo contendere to a felony in a domestic, foreign or military
10 court:

11 a. during the seven-year period preceding the date of the
12 application for licensing and registration, or

13 b. at any time preceding such date of application, if
14 such felony involved an act of fraud, dishonesty, a
15 breach of trust or money laundering.

16 Provided, that any pardon of a conviction shall not be a
17 conviction for purposes of this paragraph;

18 3. The applicant has demonstrated financial responsibility,
19 character and general fitness such as to command the confidence of
20 the community and to warrant a determination that the mortgage loan
21 originator will operate honestly, fairly and efficiently within the
22 purposes of the Oklahoma Secure and Fair Enforcement for Mortgage
23 Licensing Act. For purposes of this paragraph, an individual has
24 shown that he or she is not financially responsible when he or she

1 has shown a disregard in the management of his or her own financial
2 condition. A determination that an individual has not shown
3 financial responsibility may include, but not be limited to:

- 4 a. current outstanding judgments, except judgments solely
5 as a result of medical expenses,
- 6 b. current outstanding tax liens or other government
7 liens and filings,
- 8 c. foreclosures within the past three (3) years, or
- 9 d. pattern of seriously delinquent accounts within the
10 past three (3) years;

11 4. The applicant has completed the prelicensing education
12 requirement described in Section 2095.8 of this title;

13 5. The applicant has passed a written test that meets the test
14 requirement described in Section 2095.9 of this title;

15 6. The applicant has paid into the Oklahoma Mortgage Broker and
16 Mortgage Loan Originator Recovery Fund as required by paragraph 6 of
17 subsection M of Section 2095.6 of this title; and

18 7. The applicant is sponsored by a licensed mortgage broker.
19 The Administrator of Consumer Credit may promulgate administrative
20 rules, subject to approval of the Commission on Consumer Credit, to
21 implement sponsorship procedures and requirements.

22 SECTION 27. AMENDATORY Section 19, Chapter 190, O.S.L.
23 2009, as amended by Section 29, Chapter 415, O.S.L. 2010 (59 O.S.
24 Supp. 2010, Section 2095.16), is amended to read as follows:

1 Section 2095.16 A. A mortgage broker or mortgage loan
2 originator shall deposit, prior to the end of the next business day,
3 all monies received from borrowers for third-party provider services
4 in a trust account of a federally insured financial institution
5 located in this state. The trust account shall be designated and
6 maintained for the benefit of borrowers. Monies maintained in the
7 trust account shall be exempt from execution, attachment, or
8 garnishment. A mortgage broker or mortgage loan originator shall
9 not in any way encumber the corpus of the trust account or commingle
10 any other operating funds with trust account funds.

11 B. Withdrawals from the trust account shall be only for the
12 payment of bona fide services rendered by a third-party provider or
13 for refunds to borrowers. Any interest earned on the trust account
14 shall be refunded or credited to the borrowers at closing. Any
15 monies remaining in the trust account after payment to third-party
16 providers shall be refunded to the borrower.

17 C. The mortgage broker or mortgage loan originator shall pay
18 third-party providers no later than thirty (30) days after
19 completion of the third-party service.

20 D. A mortgage broker or mortgage loan originator shall maintain
21 accurate, current, and readily available records of the trust
22 account until at least three (3) years have elapsed following the
23 effective period to which the records relate. The records shall be
24

1 subject to audit by the Administrator of Consumer Credit pursuant to
2 an examination or investigation.

3 E. The provisions of this section shall not apply to a
4 depository institution as defined in Section 2095.2 of this title,
5 its subsidiaries and affiliates or any employee or exclusive agent
6 thereof.

7 SECTION 28. AMENDATORY Section 20, Chapter 190, O.S.L.
8 2009, as amended by Section 30, Chapter 415, O.S.L. 2010 (59 O.S.
9 Supp. 2010, Section 2095.17), is amended to read as follows:

10 Section 2095.17 A. In order to ensure the effective
11 supervision and enforcement of the Oklahoma Secure and Fair
12 Enforcement for Mortgage Licensing Act, the Administrator of
13 Consumer Credit may, after notice and hearing pursuant to Article II
14 of the Administrative Procedures Act and as authorized by this
15 section, impose any or any combination of the following penalties:

16 1. Deny, suspend, revoke, censure, place on probation or
17 decline to renew a license for a violation of the Oklahoma Secure
18 and Fair Enforcement for Mortgage Licensing Act, any rules
19 promulgated pursuant to the Oklahoma Secure and Fair Enforcement for
20 Mortgage Licensing Act and any order of the Administrator or an
21 independent hearing examiner issued pursuant to the Oklahoma Secure
22 and Fair Enforcement for Mortgage Licensing Act;

23 2. Deny, suspend, revoke, censure, place on probation or
24 decline to renew a license if an applicant or licensee fails at any

1 time to meet the requirements of the Oklahoma Secure and Fair
2 Enforcement for Mortgage Licensing Act or withholds information or
3 makes a material misstatement in an application for a license or
4 renewal of a license;

5 3. Order restitution against entities or individuals subject to
6 the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act
7 for violations of the Oklahoma Secure and Fair Enforcement for
8 Mortgage Licensing Act; or

9 4. Issue orders or directives under the Oklahoma Secure and
10 Fair Enforcement for Mortgage Licensing Act as follows:

11 a. order or direct entities or individuals subject to the
12 Oklahoma Secure and Fair Enforcement for Mortgage
13 Licensing Act to cease and desist from conducting
14 business, including immediate temporary orders to
15 cease and desist,

16 b. order or direct entities or individuals subject to the
17 Oklahoma Secure and Fair Enforcement for Mortgage
18 Licensing Act to cease any harmful activities or
19 violations of the Oklahoma Secure and Fair Enforcement
20 for Mortgage Licensing Act, including immediate
21 temporary orders to cease and desist,

22 c. enter immediate temporary orders to cease business
23 under a license issued pursuant to the authority of
24 the Oklahoma Secure and Fair Enforcement for Mortgage

1 Licensing Act if the Administrator or an independent
2 hearing examiner determines that such license was
3 erroneously granted or the licensee is currently in
4 violation of the Oklahoma Secure and Fair Enforcement
5 for Mortgage Licensing Act,

6 d. order or direct such other affirmative action as the
7 Administrator or an independent hearing examiner deems
8 necessary, or

9 e. impose a civil penalty of not less than One Hundred
10 Dollars (\$100.00) nor more than Two Thousand Five
11 Hundred Dollars (\$2,500.00) for each violation of the
12 Oklahoma Secure and Fair Enforcement for Mortgage
13 Licensing Act against a licensee or any other entity
14 or individual subject to the Oklahoma Secure and Fair
15 Enforcement for Mortgage Licensing Act, not to exceed
16 Five Thousand Dollars (\$5,000.00) for all violations
17 resulting from a single incident or transaction.

18 B. Any immediate temporary order to cease and desist issued
19 pursuant to the Oklahoma Secure and Fair Enforcement for Mortgage
20 Licensing Act shall comply with the requirements for emergency
21 orders under Article II of the Administrative Procedures Act.

22 C. Any administrative order or settlement agreement imposing a
23 civil penalty pursuant to this section may be enforced in the same
24 manner as civil judgments in this state. The Administrator may file

1 an application to enforce an administrative order or settlement
2 agreement imposing a civil penalty in the district court of Oklahoma
3 County.

4 D. The Administrator shall appoint an independent hearing
5 examiner to conduct all administrative hearings involving alleged
6 violations of the Oklahoma Secure and Fair Enforcement for Mortgage
7 Licensing Act. The independent hearing examiner shall have
8 authority to exercise all powers granted by Article II of the
9 Administrative Procedures Act in conducting hearings. The
10 independent hearing examiner shall have authority to recommend
11 penalties authorized by the Oklahoma Secure and Fair Enforcement for
12 Mortgage Licensing Act and issue proposed orders, with proposed
13 findings of fact and proposed conclusions of law, to the
14 Administrator pursuant to Article II of the Administrative
15 Procedures Act. The Administrator shall review the proposed order
16 and issue a final agency order in accordance with Article II of the
17 Administrative Procedures Act. A final agency order issued by the
18 Administrator shall be appealable by all parties to an Oklahoma
19 district court as provided in Article II of the Administrative
20 Procedures Act. The costs of the hearing examiner may be assessed
21 by the hearing examiner against the respondent, unless the
22 respondent is the prevailing party.

23

24

1 SECTION 29. AMENDATORY Section 26, Chapter 190, O.S.L.
2 2009, as amended by Section 31, Chapter 415, O.S.L. 2010 (59 O.S.
3 Supp. 2010, Section 2095.23), is amended to read as follows:

4 Section 2095.23 A. In addition to any authority allowed under
5 the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act,
6 the Administrator of Consumer Credit shall have the authority to
7 conduct investigations and examinations of the following:

8 1. Criminal, civil and administrative history information,
9 including nonconviction data;

10 2. Personal history and experience information including
11 independent credit reports obtained from a consumer reporting agency
12 described in 15 U.S.C., Section 1681a(p); and

13 3. Any other documents, information or evidence the
14 Administrator deems relevant to the inquiry or investigation
15 regardless of the location, possession, control or custody of such
16 documents, information or evidence.

17 B. For the purposes of investigating violations or complaints
18 arising under the Oklahoma Secure and Fair Enforcement for Mortgage
19 Licensing Act or for the purposes of examination, the Administrator
20 may review, investigate or examine any licensee or entity or
21 individual subject to the Oklahoma Secure and Fair Enforcement for
22 Mortgage Licensing Act, as often as necessary in order to carry out
23 the purposes of the Oklahoma Secure and Fair Enforcement for
24 Mortgage Licensing Act. The Administrator may direct, subpoena or

1 order the attendance of and examine under oath all individuals whose
2 testimony may be required about the loans or the business or subject
3 matter of any such examination or investigation and may direct,
4 subpoena or order such individual to produce books, accounts,
5 records, files and any other documents the Administrator deems
6 relevant to the inquiry. Any examination or investigation report
7 and any information obtained during an examination or investigation
8 shall not be subject to disclosure under the Oklahoma Open Records
9 Act. However, any examination or investigation report and any
10 information obtained during an examination or investigation shall be
11 subject to disclosure pursuant to a court order and may also be
12 disclosed in an individual proceeding and any order issued pursuant
13 to the Oklahoma Secure and Fair Enforcement for Mortgage Licensing
14 Act.

15 C. The Administrator may require payment of an examination fee
16 either at the time of initial application, renewal of the license,
17 or after an examination has been conducted. The examination fee
18 shall be ~~prescribed by rule of the Commission on Consumer Credit~~ in
19 accordance with the provisions of paragraph 7 of subsection M of
20 Section 2095.6 of this title. If a licensee has more than one
21 location, the examination fee shall be Three Hundred Dollars
22 (\$300.00) for each location. If an examination exceeds eight (8)
23 hours, the Administrator shall charge the licensee an additional
24 Fifty Dollars (\$50.00) per hour for each examiner required to

1 complete the examination; provided, further, that the Administrator
2 may waive the examination fee for any examination which takes one
3 (1) hour or less. If an examination fee is due and is not paid on
4 completion of an examination, the Administrator shall bill the
5 licensee, and there shall be a late fee of Fifty Dollars (\$50.00) if
6 the amount due is not received within thirty (30) days of the
7 invoice date.

8 D. Each licensee or entities or individuals subject to the
9 Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act
10 shall make available to the Administrator, upon request, any books
11 and records relating to the requirements of the Oklahoma Secure and
12 Fair Enforcement for Mortgage Licensing Act. The Administrator
13 shall have access to such books and records and interview the
14 officers, principals, mortgage loan originators, employees,
15 independent contractors, agents and customers of the licensee,
16 entity or individual subject to the Oklahoma Secure and Fair
17 Enforcement for Mortgage Licensing Act concerning the requirements
18 of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing
19 Act. Books and records shall be maintained for a period of time
20 required by rule of the Administrator.

21 E. Each licensee or entity or individual subject to the
22 Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act
23 shall make or compile reports or prepare other information as
24

1 directed by the Administrator in order to carry out the purposes of
2 this section including, but not limited to:

- 3 1. Accounting compilations;
- 4 2. Information lists and data concerning loan transactions in a
5 format prescribed by the Administrator; or
- 6 3. Such other information deemed necessary to carry out the
7 purposes of this section.

8 F. In making any examination or investigation authorized by the
9 Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, the
10 Administrator may control access to any documents and records of the
11 licensee or entity or individual under examination or investigation.
12 The Administrator may take possession of the documents and records
13 or place an entity or individual in exclusive charge of the
14 documents and records in the place where they are usually kept.
15 During the period of control, no entity or individual shall remove
16 or attempt to remove any of the documents and records except
17 pursuant to a court order or with the consent of the Administrator.
18 Unless the Administrator has reasonable grounds to believe the
19 documents or records of the licensee have been, or are at risk of
20 being altered or destroyed for purposes of concealing a violation of
21 the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act,
22 the licensee or owner of the documents and records shall have access
23 to the documents or records as necessary to conduct its ordinary
24 business affairs.

1 G. In order to carry out the purposes of this section, the
2 Administrator may:

3 1. Retain attorneys, accountants, or other professionals and
4 specialists as examiners, auditors or investigators to conduct or
5 assist in the conduct of examinations or investigations;

6 2. Enter into agreements or relationships with other government
7 officials or regulatory associations in order to improve
8 efficiencies and reduce regulatory burden by sharing resources,
9 standardized or uniform methods or procedures and documents,
10 records, information or evidence obtained under this section;

11 3. Use, hire, contract or employ public or privately available
12 analytical systems, methods or software to examine or investigate
13 the licensee, entity or individual subject to the Oklahoma Secure
14 and Fair Enforcement for Mortgage Licensing Act;

15 4. Accept and rely on examination or investigation reports made
16 by other government officials, within or without this state; or

17 5. Accept audit reports made by an independent certified public
18 accountant for the licensee or entity or individual subject to the
19 Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act in
20 the course of that part of the examination covering the same general
21 subject matter as the audit and may incorporate the audit report in
22 the report of the examination, report of investigation or other
23 writing of the Administrator.

24

1 H. The authority of this section shall remain in effect,
2 whether ~~such~~ a licensee or entity or individual subject to the
3 Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act acts
4 or claims to act ~~under~~ pursuant to any licensing or registration law
5 of this state or claims to act without such authority.

6 I. No licensee or entity or individual subject to investigation
7 or examination under this section may knowingly withhold, abstract,
8 remove, mutilate, destroy or secrete any books, records, computer
9 records or other information.

10 SECTION 30. AMENDATORY Section 13, Chapter 240, O.S.L.
11 2003, as amended by Section 32, Chapter 415, O.S.L. 2010 (59 O.S.
12 Supp. 2010, Section 3113), is amended to read as follows:

13 Section 3113. A. To qualify for a license issued pursuant to
14 the Deferred Deposit Lending Act, an applicant shall have:

15 1. A minimum net worth, determined in accordance with generally
16 accepted accounting principles, of at least Twenty-five Thousand
17 Dollars (\$25,000.00) available for operation of each licensed
18 location, with a maximum aggregate net worth requirement of Two
19 Hundred Fifty Thousand Dollars (\$250,000.00) for an owner of
20 multiple locations; and

21 2. The financial responsibility, character, experience and
22 general fitness so as to command the confidence of the public and to
23 warrant the belief that the business will be operated lawfully,
24 honestly, fairly and efficiently.

1 B. An application for a license pursuant to the Deferred
2 Deposit Lending Act must be in writing, under oath, and on a form
3 prescribed by the Administrator of Consumer Credit. The application
4 must set forth all of the following:

5 1. The legal name and residence and business addresses of the
6 applicant and, if the applicant is a partnership, association or
7 corporation, of every member, officer, managing employee and
8 director of it;

9 2. The location of the registered office of the applicant;

10 3. The registered agent of the applicant if the applicant is
11 required by other law to have a registered agent;

12 4. The addresses of the locations to be licensed; and

13 5. Other information concerning the financial responsibility,
14 background, experience and activities, such as other partnerships,
15 associations and corporations located at or adjacent to the licensed
16 location of the applicant and its members, officers, managing
17 employees and directors as the Administrator may require.

18 C. On receipt of an application in the form prescribed by the
19 Administrator and accompanied by the required license fee, the
20 Administrator shall investigate whether the qualifications for
21 license are satisfied. If the Administrator finds that the
22 qualifications are satisfied, the Administrator shall issue to the
23 applicant a license to engage in the business of making deferred
24 deposit loans. If the Administrator fails to issue a license, the

1 Administrator shall notify the applicant of the denial and the
2 reasons for the denial. The provisions of the Administrative
3 Procedures Act shall apply to the appeal of the denial of a license.

4 D. Each application, regardless of the number of locations to
5 be operated by a single licensee, must be accompanied by payment of
6 an application fee ~~as prescribed by rule of the Commission on~~
7 ~~Consumer Credit~~ of Two Hundred Fifty Dollars (\$250.00) and an
8 investigation fee ~~as prescribed by rule of the Commission on~~
9 ~~Consumer Credit~~ of Five Hundred Dollars (\$500.00). These fees shall
10 not be refundable or abatable. If the license is granted, however,
11 payment of the application fee shall satisfy the fee requirement for
12 the first license year or its remainder.

13 E. Each license shall remain in full force and effect until
14 relinquished, suspended, revoked or expired. A license expires
15 annually and may be renewed on payment of a license fee ~~as~~
16 ~~prescribed by rule of the Commission on Consumer Credit~~ of Two
17 Hundred Fifty Dollars (\$250.00). The annual license renewal fee for
18 an application with more than one location shall be ~~as prescribed by~~
19 ~~rule of the Commission on Consumer Credit~~ Two Hundred Fifty Dollars
20 (\$250.00) for each location.

21 ~~F. The Commission on Consumer Credit shall prescribe by rule a~~
22 ~~fee for each license change, duplicate license or returned check.~~

23

24

1 ~~G. The Commission on Consumer Credit shall prescribe by rule a~~
2 ~~late fee if a license is not renewed on or before the expiration of~~
3 ~~the license.~~

4 SECTION 31. AMENDATORY Section 15, Chapter 240, O.S.L.
5 2003, as amended by Section 33, Chapter 415, O.S.L. 2010 (59 O.S.
6 Supp. 2010, Section 3115), is amended to read as follows:

7 Section 3115. A. If the Administrator of Consumer Credit has
8 reasonable cause to believe a lender has violated any provision of
9 the Deferred Deposit Lending Act, the Administrator may make an
10 investigation to determine whether the act has been committed, and,
11 to the extent necessary for this purpose, may administer oaths or
12 affirmations, and upon the Administrator's own motion or upon
13 request of any party may subpoena witnesses, compel their
14 attendance, adduce evidence, and require the production of any
15 matter which is relevant to the investigation, including the
16 existence, description, nature, custody, condition, and location of
17 any books, documents, or other tangible things and the identity and
18 location of persons having knowledge of relevant facts, or any other
19 matter reasonably calculated to lead to the discovery of admissible
20 evidence.

21 B. If the person's records are located outside this state, the
22 person shall, at the person's option, either make them available to
23 the Administrator at a convenient location within this state, or pay
24 the reasonable and necessary expenses for the Administrator or a

1 representative to examine them at the place where they are
2 maintained. Payments for such necessary expenses shall be made to
3 the Commission on Consumer Credit. Any such payments so received by
4 the Department shall be deposited in the Oklahoma Deferred Deposit
5 Lending Regulatory Revolving Fund. The Administrator may designate
6 representatives, including comparable officials of the state in
7 which the records are located, to inspect them on the
8 Administrator's behalf.

9 C. Upon failure without lawful excuse to obey a subpoena or to
10 give testimony and upon reasonable notice to all persons affected
11 thereby the Administrator may apply to a court for an order
12 compelling compliance, as provided by the Administrative Procedures
13 Act, ~~Sections 250.1 through 323 of Title 75 of the Oklahoma~~
14 ~~Statutes.~~

15 D. The Administrator shall not make public the name or identity
16 of a person whose acts or conduct are investigated pursuant to this
17 section or the facts disclosed in the investigation, but this
18 subsection does not apply to disclosures in actions or enforcement
19 proceedings pursuant to the Deferred Deposit Lending Act.

20 E. The Administrator or an independent hearing examiner may,
21 after notice and hearing, censure, probate, suspend, revoke or
22 refuse to renew any license or enjoin violations of the Deferred
23 Deposit Lending Act if the Administrator or an independent hearing
24 examiner finds that:

1 1. The licensee has failed to pay the annual license fee
2 imposed by the Deferred Deposit Lending Act, or an examination fee,
3 investigation fee or other fee or charge imposed by the
4 Administrator under the authority of the Deferred Deposit Lending
5 Act;

6 2. The licensee, either knowingly or without the exercise of
7 due care to prevent the same, has violated any provision of the
8 Deferred Deposit Lending Act or any rule or order lawfully made
9 pursuant to and within the authority of the Deferred Deposit Lending
10 Act;

11 3. Any fact or condition exists which, if it had existed or had
12 been known to exist at the time of the original application for the
13 license, clearly would have justified the Administrator or an
14 independent hearing examiner in refusing to issue the license;

15 4. The licensee has refused to permit examination by the
16 Administrator;

17 5. The licensee has demonstrated incompetency or
18 untrustworthiness to engage in the business of making deferred
19 deposit loans; or

20 6. The licensee, as an individual, has been convicted of a
21 felony or misdemeanor involving fraud, misrepresentation or deceit.

22 F. The hearing shall be held on not less than twenty (20) days'
23 notice in writing setting forth the time and place of the hearing
24 and a concise statement of the facts alleged to sustain the

1 administrative action, and its effective date shall be set forth in
2 a written order accompanied by finding of fact and a copy of the
3 findings shall be delivered immediately to the licensee. The order,
4 findings and evidence considered by the Administrator or the
5 independent hearing examiner shall be filed with the public records
6 of the Administrator.

7 G. Any licensee may surrender any license by delivering it to
8 the Administrator with written notice of its surrender, but the
9 surrender shall not affect the responsibility of the licensee for
10 acts occurring prior to surrender of a license.

11 H. No revocation, suspension, or surrender of any license shall
12 impair or affect the obligation of any preexisting lawful contract
13 between the licensee and any debtor.

14 I. The Administrator may reinstate suspended licenses or issue
15 new licenses to a person whose license or licenses have been revoked
16 if no fact or condition then exists which clearly would have
17 justified the Administrator or the independent hearing examiner in
18 refusing originally to issue such license under these subsections.

19 J. Every licensee shall notify the Administrator of the
20 conviction of or plea of guilty or nolo contendere to any felony
21 within thirty (30) days after the plea is taken and also within
22 thirty (30) days of the entering of an order of judgment and
23 sentencing and shall notify the Administrator of any administrative
24 action resulting in revocation, suspension or amendment of a license

1 taken against the licensee in another state within thirty (30) days
2 of the entering of the administrative order in that state.

3 K. Except as otherwise provided, the Administrative Procedures
4 Act applies to and governs all administrative action taken by the
5 Administrator pursuant to the Deferred Deposit Lending Act.

6 L. 1. After notice and hearing, the Administrator may order a
7 lender or a person acting in the lender's behalf to cease and desist
8 from engaging in violations of the Deferred Deposit Lending Act.

9 2. A respondent aggrieved by an order of the Administrator may
10 obtain judicial review of the order as provided by the
11 Administrative Procedures Act. In such a review proceeding, the
12 Administrator may apply for a decree enforcing the order. All such
13 proceedings shall be conducted and the court's authority in review
14 shall be exercised in accordance with the provisions of the
15 Administrative Procedures Act, with the following additions:

- 16 a. the court may grant any temporary relief or
17 restraining order it deems just,
- 18 b. if the court affirms or modifies the order, it shall
19 enter a decree enforcing and requiring compliance with
20 the order as affirmed or as modified,
- 21 c. an objection to the order not urged at the hearing
22 shall not be considered by the court unless the
23 failure to urge the objection is excused for good
24 cause shown, and

1 d. the copy of the testimony from the administrative
2 hearing shall be available at reasonable times to all
3 parties for examination without cost.

4 3. If no proceeding for review has been filed within the time
5 specified by law, the Administrator or a representative may obtain
6 from a court having jurisdiction over the respondent a decree for
7 enforcement of the order upon a showing that the order was issued in
8 compliance with this section, that no proceeding for review was
9 initiated within the time specified by law, and that the respondent
10 is subject to the jurisdiction of the court.

11 M. The Administrator ~~shall~~ may appoint an independent hearing
12 examiner to conduct all administrative hearings involving alleged
13 violations of the Deferred Deposit Lending Act. The independent
14 hearing examiner shall have authority to exercise all powers granted
15 by Article II of the Administrative Procedures Act in conducting
16 hearings. The independent hearing examiner shall have authority to
17 recommend penalties authorized by the Deferred Deposit Lending Act
18 and issue proposed orders, with proposed findings of fact and
19 proposed conclusions of law, to the Administrator pursuant to
20 Article II of the Administrative Procedures Act. The Administrator
21 shall review the proposed order and issue a final agency order in
22 accordance with Article II of the Administrative Procedures Act. A
23 final agency order issued by the Administrator shall be appealable
24 by all parties to the district court as provided in Article II of

1 the Administrative Procedures Act. The costs of the hearing
2 examiner may be assessed by the hearing examiner against the
3 respondent, unless the respondent is the prevailing party.

4 SECTION 32. AMENDATORY Section 17, Chapter 240, O.S.L.
5 2003, as amended by Section 34, Chapter 415, O.S.L. 2010 (59 O.S.
6 Supp. 2010, Section 3117), is amended to read as follows:

7 Section 3117. A. The Administrator of Consumer Credit may
8 order and impose civil penalties upon a person subject to the
9 provisions of the Deferred Deposit Lending Act for violations of the
10 Deferred Deposit Lending Act or the rules promulgated to implement
11 the Deferred Deposit Lending Act in an amount not to exceed One
12 Thousand Dollars (\$1,000.00) per violation. The Administrator may
13 also order repayment of unlawful or excessive fees charged to
14 debtors.

15 B. Any administrative order or settlement agreement imposing a
16 civil penalty pursuant to this section may be enforced in the same
17 manner as civil judgments in this state. The Administrator may file
18 an application to enforce an administrative order or settlement
19 agreement imposing a civil penalty in the district court of Oklahoma
20 County.

21 SECTION 33. AMENDATORY Section 18, Chapter 240, O.S.L.
22 2003, as last amended by Section 35, Chapter 415, O.S.L. 2010 (59
23 O.S. Supp. 2010, Section 3118), is amended to read as follows:

24

1 Section 3118. There is hereby created in the State Treasury a
2 revolving fund for the Commission on Consumer Credit to be
3 designated the ~~"Consumer Credit Counseling Revolving Fund"~~ "Oklahoma
4 Deferred Deposit Lending Regulatory Revolving Fund". The fund shall
5 consist of ~~fees received by the Administrator of Consumer Credit~~
6 ~~from deferred deposit lenders for consumer credit counseling~~
7 ~~services pursuant to the provisions of Section 3119 of this title~~
8 all monies received by the Administrator of Consumer Credit as
9 license fees, examination fees, investigation fees, application
10 fees, fees imposed for consumer credit counseling education and any
11 administrative fines imposed pursuant to the Deferred Deposit
12 Lending Act. The revolving fund shall be a continuing fund not
13 subject to fiscal year limitations and shall be under the
14 administrative direction of the Administrator. Monies accruing to
15 the credit of this fund are hereby appropriated and may be budgeted
16 and expended by the Administrator upon warrants issued by the State
17 Treasurer against claims filed as prescribed by law with the
18 Director of the Office of State Finance for approval and payment.

19 SECTION 34. AMENDATORY Section 9, Chapter 557, O.S.L.
20 2004, as amended by Section 36, Chapter 415, O.S.L. 2010 (59 O.S.
21 Supp. 2010, Section 3119), is amended to read as follows:

22 Section 3119. A. Each lender shall pay five cents (\$0.05) for
23 each deferred deposit loan entered into to be deposited into the
24 ~~Consumer Credit Counseling Revolving Fund~~ Oklahoma Deferred Deposit

1 Lending Regulatory Revolving Fund. The schedule for payment shall
2 be determined by the Administrator of Consumer Credit. Lenders
3 shall be prohibited from including such payment in the fees and
4 charges provided for under Section 3108 of this title. ~~Ten percent~~
5 ~~(10%) of each scheduled payment of fees pursuant to this section may~~
6 ~~be transferred to the Consumer Credit Administrative Expenses~~
7 ~~Revolving Fund established in Section 6-301 of Title 14A of the~~
8 ~~Oklahoma Statutes for expenses incurred in administering the~~
9 ~~requirements of this section.~~

10 B. ~~Funds~~ All funds collected pursuant to this section shall be
11 paid by the Administrator to a third-party, Oklahoma-based consumer
12 credit counseling provider with a verifiable history of work with
13 both industry and consumers in the appropriate field for a program
14 of research and implementation of voluntary consumer counseling and
15 education specifically designed for consumers utilizing deferred
16 deposit loans. The program shall be:

- 17 1. Selected by a bid process, pursuant to The Oklahoma Central
18 Purchasing Act; and
- 19 2. Designed in consultation with representatives of both the
20 industry and consumers.

21 SECTION 35. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 6-106A.1 of Title 14A, unless
23 there is created a duplication in numbering, reads as follows:

24

1 There is hereby created in the State Treasury a revolving fund
2 for the Commission on Consumer Credit to be called the Consumer
3 Credit Investigation Fund. The said revolving fund shall consist of
4 all monies received for recovery of reasonable and necessary
5 expenses for the Administrator or his or her representatives to
6 examine records located outside this state, under the provisions of
7 Section 6-106 of Title 14A of the Oklahoma Statutes. The revolving
8 fund herein created shall be a continuing fund not subject to fiscal
9 year limitations and expenditures from said fund shall be made
10 exclusively for the purpose of carrying out the provisions of
11 subsection (1) of Section 3-506 of Title 14A of the Oklahoma
12 Statutes when the records of a licensee are located outside this
13 state. Warrants for expenditures from said revolving fund shall be
14 based on claims signed by an authorized employee or employees of the
15 Commission on Consumer Credit and approved for payment by the
16 Director of State Finance.

17 SECTION 36. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1956A of Title 59, unless there
19 is created a duplication in numbering, reads as follows:

20 All monies received by the Department of Consumer Credit from
21 fees for licensing and examinations pursuant to the Oklahoma Rental-
22 Purchase Act shall be deposited monthly to the credit of the General
23 Revenue Fund of the State Treasury.

24

1 SECTION 37. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2011A of Title 59, 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 the "Health
6 Spa Revolving Fund". The fund shall be a continuing fund, not
7 subject to fiscal year limitations, and shall consist of
8 registration and annual renewal fees provided for in Section 202 of
9 Title 59 of the Oklahoma Statutes. All monies accruing to the
10 credit of the fund are hereby appropriated and may be budgeted and
11 expended by the Department of Consumer Credit for the operating
12 expenses of the Department and for the administrative expenses of
13 the Oklahoma Health Spa Act. Expenditures from the fund shall be
14 made upon warrants issued by the State treasurer against claims
15 filed as prescribed by law with the Director of State Finance for
16 approval and payment.

17 SECTION 38. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 2093A of Title 59, unless there
19 is created a duplication in numbering, reads as follows:

20 A. As a condition of renewal or reactivation of the mortgage
21 broker license and the mortgage loan originator licenses, each
22 licensee shall submit to the Administrator of Consumer Credit
23 evidence of completion of a specified number of hours of continuing
24 education courses which examine the individual to the satisfaction

1 of the standards as established by the National Association of
2 Mortgage Brokers in relation to the course material presented during
3 the offering and are approved by the Administrator, within the
4 preceding term for which the license is to be issued. The number of
5 hours, or its equivalent, required for each licensed term shall be
6 determined by the Mortgage Broker Advisory Committee and promulgated
7 by rule. Each licensee shall be required to complete and include as
8 part of the continuing education a certain number of required
9 subjects as prescribed by rule.

10 B. The continuing education courses required by this section
11 shall be satisfied by courses approved by the Administrator and
12 offered by:

- 13 1. The Commission on Consumer Credit;
- 14 2. A technology center school;
- 15 3. A college or university;
- 16 4. A private school;
- 17 5. The Oklahoma Association of Mortgage Professionals, the
18 National Association of Mortgage Brokers, or any affiliate thereof;
- 19 6. The Oklahoma Bar Association, American Bar Association, or
20 any affiliate thereof; or
- 21 7. An education provider.

22 C. The Administrator shall maintain a list of courses which are
23 approved by the Administrator.

24

1 D. The Administrator shall not issue an active renewal license
2 or reactivate a license unless the continuing education requirement
3 set forth in this section is satisfied within the prescribed time
4 period.

5 E. The provisions of this section do not apply:

6 1. During the period a license is on inactive status; or

7 2. To a nonresident licensee licensed in this state if the
8 licensee maintains a current license in another state and has
9 satisfied the continuing education requirement for license renewal
10 in that state.

11 SECTION 39. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 2095.26A of Title 59, unless
13 there is created a duplication in numbering, reads as follows:

14 There is hereby created in the State Treasury a revolving fund
15 for the Commission on Consumer Credit to be designated the "Oklahoma
16 Mortgage Broker and Mortgage Loan Originator Revolving Fund". The
17 fund shall consist of fees and fines received, except for the fee to
18 be paid into the Oklahoma Mortgage Broker and Mortgage Loan
19 Originator Recovery Fund required by paragraph 6 of subsection M of
20 Section 2095.6 of Title 59 of the Oklahoma Statutes, by the
21 Administrator of Consumer Credit pursuant to the Oklahoma Secure and
22 Fair Enforcement for Mortgage Licensing Act. The revolving fund
23 shall be a continuing fund not subject to fiscal year limitations
24 and shall be under the administrative direction of the

1 Administrator. Monies accruing to the credit of this fund are
2 hereby appropriated and may be budgeted and expended by the
3 Administrator for the administration and enforcement of this act
4 upon warrants issued by the State Treasurer against claims filed as
5 prescribed by law with the Director of State Finance for approval
6 and payment.

7 SECTION 40. REPEALER Sections 7 and 8, Chapter 415,
8 O.S.L. 2010 (14A O.S. Supp. 2010, Sections 6-302 and 6-303), are
9 hereby repealed.

10 SECTION 41. This act shall become effective July 1, 2011.

11 SECTION 42. It being immediately necessary for the preservation
12 of the public peace, health and safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

15

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