

1 ENGROSSED SENATE
2 BILL NO. 1698

By: Newberry of the Senate

3 and

4 Armes of the House

5
6 An Act relating to the Consumer Credit Code; amending
7 14A O.S. 2011, Section 6-108, which relates to
8 administrative enforcement orders; providing for
9 administrative fines; setting fine amounts; and
10 providing an effective date.

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

12 SECTION 1. AMENDATORY 14A O.S. 2011, Section 6-108, is
13 amended to read as follows:

14 Section 6-108. (1) After notice and hearing, the Administrator
15 or the independent hearing examiner may order a creditor or a person
16 acting in the creditor's behalf to cease and desist from engaging in
17 violations of this title.

18 (2) A respondent aggrieved by an order of the Administrator may
19 obtain judicial review of the order as provided by the
20 Administrative Procedures Act. In such a review proceeding, the
21 Administrator may apply for a decree enforcing the order. All such
22 proceedings shall be conducted and the court's authority in review
23 shall be exercised in accordance with the provisions of the
24 Administrative Procedures Act, with the following additions:

- 1 (a) the court may grant any temporary relief or
2 restraining order it deems just,
- 3 (b) if the court affirms or modifies the order, it shall
4 enter a decree enforcing and requiring compliance with
5 the order as affirmed or as modified,
- 6 (c) an objection to the order not urged at the hearing
7 shall not be considered by the court unless the
8 failure to urge the objection is excused for good
9 cause shown, and
- 10 (d) the copy of the testimony from the administrative
11 hearing shall be available at reasonable times to all
12 parties for examination without cost.

13 (3) If no proceeding for review has been filed within the time
14 specified by law, the Administrator or a representative may obtain
15 from a court having jurisdiction over the respondent a decree for
16 enforcement of the order upon a showing that the order was issued in
17 compliance with this section, that no proceeding for review was
18 initiated within the time specified by law, and that the respondent
19 is subject to the jurisdiction of the court.

20 (4) With respect to unconscionable agreements or fraudulent or
21 unconscionable conduct by the respondent, the Administrator or a
22 representative may not issue an order pursuant to this section but
23 may bring a civil action for an injunction under Section 6-111 of
24 this title.

1 (5) In order to ensure the effective supervision and
2 enforcement of supervised lenders licensed pursuant to Section 3-
3 508A of this title, the Administrator of Consumer Credit may, after
4 notice and hearing pursuant to Article II of the Administrative
5 Procedures Act, seek any relief against the supervised lender
6 licensee authorized by subsection (1), (2) or (3) of this section
7 and may impose an administrative fine in an amount not less than One
8 Hundred Dollars (\$100.00) nor more than Two Thousand Five Hundred
9 Dollars (\$2,500.00) for each violation of the Oklahoma Consumer
10 Credit Code, not to exceed Five Thousand Dollars (\$5,000.00) for all
11 violations resulting from a single incident or transaction.

12 SECTION 2. This act shall become effective November 1, 2014.

13 Passed the Senate the 4th day of March, 2014.

14

15

Presiding Officer of the Senate

16

17 Passed the House of Representatives the ____ day of _____,

18 2014.

19

20

Presiding Officer of the House
of Representatives

21

22

23

24