

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 SENATE BILL 1698

By: Newberry

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6 AS INTRODUCED

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

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

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

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

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

3 (a) the court may grant any temporary relief or  
4 restraining order it deems just,

5 (b) if the court affirms or modifies the order, it shall  
6 enter a decree enforcing and requiring compliance with  
7 the order as affirmed or as modified,

8 (c) an objection to the order not urged at the hearing  
9 shall not be considered by the court unless the  
10 failure to urge the objection is excused for good  
11 cause shown, and

12 (d) the copy of the testimony from the administrative  
13 hearing shall be available at reasonable times to all  
14 parties for examination without cost.

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

22 (4) With respect to unconscionable agreements or fraudulent or  
23 unconscionable conduct by the respondent, the Administrator or a  
24 representative may not issue an order pursuant to this section but

1 may bring a civil action for an injunction under Section 6-111 of  
2 this title.

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

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

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