

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 SENATE BILL 363

By: Shumate

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6 AS INTRODUCED

7 An Act relating to supervised lenders; amending 14A
8 O.S. 2011, Section 6-108, which relates to
9 administrative orders; providing an administrative
fine; setting minimum and maximum fine amounts;
10 providing an effective date; and declaring an
11 emergency.

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

15 SECTION 2. This act shall become effective July 1, 2013.

16 SECTION 3. It being immediately necessary for the preservation
17 of the public peace, health and safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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