

1 **SENATE FLOOR VERSION**

2 February 19, 2015

3 SENATE BILL NO. 375

By: Newberry

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5  
6 An Act relating to the Department of Consumer Credit;  
7 amending 14A O.S. 2011, Section 3-504, which relates  
8 to authority for licensure; amending 24 O.S. 2011,  
9 Section 144, which relates to licensure of credit  
10 service organization; amending 59 O.S. 2011, Section  
11 1506, which relates to pawnshop licensure; requiring  
12 licenses expire on a date certain; and providing an  
13 effective date.

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

17 SECTION 1. AMENDATORY 14A O.S. 2011, Section 3-504, is  
18 amended to read as follows:

19 Section 3-504. (1) On filing such application, bond, and  
20 payment of the required fees, the Administrator of Consumer Credit  
21 shall investigate the facts and if the Administrator shall find the  
22 financial responsibility, experience, character and general fitness  
23 of the applicant are such as to command the confidence of the public  
24 and to warrant belief the business will be operated lawfully and  
fairly, within the purposes of this title, and the applicant has  
available for the operation of such business net assets of at least  
Twenty-five Thousand Dollars (\$25,000.00), the Administrator shall  
grant such application and issue to the applicant a license which

1 shall be the applicant's license and authority to make supervised  
2 loans under the provisions of this title.

3 (2) If the Administrator shall not so find, the Administrator  
4 shall notify the applicant, who shall, on request within thirty (30)  
5 days be entitled to a hearing on such application within sixty (60)  
6 days after the date of the request. The investigation fee shall be  
7 retained by the Administrator, but the annual fee shall be returned  
8 to the applicant in the event of denial.

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

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

19 (5) Each license shall remain in full force and effect until  
20 relinquished, suspended, revoked or expired. Every licensee shall,  
21 on or before each December 1, pay to the Administrator a fee for  
22 each license held by the licensee, as the annual fee for the  
23 succeeding calendar year. ~~If the annual fee remains unpaid fifteen~~  
24 ~~(15) days after written notice of delinquency has been given to the~~

1 ~~licensee by the Administrator, the~~ The license shall ~~thereupon~~  
2 expire ~~but not before~~ December 31 of any year for which an annual  
3 fee has not been paid. There shall be a late fee for a late  
4 application for renewal of a license received after December 1. The  
5 fee for a duplicate or amended license shall be prescribed by rule  
6 of the Commission on Consumer Credit.

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

11 (7) A separate license shall be required for each office  
12 operated under this title. The Administrator may issue more than  
13 one license to any one person upon compliance with this part as to  
14 each license. Nothing contained herein, however, shall be construed  
15 to require a license for any place of business devoted to accounting  
16 or other record keeping and where supervised loans are not made.

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

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

- 23 (a) a manager for the office who is not common to any  
24 other supervised lender's office,

- 1 (b) a street and mailing address separate from any other  
2 supervised lender's office,
- 3 (c) an entrance through which the public may access only  
4 one supervised lender's office,
- 5 (d) separation from any other supervised lender's office  
6 by walls or otherwise and through which neither  
7 employees nor the public may pass, and
- 8 (e) any other characteristics required pursuant to rule  
9 adopted by the Administrator.

10 (10) Any person holding a license under this title who shall  
11 violate any provision hereof shall be subject to forfeiture of each  
12 license held by the licensee and if a corporation, its charter shall  
13 be subject to forfeiture, and it shall be the duty of the Attorney  
14 General, when any such violation is called to the Attorney General's  
15 attention, to file suit for such forfeiture of charter and  
16 cancellation of the license in a district court in Oklahoma County.

17 SECTION 2. AMENDATORY 24 O.S. 2011, Section 144, is  
18 amended to read as follows:

19 Section 144. A. Each license shall state the name of the  
20 license and the address of which the business is to be conducted.  
21 The license shall be displayed at the place of business named in the  
22 license. The license shall not be transferable or assignable except  
23 upon approval by the Administrator of Consumer Credit.  
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1 B. A separate license shall be required for each credit service  
2 organization operated pursuant to the Credit Services Organization  
3 Act.

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

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

19 D. A late fee, as prescribed by rule of the Commission on  
20 Consumer Credit, shall be imposed for any license renewed after  
21 December 1.

22 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1506, is  
23 amended to read as follows:  
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1 Section 1506. A. Each license shall state the name of the  
2 licensee and the address at which the business is to be conducted.  
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 of Consumer Credit.

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

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

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

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

3 SECTION 4. This act shall become effective November 1, 2015.

4 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE  
5 February 19, 2015 - DO PASS  
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