STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 375 By: Newberry

AS INTRODUCED

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

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

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

Section 3-504. (1) On filing such application, bond, and payment of the required fees, the Administrator of Consumer Credit shall investigate the facts and if the Administrator shall find the financial responsibility, experience, character and general fitness of the applicant are such as to command the confidence of the public 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 shall be the applicant's license and authority to make supervised loans under the provisions of this title.

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

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

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

(5) Each license shall remain in full force and effect until relinquished, suspended, revoked or expired. Every licensee shall, on or before each December 1, pay to the Administrator a fee for each license held by the licensee, as the annual fee for the succeeding calendar year. ~~If the annual fee remains unpaid fifteen~~

~~(15) days after written notice of delinquency has been given to the licensee by the Administrator, the~~ The license shall ~~thereupon~~ expire ~~but not before~~ December 31 of any year for which an annual fee has not been paid. There shall be a late fee for a late application for renewal of a license received after December 1. The fee for a duplicate or amended license shall be prescribed by rule of the Commission on Consumer Credit.

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

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

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

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

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

(b) a street and mailing address separate from any other supervised lender's office,

(c) an entrance through which the public may access only one supervised lender's office,

(d) separation from any other supervised lender's office by walls or otherwise and through which neither employees nor the public may pass, and

(e) any other characteristics required pursuant to rule adopted by the Administrator.

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

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

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

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

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

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

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

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

SECTION 3. AMENDATORY 59 O.S. 2011, Section 1506, is amended to read as follows:

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

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

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

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

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

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

55-1-354 NP 2/18/2016 7:05:53 PM