

COUNCIL OF THE DISTRICT OF COLUMBIA

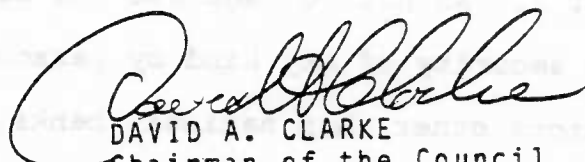
NOTICE

D.C. LAW 6-188

"Money Lenders Licensing Amendment Act of 1986".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 6-203 on first and second readings, November 5, 1986 and November 18, 1986, respectively. Following the signature of the Mayor on November 25, 1986, this legislation was assigned Act No. 6-239, published in the December 12, 1986, edition of the D.C. Register, (Vol. 33 page 7687) and transmitted to Congress on January 7, 1987 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 6-188, effective February 24, 1987.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January 7, 8, 9, 12, 13, 14, 15, 16, 20, 21, 22, 23, 26, 27, 28, 29, 30

February 2, 3, 4, 5, 6, 9, 10, 11, 17, 18, 19, 20, 23

FEB 24 1987

AN ACT

D.C. ACT 6 - 2 8 9

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOV 2 5 1986

To amend An Act To regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia; to apply the requirements for licensure to real estate brokers; to provide coverage for loans up to \$25,000; and to clarify complaint procedures.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "Money Lenders Licensing Amendment Act of 1986".

Sec. 2. An Act To regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia, approved February 4, 1913 (37 Stat. 657; D.C. Code, sec. 26-701 et seq.), is amended as follows:

(a) Section 5 (D.C. Code, sec. 26-705) is amended by striking the phrase "than one percentum per month" in the 1st sentence and inserting in its place the phrase "that

D.C. Code, sec.
26-705
(1987 supp.)

exceeds the lawful rate in the District of Columbia, set by Chapter 33 of Title 28 of the D.C. Code.".

D.C. Code, sec.
26-706
(1987 supp.)

(b) Section 6 (D.C. Code, sec. 26-706) is amended to

read as follows:

"Sec. 6. Any complaint against a licensee or applicant shall be made in writing to the Mayor and the Mayor, on the basis of a written complaint or his or her initiative, may conduct an investigation. Pursuant to the investigation, the Mayor may suspend, revoke, or deny a license to any applicant or licensee who violates the provisions of this act. Before suspending, revoking, or denying a license, the Mayor shall notify the applicant or licensee of his or her right to a hearing pursuant to section 109 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1208; D.C. Code, sec. 1-1509)."

D.C. Code, sec.
26-707
(1987 supp.)

(c) Section 7 (D.C. Code, sec. 26-707) is amended to

read as follows:

"Sec. 7. A person violating any provision of this act shall, upon conviction, be fined \$300, imprisoned for not less than 30 days or more than 90 days, or both. In addition, the court may order any person violating this act to make restitution for the value of property illegally obtained as a result of the violation. Prosecutions for violations of this act or any rules issued pursuant to this act shall be conducted in the Superior Court of the District

of Columbia by the Corporation Counsel or any of his or her assistants in the name of the District of Columbia."

(d) Section 10(a) (D.C. Code, sec. 26-710(a)) is amended, in the 1st sentence, by striking the phrase "or real estate brokers, as defined in the Act of Congress of July first, nineteen hundred and two".

D.C. Code, sec.
26-710
(1987 supp.)

(e) Section 12(a)(2) (D.C. Code, sec. 26-712(a)(2)) is repealed.

Repealed,
D.C. Code, sec.
26-712(a)(2)
(1987 supp.)

(f) Section 14(a)(5) (D.C. Code, sec. 26-712(a)(5)) is amended by striking the numeral "\$10,000" and inserting in its place the numeral "\$25,000".

D.C. Code, sec.
26-712
(1987 supp.)

Sec. 3. The Regulation Establishing Interest Rates for D.C.M.R. Certain Loans, adopted August 1, 1974 (Reg. 74-21; 16 DCMR 200 et seq.), is amended as follows:

(a) Subsection 200.1 is amended by inserting the word "and" after the phrase "(d) Saving banks;" and by deleting the phrase "; and (f) licensed real estate brokers";

(b) A new subsection 200.5 is added to read as follows:

"200.5 In no event shall any provision of the 1913 Act or the regulations promulgated pursuant to that act apply with respect to any loan or to the making of any loan:

"(a) To any corporation that is unable to plead any statutes against usury in any action;

"(b) Secured on real estate located outside of the District of Columbia;

"(c) To a borrower residing, doing business, or incorporated outside of the District of Columbia; or


"(d) Greater than \$25,000."; and

(c) Subsection 211.1 is amended to read as follows:

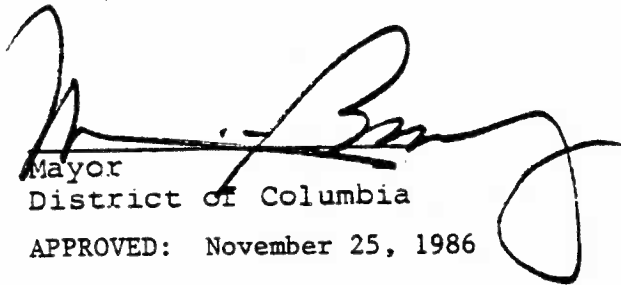
"211.1 In addition to all other penalties and forfeitures provided by law, any person violating any provision of this act shall, upon conviction, be fined three hundred dollars (\$300), imprisoned for not less than thirty (30) days or more than ninety (90) days, or both. In addition, the court may order any person violating this act to make restitution for the value of property illegally obtained as a result of the violation."

Sec. 4. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act,

approved December 24, 1973 (87 Stat. 813; D.C. Code, sec.
1-233(c)(1)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED: November 25, 1986



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Six — Second Session

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B6-203

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 11-5-86

VOICE VOTE: Unanimous

Recorded vote on request

Absent: Wilson and Spaulding

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					SPAULDING				
SMITH, JR.					RAY					WILSON				
CRAWFORD					ROLARK					WINTER				
JARVIS					SCHWARTZ									
KANE					SHACKLETON									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell Smith
 Secretary to the Council

11/20/86
 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 11-18-86

VOICE VOTE: Unanimous

Recorded vote on request

Absent: Wilson

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					SPAULDING				
SMITH, JR.					RAY					WILSON				
CRAWFORD					ROLARK					WINTER				
JARVIS					SCHWARTZ									
KANE					SHACKLETON									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell Smith
 Secretary to the Council

11/20/86
 Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					SPAULDING				
SMITH, JR.					RAY					WILSON				
CRAWFORD					ROLARK					WINTER				
JARVIS					SCHWARTZ									
KANE					SHACKLETON									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date