

Effective date of revisions: 7-13-06. Revisions are marked

Oklahoma Department of Consumer Credit

Oklahoma Administrative Code

Title 160

Chapters 1-3-5 Sec. 2,10



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TITLE 160. DEPARTMENT OF CONSUMER CREDIT

CHAPTER 1. ORGANIZATION

160:1-1-1. Purpose

The rules in this chapter provide the organizational framework for the Department of Consumer Credit.

160:1-1-1.1. Department of Consumer Credit

(a) The Department is composed of the Administrator, the Deputy Administrator and such employees as are required and provided for by law [14A:6-506, 6-507 and 6-510].

(b) The policy-making and governing authority of the Department is the Commission on Consumer Credit [14A:6-501]. The Commission schedules regular meetings monthly in Oklahoma City [14A:6-504]. The meetings are open to the public [25:303].

160:1-1-1.2. Duties of Administrator

(a) The Administrator, as the head of the Department, is charged with the duty of administering and enforcing all provisions of:

- (1) the Uniform Consumer Credit Code beginning at §1-101 of Title 14A of the Oklahoma Statutes;
- (2) the Oklahoma Rental-Purchase Act beginning at §1950 of Title 59 of the Oklahoma Statutes;
- (3) the Oklahoma Pawnshop Act beginning at §1501 of Title 59 of the Oklahoma Statutes;
- (4) the Precious Metal and Gem Dealer Licensing Act beginning at §1521 of Title 59 of the Oklahoma Statutes;
- (5) the Credit Services Organization Act beginning at §131 of Title 24 of the Oklahoma Statutes;
- (6) the Oklahoma Health Spa Act beginning at §2000 of Title 59 of the Oklahoma Statutes; ~~and~~;
- (7) the Mortgage Broker Licensure Act beginning at §2081 of Title 59 of the Oklahoma Statutes; and,
- (8) the Deferred Deposit Lending Act beginning at §3101 of Title 59 of the Oklahoma Statutes.

(b) When the Administrator is absent or unable to act for any reason, then the Deputy Administrator shall perform the duties of Administrator [14A:6-507].

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CHAPTER 3. PROCEDURE

160:3-1-1. Purpose

The rules in this chapter provide the procedural framework for the Department of Consumer Credit and provide the necessary channels through which the public can gain information about the Department and its functions.

160:3-1-1.1. Requests for information

- (a) Requests for information may be made electronically, by telephone, by facsimile, by mail, or by personal appearance.
- (1) The Department's web page address is www.okdocc.state.ok.us.
 - (2) The Department's telephone numbers are (405) 521-3653 and (800) 448-4904.
 - (3) The Department's facsimile number is (405) 521-6740.
 - (4) The Department's address is 4545 N. Lincoln Boulevard, Suite 104, Oklahoma City, OK 73105.
 - (5) The Department's regular business hours are 8:00 a.m. to 4:30 p.m.
- (b) The Oklahoma Open Records Act beginning at §24A.1 of Title 51 of the Oklahoma Statutes sets forth the records that shall be open to any person for inspection, copying or mechanical reproduction.
- (c) Where the request is for materials of which copies are not available and photocopying or reproduction by other means is required, such service shall be provided upon payment of the appropriate fee.

160:3-1-1.2. Official actions

- (a) **Official acts in writing and open to the public.** All official acts of the Administrator shall be evidenced by written record. All final orders, decisions, opinions, rules and other written statements of policy or interpretations formulated, adopted or used in the discharge of the functions of the Administrator shall be available for public inspection. Official action of the Administrator shall not be bound or prejudiced by any informal statement or opinion made by the Administrator or employees of the Administrator.
- (b) **Official action to be taken only in real cases, controversies or issues.** Official actions shall only be taken on matters formally pending before the Administrator for determination, and then only if such matter be an actual case, controversy or issue.
- (c) **Declaratory rulings.**
- (1) An interested person may file a petition for a declaratory ruling as to the applicability of any rule or order. The petition shall:
 - (A) be in writing;
 - (B) refer to the rule or order involved;
 - (C) state the nature and purpose of the declaratory ruling sought;
 - (D) state the fact situation with respect to which the declaratory ruling is sought; and,
 - (E) list the name and address of the person requesting the ruling.
 - (2) The Administrator may require any petitioner to provide additional information. A petition is not considered final until all requested information has been submitted. The failure to provide additional information shall be deemed to be a withdrawal of the petition.
 - (3) Official rulings may be made by and at the discretion of the Administrator as to the applicability of any rule or order. Generally, an official ruling will only be given if it is shown that an actual case, controversy or issue is in contemplation on the hypotheses presented and that unreasonable hardship, loss or delay would result if the matter were not determined in advance.
 - (4) The declaratory ruling requested or refusal to issue such ruling shall be issued within thirty (30) workdays from receipt of the final petition, and shall be subject to review in accordance with the Administrative Procedures Act beginning at §250 of Title 75 of the Oklahoma Statutes [75:307].
- (d) **Rights not limited.** This section shall not be interpreted as limiting the right of the Administrator to cause matters to become formally pending and to perform any function or duty prescribed by law or rule.

160:3-1-1.3. Petitions for rulemaking

- (a) An interested person may file a petition requesting the promulgation, amendment or repeal of a rule [75:305]. The petition shall:
- (1) be in writing;
 - (2) refer to the statutory section that authorizes the rulemaking action requested;
 - (3) refer to the statutory section and the rule involved;
 - (4) state the exact language requested;
 - (5) state the purpose of the rule sought;
 - (6) state a fact situation to which the rule sought will apply; and,
 - (7) list the name and address of the person requesting the rule.
- (b) The Administrator may require any petitioner to provide additional information. A petition is not considered final until all requested information has been submitted. The failure to provide additional information shall be deemed to be a withdrawal of the petition.

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(c) The petition shall be deemed to have been denied if rulemaking proceedings have not been initiated within thirty (30) calendar days from receipt of a final petition [75:305].

160:3-1-1.4. Complaint form

The complaint form is used by the Department to gather information regarding grievances. This information is used to contact licensees to seek resolutions. The information obtained in the course of any complaint shall be confidential, except in civil or administrative proceedings conducted by the Administrator, or criminal proceedings instituted by the state.

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CHAPTER 5. FEES

160:5-1-1. Purpose

The rules in this chapter set forth the fees charged by the Department of Consumer Credit relating to the various entities that are regulated by the Department and to open records.

160:5-1-2,2,10. Fees

Fees charged by the Department are as follows:

...

(2) Notifications

(A) \$20.00 annual filing fee [14A:6-203(1)]

(B) sellers, lessors, lenders and assignees shall pay the \$20.00 annual filing fee plus \$10.00 per \$100,000.00 of business conducted in Oklahoma [14A:6-203(2) and (3)]

(C) All fees are non-refundable unless the Code or these rules require otherwise. ...

(10) Other

(A) \$0.25 fee per page for copies [51:24A.5(3)]

(B) \$1.00 fee per copied page for a certified copy [51:24A.5(3)]

(C) Reasonable search fee of the hourly rate of lowest paid employee capable of performing search when records are requested solely for commercial purpose or the request would clearly cause excessive disruption of the Department's essential functions [51:24A.5(3)]