
SENATE BILL 5485

State of Washington

59th Legislature

2005 Regular Session

By Senators Fairley and Kline

Read first time 01/26/2005. Referred to Committee on Financial Institutions, Housing & Consumer Protection.

1 AN ACT Relating to the limits on the amount, interest, and fees for
2 small loans; and amending RCW 31.45.073.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 31.45.073 and 2003 c 86 s 8 are each amended to read
5 as follows:

6 (1) No licensee may engage in the business of making small loans
7 without first obtaining a small loan endorsement to its license from
8 the director in accordance with this chapter. An endorsement will be
9 required for each location where a licensee engages in the business of
10 making small loans, but a small loan endorsement may authorize a
11 licensee to make small loans at a location different than the licensed
12 locations where it cashes or sells checks. A licensee may have more
13 than one endorsement.

14 (2) The termination date of a small loan may not exceed the
15 origination date of that same small loan by more than forty-five days,
16 including weekends and holidays, unless the term of the loan is
17 extended by agreement of both the borrower and the licensee and no
18 additional fee or interest is charged. The maximum principal amount of

1 any small loan, or the outstanding principal balances of all small
2 loans made by a licensee to a single borrower at any one time, may not
3 exceed (~~seven~~) five hundred dollars.

4 (3) A licensee that has obtained the required small loan
5 endorsement may charge interest or fees for small loans not to exceed
6 in the aggregate (~~fifteen~~) ten percent of the (~~first five hundred~~
7 ~~dollars of~~) principal. (~~If the principal exceeds five hundred~~
8 ~~dollars, a licensee may charge interest or fees not to exceed in the~~
9 ~~aggregate ten percent of that portion of the principal in excess of~~
10 ~~five hundred dollars.~~) If a licensee makes more than one loan to a
11 single borrower, (~~and~~) the aggregated principal of all loans made to
12 that borrower (~~exceeds~~) may not exceed five hundred dollars at any
13 one time(~~, the licensee may charge interest or fees not to exceed in~~
14 ~~the aggregate ten percent on that portion of the aggregated principal~~
15 ~~of all loans at any one time that is in excess of five hundred~~
16 ~~dollars).~~ The director may determine by rule which fees, if any, are
17 not subject to the interest or fee limitations described in this
18 section. It is a violation of this chapter for any licensee to
19 knowingly loan to a single borrower at any one time, in a single loan
20 or in the aggregate, more than the maximum principal amount described
21 in this section.

22 (4) In connection with making a small loan, a licensee may advance
23 moneys on the security of a postdated check. The licensee may not
24 accept any other property, title to property, or other evidence of
25 ownership of property as collateral for a small loan. The licensee may
26 accept only one postdated check per loan as security for the loan. A
27 licensee may permit a borrower to redeem a postdated check with a
28 payment of cash or the equivalent of cash. The licensee may disburse
29 the proceeds of a small loan in cash, in the form of a check, or in the
30 form of the electronic equivalent of cash or a check.

31 (5) No person may at any time cash or advance any moneys on a
32 postdated check or draft in excess of the amount of goods or services
33 purchased without first obtaining a small loan endorsement to a check
34 casher or check seller license.

--- END ---