
HOUSE BILL 1805

State of Washington

61st Legislature

2009 Regular Session

By Representatives Kirby and Chase

Read first time 01/29/09. Referred to Committee on Financial Institutions & Insurance.

1 AN ACT Relating to limiting fees on small loans when a licensee has
2 loaned a borrower an aggregate of seven hundred dollars in the previous
3 thirty days; and amending RCW 31.45.073.

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

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

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

15 (2) The termination date of a small loan may not exceed the
16 origination date of that same small loan by more than forty-five days,
17 including weekends and holidays, unless the term of the loan is
18 extended by agreement of both the borrower and the licensee and no
19 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 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 percent of the first five hundred dollars of
7 principal. If the principal exceeds five hundred dollars, a licensee
8 may charge interest or fees not to exceed in the aggregate ten percent
9 of that portion of the principal in excess of five hundred dollars.
10 (~~If a licensee makes more than one loan to a single borrower, and the~~
11 ~~aggregated principal of all loans made to that borrower exceeds five~~
12 ~~hundred dollars at any one time, the licensee may charge interest or~~
13 ~~fees not to exceed in the aggregate ten percent on that portion of the~~
14 ~~aggregated principal of all loans at any one time that is in excess of~~
15 ~~five hundred dollars. The director may determine by rule which fees,~~
16 ~~if any, are not subject to the interest or fee limitations described in~~
17 ~~this section.)) A licensee may not charge an additional fee to a
18 borrower if the licensee has loaned the borrower an aggregate of seven
19 hundred dollars in the previous thirty days. It is a violation of this
20 chapter for any licensee to knowingly loan to a single borrower at any
21 one time, in a single loan or in the aggregate, more than the maximum
22 principal amount described in this section.~~

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

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

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