

Fifty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 9, 2001

HOUSE BILL NO. 1302
(Representatives Carlisle, Keiser, Kliniske)
(Senators G. Nelson, Stenehjem, Wardner)

AN ACT to amend and reenact section 47-14-09 of the North Dakota Century Code, relating to the application of state usury laws to licensed pawnbrokers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 47-14-09 of the North Dakota Century Code is amended and reenacted as follows:

47-14-09. Usury - Definition - Maximum contract rate - Prohibition - Exclusions.

1. Except as otherwise provided by the laws of this state, ~~no a person, partnership, limited partnership, trust, association, corporation, limited liability company, or other form of business entity,~~ either directly or indirectly, ~~shall~~ may not take or receive, or agree to take or receive, in money, goods, or things in action, or in any other way, any greater sum or greater value for the loan or forbearance of money, goods, or things in action than five and one-half percent per annum higher than the current cost of money as reflected by the average rate of interest payable on United States treasury bills maturing in six months in effect for North Dakota for the six months immediately ~~prior to~~ preceding the month in which the transaction occurs, as computed and declared on the last day of each month by the state banking commissioner, but that in any event the maximum allowable interest rate ceiling ~~shall~~ may not be less than seven percent, and in the computation of interest the same ~~shall~~ may not be compounded; provided, however, that a minimum interest charge of fifteen dollars may be made. ~~No A contract shall~~ may not provide for the payment of interest on interest overdue, but this section ~~shall~~ does not apply to a contract to pay interest at a lawful rate on interest that is overdue at the time such contract is made. Any violation of this section ~~shall be~~ is deemed usury.
2. This section ~~shall~~ does not apply to a ~~loan~~:
 - a. Bona fide pawnbroking transaction in an amount not exceeding one thousand dollars which is made by a bona fide pawnbroking business transacted under a pawnbroker's license;
 - b. Loan made to a foreign or domestic corporation, foreign or domestic limited liability company, cooperative corporation or association, or trust, ~~or~~;
 - c. Loan made to a partnership, limited partnership, or association ~~which that~~ files a state or federal partnership income tax return, ~~nor to any loan;~~
 - d. Loan or forbearance of money, goods, or things in action the principal amount of which amounts to more than thirty-five thousand dollars, ~~nor to any loan;~~ and
 - e. Loan made by a lending institution which is regulated or funded by an agency of a state or of the federal government.
3. ~~Further, without regard to~~ Notwithstanding the interest rate limit set ~~forth herein~~ under this section, state-chartered banks and the Bank of North Dakota may charge interest at a rate equal to the maximum allowable rate which lawfully may be charged for a particular type of loan by national banking associations or state or federally chartered savings and loan associations operating out of facilities located in this state.

4. As used in this section, "bona fide pawnbroking transaction" means a transaction with a licensed pawnbroker which includes both possession and a pledge of tangible personal property.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1302.

House Vote: Yeas 77 Nays 17 Absent 4

Senate Vote: Yeas 48 Nays 0 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2001.

Approved at _____ M. on _____, 2001.

Governor

Filed in this office this _____ day of _____, 2001,

at _____ o'clock _____ M.

Secretary of State