

(2) WHEN A LOAN OBTAINED BY A BORROWER IS NOT SUBJECT TO RESTRICTIONS IMPOSED BY LAW ON THE MAXIMUM AMOUNT OF A FINANCE CHARGE AND INTEREST, ANY PERSON WHO WILLFULLY REQUIRES A BORROWER TO MAKE A FALSE OR MISLEADING STATEMENT IN VIOLATION OF SUBSECTION (A) OF THIS SECTION, OR WHO WILLFULLY PROCURES SUCH STATEMENT, KNOWING THAT IT IS FALSE OR MISLEADING, SHALL FORFEIT THE FINANCE CHARGE OR INTEREST, BROKERAGE FEES, POINTS, OR ANY OTHER CHARGES OR FEES IN ADDITION TO ANY OTHER PENALTY OTHERWISE PROVIDED IN THIS TITLE.

(3) THIS SECTION MAY NOT AFFECT THE REBUTTABLE PRESUMPTION THAT THE LOAN WAS MADE FOR COMMERCIAL PURPOSES.

12-401.

(I) (3) IF A COMMERCIAL LOAN IS MADE IN THE NAME OF AN INDIVIDUAL, SECURED BY RESIDENTIAL REAL PROPERTY AND NOT TO A BUSINESS OR COMMERCIAL ORGANIZATION, THE LENDER OR BROKER, AS DEFINED BY THE PROVISIONS OF § ~~12-108-OF-THE-COMMERCIAL-LAW~~ 12-501 OF THE FINANCIAL INSTITUTIONS ARTICLE, SHALL DOCUMENT INDEPENDENT EVIDENCE THAT THE BORROWER IS SEEKING FUNDS FOR A LEGITIMATE COMMERCIAL ENTERPRISE BEFORE THE LENDER OR BROKER GRANTS ANY LOAN FOR THAT PURPOSE. AN AFFIDAVIT IS NOT BY ITSELF EVIDENCE OF A COMMERCIAL LOAN. HOWEVER, IF THE BORROWER IS SEEKING FUNDS TO START A BUSINESS AND HAS NOT YET INCORPORATED OR PREPARED DOCUMENTATION OF PROOF OF OWNERSHIP OF A COMMERCIAL ENTERPRISE, AN AFFIDAVIT BY ITSELF IS SUFFICIENT IF IT STATES THE PURPOSE FOR WHICH THE PROCEEDS ARE TO BE USED AND THE NATURE OF THE BUSINESS CONDUCTED BY THE BORROWER.

12-407.1.

(A) THE COMMISSIONER SHALL DEVELOP AND PREPARE A FORM THAT EACH LENDER SHALL FURNISH TO AN APPLICANT FOR A SECONDARY MORTGAGE LOAN. THE FORM SHALL STATE THE FOLLOWING:

(1) THE PURPOSE FOR WHICH THE LOAN IS TO BE USED.

(2) A DISCLOSURE THAT, IF THE LOAN IS FOR A COMMERCIAL PURPOSE, THE BORROWER SHALL FORFEIT CERTAIN RIGHTS.

(B) THE FORM SHALL STATE THAT THE FORFEITURE OF RIGHTS INCLUDES:

(1) THE BORROWER'S RIGHT TO PAY A LOAN ORIGINATION FEE NOT EXCEEDING THE GREATER OF \$250 OR 2 PERCENT OF THE LOAN; AND

(2) THE BORROWER'S RIGHT NOT TO PAY ANY OTHER COMMISSION, FINDER'S FEES, OR POINTS FOR OBTAINING, PROCURING, OR PLACING A LOAN.

(3) THE BORROWER'S RIGHT NOT TO PAY AN INTEREST RATE GREATER THAN 24 PERCENT.