

12-314.

(a) A person may not lend \$6,000 or less if the person directly or indirectly contracts for, charges, or receives a greater rate of interest, charge, discount, or other consideration than that authorized by the laws of this State.

(b) (1) A loan made in the amount of \$6,000 or less, whether or not the loan is or purports to be made under this subtitle, is unenforceable if a rate of interest, charge, discount, or other consideration greater than that authorized by the laws of this State is contracted for by any lender PERSON unless:

~~(i) The lender is a licensee or is exempt from licensing; and~~ OR

~~(ii) The THE excess rate contracted for is the result of a clerical error or mistake and the lender PERSON corrects the error or mistake before any payment is received under the loan.~~

(2) The lender PERSON who is neither a licensee nor exempt from licensing may not receive or retain any principal, interest, or other compensation with respect to any loan that is unenforceable under this subsection.

(3) THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO IS A LICENSEE OR WHO IS EXEMPT FROM LICENSING UNDER THIS SUBTITLE.

(c) This section does not apply to a loan transaction validly made in another state in compliance with a similar loan law of that state. However, a lender may not collect an amount that is more than the total amount that would be permitted if this subtitle were applicable. This section applies to all loans made by a lender domiciled in another state to a borrower who is a resident of this State if the application for the loan originated in this State.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1989.

Approved May 25, 1989.

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