

(2) (I) IF THE COMMISSIONER FINDS THAT THE ACT OR PRACTICE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION RESULTED IN THE CREDIT GRANTOR COLLECTING AN AMOUNT FROM THE COMPLAINING PARTY NOT PERMITTED UNDER THIS SUBTITLE, THE COMMISSIONER MAY DIRECT THE CREDIT GRANTOR TO MAKE A REFUND TO THE COMPLAINING PARTY.

(II) THE COMMISSIONER MAY DIRECT A REFUND ONLY UP TO THE AMOUNT COLLECTED BY THE CREDIT GRANTOR FROM THE COMPLAINING PARTY THAT:

- 1. EXCEEDS THE AMOUNT EXPRESSLY PERMITTED UNDER THIS SUBTITLE; OR
- 2. THE CREDIT GRANTOR IS EXPRESSLY NOT PERMITTED TO COLLECT.

(3) (I) IF AN ORDER ISSUED UNDER THIS SECTION DIRECTS THE CREDIT GRANTOR TO MAKE A REFUND AS AUTHORIZED IN PARAGRAPH (2) OF THIS SUBSECTION, THE CREDIT GRANTOR MAY MAKE THE REFUND BEFORE THE ORDER BECOMES FINAL.

(II) IF A CREDIT GRANTOR MAKES THE REFUND DIRECTED BY THE COMMISSIONER'S ORDER, THE ORDER FOR THE REFUND SHALL NOT BECOME FINAL AND SHALL BE WITHDRAWN BY THE COMMISSIONER.

(III) ANY ORDER WITHDRAWN BY THE COMMISSIONER MAY NOT BE CONSIDERED EVIDENCE OF THE COMMISSIONER'S INTERPRETATION OF THIS SUBTITLE.

[(2)](4) The order of the Commissioner shall comply with the Administrative Procedure Act of the Code.

(d) (1) If no appeal is filed, the order becomes final after expiration of the time allowed by the Administrative Procedure Act for appeals from the Commissioner's orders.

(2) If an appeal is filed, the order becomes final after final decision of the court affirming the order or dismissing the appeal.

(e) For purposes of this section [, the Commissioner's jurisdiction may]:

(1) "COMPLAINING PARTY" MEANS AN INDIVIDUAL WHO FILES A WRITTEN COMPLAINT WITH THE COMMISSIONER PURSUANT TO THIS SECTION.

(2) "COMMISSIONER" MEANS, AND THE RIGHTS OF THE "COMMISSIONER" VEST EXCLUSIVELY IN, THE BANK COMMISSIONER IF THE COMPLAINT IS FILED AGAINST A BANKING INSTITUTION OR A STATE-CHARTERED BANK, TRUST COMPANY, SAVINGS BANK, OR CREDIT UNION.

(3) THE JURISDICTION OF THE COMMISSIONER OF CONSUMER CREDIT DOES not apply to any:

- [(1)](I) Incorporated bank, savings institution, or trust company;