

§ 1810.6 Service charge as inclusive of all incidental charges; agreement for payment of attorney's fees and costs

The service charge shall include all charges incident to investigating and making the retail installment account. No fee, expense, delinquency, collection or other charge whatsoever shall be taken, received, reserved or contracted by the seller or holder of a retail installment account except as provided in this section. A seller may, however, in an agreement which is signed by the buyer and of which a copy is given or furnished to the buyer provide for the payment of attorney's fees and costs in conformity with Article 11 of this chapter. (Added Stats. 1959, c. 201, p. 2105, § 1.)

§ 1810.7 Cost of insurance separately charged to buyer; agreement

If the cost of any insurance is to be separately charged to the buyer, there shall be an agreement to this effect, signed by both the buyer and the seller, a copy of which shall be given or furnished to the buyer. Such agreement shall state whether the insurance is to be procured by the buyer or the seller or holder. If the insurance is to be procured by the seller or holder, the seller or holder shall comply with the provisions of Section 1803.5. (Added Stats. 1959, c. 201, p. 2105, § 1.)

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also be liable to him for all damages suffered because of such failure. (Added Stats. 1959, c. 201, p. 2106, § 1, as amended Stats. 1961, c. 1214, p. 2951, § 7; Stats. 1963, c. 1952, p. 4017, § 1.)

§ 1812.3 Notice; contents; service

The notice provided for in Section 1812.2 shall be given to the buyer and any other person liable by causing it to be delivered personally or to be deposited in the United States mail addressed to the buyer or to such other person at his last known address and shall advise the buyer or such other person of his right to redeem as provided for in Section 1812.2. If the holder determines to sell the goods at public sale he shall give notice of the time and place of sale at least 10 days before the date of sale by delivering a copy of the notice personally to the buyer or other person liable or depositing the same in the United States mail addressed to the buyer or such other person at his last known address. (Added Stats. 1959, c. 201, p. 2106, § 1, as amended Stats. 1961, c. 1214, p. 2952, § 8.)

§ 1812.4 Application of proceeds of resale

The proceeds of a resale shall be applied (1) to the payment of the expenses thereof. (2) to the payment of any expenses of retaking, including reasonable attorney's fees actually incurred, and of any expenses of keeping, storing, repairing, reconditioning or preparing the goods for sale to which the holder may be entitled, (3) to the satisfaction of the balance due under the contract. Any sum remaining after the satisfaction of such claims shall be paid to the buyer. (Added Stats. 1959, c. 201, p. 2107, § 1.)

§ 1812.5 Recovery of deficiency prohibited

If the proceeds of the sale are not sufficient to cover items (1), (2) and (3) of Section 1812.4, the holder may not recover the deficiency from the buyer or from anyone who has succeeded to the obligations of the buyer. (Added Stats. 1959, c. 201, p. 2107, § 1, as amended Stats. 1963, c. 1952, p. 4018, § 2.)

ARTICLE 12.2. PENALTIES

Sec.

1812.6 Violation; misdemeanor.

1812.7 Noncompliance with provisions as barring right of recovery; remedy of buyer.

1812.8 Correction of failure to comply with provisions.

1812.9 Willful violations; triple damages.

Article 12.2 added by Stats. 1959, c. 201, p. 2107, § 1, operative Jan. 1, 1960

§ 1812.6 Violation; misdemeanor

Any person who shall willfully violate any provision of this chapter shall be guilty of a misdemeanor. (Added Stats. 1959, c. 201, p. 2107, § 1.)