SEC. 11. Notwithstanding section 28:9–504 of the District of Columbia Code, in cases of repossession of consumer goods which are serving as collateral, no debtor shall be liable for such amount of expenses, attorneys' fees, and legal expenses arising out of the retaking, holding, or resale of such goods as may exceed the amount realized from the sale of the collateral, nor shall any debtor be liable for any deficiency remaining after the disposition of the collateral in excess of the balance which, at the time of repossession of such collateral, remained unpaid under a retail installment contract or revolving charge account agreement, but nothing herein contained shall be construed to relieve the debtor of liability for reasonable costs accruing in connection with the collection of such unpaid balance.

SEC. 12. In any action brought by a debtor under the authority contained in the third sentence of paragraph (1) of section 28:9–507 of the District of Columbia Code, based on the alleged failure of the secured party to dispose of collateral in accordance with the provisions of part 5 of the Uniform Commercial Code for the District of Columbia, the prevailing party shall be entitled to reasonable attorneys' fees and legal expenses incurred by him which shall not, in the aggregate, exceed 50 per centum of the amount in issue, as provided by such third sentence of paragraph (1) of such section 28:9–507.

SEC. 13. With the exception of the function of making regulations to carry out the purposes of this Act, the Commissioners are authorized to delegate, with power to redelegate, any of the functions vested in them by this Act.

SEC. 14. No regulation shall be adopted by the Commissioners under the authority of this Act until after a public hearing has been held thereon.

SEC. 15. No person shall, with respect to any statement required or authorized by this Act, or required or authorized by regulations promulgated under the authority of this Act to be filed with the Commissioners, knowingly include therein any false information.

SEC. 16. (a) Any person who shall willfully violate any provision of this Act or of any regulation promulgated by the Commissioners under the authority of this Act, shall be punished by a fine not exceeding $500 or by imprisonment for not more than six months, or both.

(b) Prosecutions for violations of this Act, or of the regulations made pursuant thereto, shall be conducted in the name of the District by the Corporation Counsel or any of his assistants.

SEC. 17. In case of failure by a seller to comply with the provisions of this Act, except as a result of an inadvertent or bona fide error, such seller shall be barred from recovery of any service charge or of any delinquency, collection, extension, deferral, or refinance charge imposed in connection with a retail installment contract or revolving charge account agreement, and the buyer shall have the right to recover from such seller an amount equal to any of such charges paid by the buyer either to the seller or to any subsequent holder, plus reasonable attorneys' fees not to exceed the amount recovered; but nothing herein contained shall be construed as relieving the buyer from paying to the seller or such subsequent holder an amount equal to the cash price of the consumer goods or services and the cost to the seller of any insurance included in the transaction.

SEC. 18. The authority and power vested in the Commissioners by any provision of this Act shall be deemed to be additional and supplementary to authority and power now vested in them, and not as a limitation.

SEC. 19. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or the application of this Act which can be effected without the invalid provision or application, and to this end the provisions of this Act are severable.

SEC. 20. This Act shall take effect on the first day of the first month which begins more than ninety days after the date of enactment of this Act.

[S. 2589, 90th Cong., first sess.]

A BILL To provide for the regulation in the District of Columbia of retail installment sales of consumer goods (other than motor vehicles) and services, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—GENERAL PROVISIONS AND DEFINITIONS

SECTION 1.101. PURPOSES, RULES OF CONSTRUCTION.—

(A) This Act may be cited as the "District of Columbia Retail Installment Sales Act", and shall be liberally construed and applied to promote its underlying purposes and policies.