

penalty to the installment buyer of an amount equal to 50 per centum of the fair market value of the goods at time of possession.

(D) Failure of the secured party to comply with section 6.104 (relating to resale and application of proceeds) shall subject him to liability for any loss caused by such noncompliance or to a penalty to the installment buyer of \$500, whichever sum is larger.

SEC. 7.102. Section 7.101 (A) or (B) shall not apply to any violation which a seller or assignee establishes by a preponderance of the evidence to be the result of a bona fide, nonnegligent error.

SEC. 7.103. In addition to remedies specifically provided by this Act, if the court finds that a retail installment contract or refinancing or extension agreement or any clause thereof violates this Act, the court may refuse to enforce the contract or agreement, or it may enforce the remainder of the contract or agreement without the clause, or give such further relief as it deems equitable and just.

SEC. 7.104. Except as provided to the contrary, the remedies provided by this part are cumulative to any additional remedies to which a buyer may be entitled under existing law, including, but not limited to, an action for actual damages that proximately resulted from a violation of this Act or regulations promulgated thereunder, and an action for conversion against a secured party who fails to proceed in accordance with sections 6.102 and 6.103.

SEC. 7.105. In any case in which it is found that a buyer, seller, or assignee has violated any provision of this Act, the court may award reasonable attorney's fees incurred by the party charging such violation.

TITLE VIII—ADMINISTRATION AND ENFORCEMENT

SEC. 8.101. There is hereby created a District of Columbia Department of Consumer Protection, subject to the general supervision of the Commissioner. The Department is authorized to employ sales personnel as may be required to carry out its functions under this Act, and is hereby authorized and directed to—

(1) administer and enforce this Act and any regulations promulgated by the Council under this Act;

(2) conduct studies, investigations, and research with respect to retail installment transactions, including the retail sale of consumer goods and services and the purchasing of retail installment contracts;

(3) conduct educational programs, collect and disseminate information relating to retail installment transactions, and, for such purpose, establish a District of Columbia Government Consumer Information Service;

(4) establish and carry on continuous studies of the operation of this Act to ascertain from time to time defects therein jeopardizing or threatening to jeopardize the purposes of this Act, and to formulate and recommend changes in this Act and other laws of the District of Columbia which he may determine to be necessary for the realization of such purposes, and to the same end to make a continuous study of the operation and administration of similar laws that may be in effect in the United States and when he deems advisable, make such studies available to the public;

(5) advise, consult, and cooperate with local governments within the Washington metropolitan region, the Federal Government, and interested persons and groups;

(6) encourage voluntary cooperation by persons or affected groups to achieve the purposes of this Act; and

(7) receive certifications by a clerk of court pursuant to section 10.105 and establish procedures for receiving and receive complaints from all persons affected by potential or actual violations of this Act or regulations promulgated under the authority of this Act, including members of the consuming public and persons engaged in the business of selling consumer goods and services or purchasing retail installment controls.

SEC. 8.102. (A) The Commissioner or his duly authorized agent shall have the power to issue subpoenas in the name of the chief judge of the District of Columbia Court of General Sessions to compel witnesses to appear and testify and/or to produce all books, records, papers, or documents relative to any matter being investigated under the authority of this Act.

(B) In case of disobedience to a subpoena the Commissioner may invoke the aid of the Court of General Sessions for the District of Columbia in requiring the attendance and testimony of any person and the production of documentary evidence.