(B) In an action brought pursuant to this section to enjoin and restrain any person from violating regulations promulgated by the Council under section 2.101 (B), any advertising, sales, or collection practice that is subject to and complies with the rules and regulations of, and the statutes administered by the Federal Trade Commission, shall be rebuttably presumed to be neither unfair nor unconscionable, absent express provision in such regulations to the contrary.

(C) The court shall grant appropriate relief in an action brought pursuant to this section when it finds—

(1) that the defendant has or is engaged or threatens to engage in conduct violating this Act or any regulation promulgated thereunder, or

(2) that the defendant has or is engaged or threatens to engage in a course of unconscionable or fraudulent conduct in connection with the making or enforcing of retail installment contracts, and that the conduct of the defendant has caused or threatens to cause substantial injury to members of the consuming public or persons engaged in the business of selling consumer goods and services or purchasing retail installment contracts.

SEC. 8.202. PRELIMINARY RELIEF.—With respect to and pending final determination of any action brought pursuant to section 8.201, after notice to a defendant and a hearing is held thereon, the court may grant such preliminary relief as it deems appropriate.

SEC. 10.203. (A) Whenever the Director of the District of Columbia Department of Consumer Protection determines that any person has violated this Act or any regulation promulgated thereunder and that such violation constitutes an enforceable claim for the recovery of penalties imposed by subsections (A) (2) and (B) of section 7.101, the Director may take an assignment in trust from the buyer for such claim, without being bound by any of the technical rules respecting the validity of any such assignments, may bring any appropriate legal action necessary to collect such claim for the recovery of penalties, and may join in one proceeding or action such claims against the same person as the Director deems appropriate. Upon any such assignment the Director shall have power to settle and adjust any such claim or claims on such terms as he may deem just.

(B) The court in any action brought under this section shall, in addition to any judgment awarded, allow costs of the action, including costs or fees of any nature, and resonable attorney's fees, to be paid by the defendant. Such attorney's fees shall be deposited in the Treasury of the United States to the credit of the District of Columbia. The Director of the District of Columbia Department of Consumer Protection shall not be required to pay the filing fee or other costs or fees of any nature or to file bond or other security of any nature in connection with any such action.

SEC. 8.204. CIVIL PENALTY.—Any person who shall engage in a course of repeated and willful violations of this Act or any regulation promulgated by the Council under the authority of this Act shall be subject to liability for a civil penalty not exceeding $5,000. In all other cases, any person who shall willfully violate this Act or any such regulation shall be subject to liability for civil penalty not exceeding $1,000.

SEC. 8.301. Section 28: 9–203 (2) of the District of Columbia Code is amended by inserting immediately after the word "subject" where it appears the second time, the following: "to the District of Columbia Retail Installment Sales Act,".

[S. 2590, 90th Cong., first sess.]

A BILL To provide maximum finance and other charges in connection with retail installment credit sales in the District of Columbia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Retail Installment Sales Finance Charges Act".

DEFINITIONS

SEC. 2. For the purposes of this Act—

(1) "Commissioner" means the Commissioner of the District of Columbia, or his designated agent;

(2) "consumer goods" means tangible chattels bought for use primarily for personal, family, or household purposes, including certificates or coupons exchangeable for such goods, and including consumer goods which, at the