deficiency. This section protects the debtor against owing more *after* foreclosure than *before*. Otherwise the debtor's liability for deficiency is preserved.

Section 12 provides for recovery of attorneys' fees by the prevailing party in action by the buyer under § 28:9–507(1) for the secured party's failure to comply with the procedures outlined in the U.C.C. relating generally to repossession and foreclosure.

(iv) *Other provisions.*—Other sections provide for: (1) power to delegate and redelegate most of the D.C. Commissioners' functions (§ 13); (2) criminal and civil penalties ($500.00 fine and/or six months imprisonment; loss of service and other charges other than the cash price and insurance—§§ 16 and 17); (3) public hearings on any proposed regulations (§ 14); (4) separability (§ 19); and (5) effective date (§ 20).

II. RECOMMENDATIONS

Since we believe that the bill will protect the public from certain unconscionable or undesirable merchandising practices of a few merchants, without imposing an impossible burden upon the reputable, vast majority of merchants, the Bar Association recommends passage of the bill, as amended in the following four respects (which we believe are rather minor, procedural and technical and would not affect the general substance of the billl):

(*a*) *Ninety-day delay in effective date of regulations.*—Section 14 of the bill should be amended so as to provide for at least a ninety-day delay in the effective date of any regulations promulgated under the bill after their promulgation.

[The purpose of this recommendation is to ensure that merchants will have adequate time to draft and prepare forms (such as retail installment contract forms and revolving charge-account agreement forms) which will comply with such regulations as may be promulgated.]

[Such an amendment might be effected by the addition of language at the end of Section 14 as set forth and italicized below:

"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 [1]; *and no such regulation shall take effect until at least ninety days after its adoption and promulgation.*"]

(*b*) *Narrowing somewhat the broad delegation of authority.*—The broad language authorizing regulations "appropriate to carry out the purposes of this Act" should be narrowed to a more specific authorization, as set forth and italicized below (with material to be deleted shown in brackets):

SEC. 4. (a) The Commissioners are hereby authorized to make and enforce such regulations as they deem appropriate, *insofar as such regulations are consistent with the provisions of this Act,* [to carry out the purposes of this Act and] to prevent unconscionable practices in connection with retail installment transactions, including, but not limited to, regulations containing defininitions, whether or not used in this Act. [, insofar as such definitions are not inconsistent with the provisions of this Act.] Such regulations may include [, without limitation,] provisions— . . ."

[The purpose of this recommendation is to provide some limitation on the subject matter and scope of the regulations which may be adopted, while leaving the Commissioners full freedom to adopt regulations consistent with the provisions of the Act. This may serve to remove any doubts as to the constitutionality of a more open-ended delegation of authority, and also to quell fears which might otherwise possibly arise concerning what regulations the Commissioners may conceivably adopt.]

(*c*) *Permitting acceleration of obligations in event of bankruptcy or commission of an act of bankruptcy.*—Section 5 of the bill should be amended so as to expand the situations in which acceleration of obligations is permitted, to allow acceleration in the event of bankruptcy or the commission of an act of bankruptcy.

[The purpose of this recommendation is to provide protection for sellers and their assignees when a debtor, although he has not yet defaulted in payment of the particular obligation involved, yet has so acted as to render the propsect of full payment over a future period quite doubtful. Acceleration upon bankruptcy will aid the seller in obtaining a full *pro rata* share of the assets which have been turned over to the bankruptcy court, and will not adversely affect the debtor in any way. Acceleration upon commission of an act of bankruptcy will permit acceleration if the debtor:

(i) conceals or removes or permits to be concealed or removed any part of his property, with intent to hinder, delay, or defraud his creditors or any of them,