

AMENDED IN SENATE APRIL 8, 2015

**SENATE BILL**

**No. 49**

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**Introduced by Senator ~~Walters~~ *Runner***

December 19, 2014

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An act to amend Section ~~22202~~ of the Financial Code, relating to ~~finance lenders~~; 10705 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 49, as amended, ~~Walters~~ *Runner*. ~~Consumer loans~~. *Elections: special elections.*

*Existing law requires the Governor, within 14 calendar days of the occurrence of a vacancy in a congressional or legislative office, to issue a proclamation calling a special election in accordance with certain requirements. Existing law requires a special primary election in the district in which the vacancy occurred to be held on the 9th or 10th Tuesday preceding the day of the special general election at which the vacancy is to be filled. Existing law requires all candidates to be listed on one ballot and, if any candidate receives a majority of all votes cast at the special primary election, requires that the candidate receiving the majority of the votes cast be declared elected and cancels the special general election. Existing law also requires that a candidate be declared elected and cancels the special general election if only one candidate qualifies to have his or her name printed on the special general election ballot.*

*This bill would require the Secretary of State to declare a candidate for a legislative office elected and would cancel the special primary election and special general election if only one candidate for the legislative office qualifies to have his or her name printed on the special primary election ballot and no person has qualified to be a write-in*

*candidate at the special primary election. The bill would also require the Governor to rescind the proclamation calling for the special election if a special primary election or a special general election is canceled because a candidate has been declared elected, as specified. The bill would clarify that a candidate is declared elected, for purposes of the existing provisions described above, by the Secretary of State.*

~~Existing law, the California Finance Lenders Law, provides for the licensure and regulation of finance lenders and brokers by the Commissioner of Business Oversight. Under existing law, on any loan made that is secured by real property, an appraisal fee not to exceed the actual cost of the appraisal is authorized to be charged by the licensee if a written appraisal is provided to the licensee by a qualified appraiser. Under existing law, only one fee for appraising the same real property is authorized to be collected unless the borrower has obtained a new or additional loan and more than one year has elapsed since the prior appraisal. Existing law specifies that this fee is not included in, among other things, charges, as defined for purposes of this law.~~

~~This bill would make nonsubstantive changes to that definition.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 10705 of the Elections Code is amended  
2     to read:

3     10705. (a) All candidates shall be listed on one ballot and,  
4     except as provided in subdivision (b), if ~~any~~ a candidate receives  
5     a majority of all votes cast, he or she shall be declared ~~elected~~;  
6     *elected by the Secretary of State*, and ~~no~~ the special general election  
7     shall *not* be held.

8     (b) If only one candidate qualifies to have his or her name  
9     printed on the special general election ballot, that candidate shall  
10    be declared ~~elected~~; *elected by the Secretary of State*, and ~~no~~ the  
11    special general election shall *not* be held.

12    (c) *If only one candidate for a legislative office qualifies to have*  
13    *his or her name printed on the special primary election ballot and*  
14    *no person has qualified to be a write-in candidate at the special*  
15    *primary election, that candidate shall be declared elected by the*  
16    *Secretary of State, and the special primary election and special*  
17    *general election shall not be held.*

1 (d) If, pursuant to any of subdivisions (a) to (c), inclusive, a  
2 special primary election or a special general election will not be  
3 held, the Governor shall rescind the proclamation calling the  
4 special election.

5 SECTION 1. Section 22202 of the Financial Code is amended  
6 to read:

7 22202. “Charges” do not include any of the following:

8 (a) ~~Commissions received as a licensed insurance agent or~~  
9 ~~broker in connection with insurance written as provided in Section~~  
10 ~~22313.~~

11 (b) ~~Amounts not in excess of the amounts set forth in subdivision~~  
12 ~~(e) of Section 3068 of the Civil Code paid to holders of possessory~~  
13 ~~liens, imposed pursuant to Chapter 6.5 (commencing with Section~~  
14 ~~3067) of Title 14 of Part 4 of Division 3 of the Civil Code, to~~  
15 ~~release motor vehicles that secure loans subject to this division.~~

16 (c) ~~Court costs, excluding attorney’s fees, incurred in a suit and~~  
17 ~~recovered against a debtor who defaults on his or her loan.~~

18 (d) ~~Fees paid to a licensee for the privilege of participating in~~  
19 ~~an open-end credit program, which fees are to cover administrative~~  
20 ~~costs and are imposed upon executing the open-end loan agreement,~~  
21 ~~and on annual renewal dates or anniversary dates thereafter.~~

22 (e) ~~Amounts received by a licensee from a seller, from whom~~  
23 ~~the borrower obtains money, goods, labor, or services on credit,~~  
24 ~~in connection with a transaction under an open-end credit program~~  
25 ~~that are paid or deducted from the loan proceeds paid to the seller~~  
26 ~~at the direction of the borrower and that are an obligation of the~~  
27 ~~seller to the licensee for the privilege of allowing the seller to~~  
28 ~~participate in the licensee’s open-end credit program. Amounts~~  
29 ~~received by a licensee from a seller pursuant to this subdivision~~  
30 ~~may not exceed 6 percent of the loan proceeds paid to the seller~~  
31 ~~at the direction of the borrower.~~

32 (f) ~~Actual and necessary fees not exceeding five hundred dollars~~  
33 ~~(\$500) paid in connection with the repossession of a motor vehicle~~  
34 ~~to repossession agencies licensed pursuant to Chapter 11~~  
35 ~~(commencing with Section 7500) of Division 3 of the Business~~  
36 ~~and Professions Code, provided that the licensee complies with~~  
37 ~~Sections 22328 and 22329, and actual fees paid to a licensee in~~  
38 ~~conformity with Sections 26751 and 41612 of the Government~~  
39 ~~Code in an amount not exceeding the amount specified in those~~  
40 ~~provisions of the Government Code.~~

1     ~~(g) Moneys paid to, and commissions and benefits received by;~~  
2     ~~a licensee for the sale of goods, services, or insurance, whether or~~  
3     ~~not the sale is in connection with a loan, that the buyer by a~~  
4     ~~separately signed authorization acknowledges is optional, if sale~~  
5     ~~of the goods, services, or insurance has been authorized pursuant~~  
6     ~~to Section 22154.~~

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