

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 400

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO COMMERCIAL TRANSACTIONS; AMENDING SECTION 28-46-108, IDAHO
2 CODE, TO REVISE THE CRITERIA FOR ADMINISTRATIVE ENFORCEMENT ORDERS AND
3 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-46-113, IDAHO CODE,
4 TO REVISE THE CIVIL ACTIONS AVAILABLE TO THE ADMINISTRATOR; AMENDING
5 SECTION 28-46-302, IDAHO CODE, TO REVISE PROVISIONS REGARDING LICENSE
6 APPLICATIONS, TO REMOVE A PROVISION REGARDING EXPENSES FOR A HEARING,
7 TO REVISE A PROVISION REGARDING WHEN A WRITTEN DEFICIENCY NOTICE SHALL
8 BE DEEMED RECEIVED, TO REVISE A PROVISION REGARDING LICENSE RENEWAL,
9 AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-46-303, IDAHO
10 CODE, TO REVISE PROVISIONS REGARDING THE REVOCATION OR SUSPENSION OF
11 A LICENSE; AMENDING SECTION 28-46-304, IDAHO CODE, TO REVISE A PRO-
12 VISION REGARDING AN ANNUAL REPORT; AMENDING SECTION 28-46-403, IDAHO
13 CODE, TO REVISE PROVISIONS REGARDING QUALIFICATIONS FOR A PAYDAY LOAN
14 LICENSE; AND AMENDING SECTION 28-46-404, IDAHO CODE, TO REVISE PROVI-
15 SIONS REGARDING LICENSE APPLICATIONS, TO REVISE A PROVISION REGARDING
16 WHEN A WRITTEN DEFICIENCY NOTICE SHALL BE DEEMED RECEIVED, TO REVISE A
17 PROVISION REGARDING A LICENSE RENEWAL FEE, AND TO MAKE TECHNICAL COR-
18 RECTIONS.
19

20 Be It Enacted by the Legislature of the State of Idaho:

21 SECTION 1. That Section 28-46-108, Idaho Code, be, and the same is
22 hereby amended to read as follows:

23 28-46-108. ADMINISTRATIVE ENFORCEMENT ORDERS. (1) ~~After notice and~~
24 ~~hearing the administrator may order a creditor or a person acting in his be-~~
25 ~~half to cease and desist from violating this act. A respondent aggrieved by~~
26 ~~an order of the administrator may obtain judicial review of the order and the~~
27 ~~administrator may obtain an order of the court for enforcement of his order~~
28 ~~in the district court. The proceeding for review or enforcement is initiated~~
29 ~~by filing a petition in the court. Copies of the petition shall be served~~
30 ~~upon all parties of record.~~

31 ~~(2) Within thirty (30) days after service of the petition for review~~
32 ~~upon the administrator, or within any further time the court allows, the ad-~~
33 ~~ministrator shall transmit to the court the original or a certified copy of~~
34 ~~the entire record upon which the order is based, including any transcript of~~
35 ~~testimony, which need not be printed. By stipulation of all parties to the~~
36 ~~review proceeding, the record may be shortened. After hearing, the court~~
37 ~~may:~~

38 ~~(a) Reverse or modify the order if the findings of fact of the admin-~~
39 ~~istrator are clearly erroneous in view of the reliable, probative, and~~
40 ~~substantial evidence on the whole record;~~

41 ~~(b) Grant temporary relief or restraining order it deems just; and~~

1 ~~(c) Enter an order enforcing, modifying and enforcing as modified, or~~
 2 ~~setting aside in whole or in part the order of the administrator, or re-~~
 3 ~~manding the case to the administrator for further proceedings.~~

4 ~~(3) An objection not urged at the hearing shall not be considered by~~
 5 ~~the court unless the failure to urge the objection is excused for good cause~~
 6 ~~shown. A party may move the court to remand the case to the administrator in~~
 7 ~~the interest of justice for the purpose of adducing additional specified and~~
 8 ~~material evidence and seeking findings thereon upon good cause shown for the~~
 9 ~~failure to adduce this evidence before the administrator.~~

10 ~~(4) The jurisdiction of the court shall be exclusive and its final judg-~~
 11 ~~ment or decree is subject to review by the supreme court in the same manner~~
 12 ~~and form and with the same effect as in appeals from a final judgment or de-~~
 13 ~~eree. The administrator's copy of the testimony shall be available at rea-~~
 14 ~~sonable times to all parties for examination without cost.~~

15 ~~(5) A proceeding for review under this section shall be initiated~~
 16 ~~within thirty (30) days after a copy of the order of the administrator is~~
 17 ~~received. If no proceeding is so initiated, the administrator may obtain an~~
 18 ~~order of the court for enforcement of his order upon showing that his order~~
 19 ~~was issued in compliance with this section, that no proceeding for review was~~
 20 ~~initiated within thirty (30) days after a copy of the order was received, and~~
 21 ~~that the respondent is subject to the jurisdiction of the court~~ If the admin-
 22 ~~istrator finds that a person subject to the Idaho credit code has violated,~~
 23 ~~is violating, or that there is reasonable cause to believe that a person is~~
 24 ~~about to violate the provisions of the Idaho credit code, or any rule pro-~~
 25 ~~mulgated or order issued thereunder, the director may, after notice is given~~
 26 ~~pursuant to section 67-5242, Idaho Code, order the person to cease and desist~~
 27 ~~from the violations.~~

28 ~~(62) With respect to unconscionable agreements or fraudulent or uncon-~~
 29 ~~scionable conduct by a regulated lender, the administrator may not issue an~~
 30 ~~order pursuant to this section but may bring a civil action for an injunc-~~
 31 ~~tion, under section 28-46-111, Idaho Code, or any other action which the ad-~~
 32 ~~ministrator is authorized to bring under this act.~~

33 ~~(73) With respect to unconscionable agreements or fraudulent or uncon-~~
 34 ~~scionable conduct by an unlicensed person who is required to be licensed un-~~
 35 ~~der section 28-46-301, Idaho Code, the administrator may issue a cease and~~
 36 ~~desist order without prior notice or hearing, and may bring a civil action~~
 37 ~~for an injunction, or any other action which the administrator is authorized~~
 38 ~~to bring under this act.~~

39 SECTION 2. That Section 28-46-113, Idaho Code, be, and the same is
 40 hereby amended to read as follows:

41 28-46-113. CIVIL ACTIONS BY ADMINISTRATOR. If the administrator finds
 42 ~~that a person subject to the Idaho credit code has engaged in or is about to~~
 43 ~~engage in any act or practice constituting a violation of any provision or~~
 44 ~~any rule promulgated or order issued thereunder, the director may, in his~~
 45 ~~discretion, bring an action in any court of competent jurisdiction, and upon~~
 46 ~~a finding of a violation, the court may grant any or all of the following:~~

47 (1) ~~After demand, the administrator may bring a civil action against~~
 48 ~~a creditor to recover actual damages sustained and excess charges paid by~~
 49 ~~one (1) or more debtors who have a right to recover explicitly granted by~~

1 this act. In a civil action under this subsection, penalties may not be re-
 2 covered by the administrator. The court shall order amounts recovered un-
 3 der this subsection to be paid to each debtor or set off against his obli-
 4 gation. A debtor's action, except a class action, takes precedence over a
 5 prior or subsequent action by the administrator with respect to the claim
 6 of that debtor. A debtor's class action takes precedence over a subsequent
 7 action by the administrator with respect to claims common to both actions,
 8 but the administrator may intervene. An administrator's action on behalf
 9 of a class of debtors takes precedence over a debtor's subsequent class ac-
 10 tion with respect to claims common to both actions. Whenever an action takes
 11 precedence over another action under this subsection, the latter action may
 12 be stayed to the extent appropriate while the precedent action is pending and
 13 dismissed if the precedent action is dismissed with prejudice or results in
 14 a final judgment granting or denying the claim asserted in the precedent ac-
 15 tion. A defense available to a creditor in a civil action brought by a debtor
 16 is available to him in a civil action brought under this subsection. A writ
 17 or order restraining or enjoining, temporarily or permanently, any act or
 18 practice violating any provision of the Idaho credit code or any rule promul-
 19 gated or order issued thereunder, and to enforce compliance with the Idaho
 20 credit code or any rule promulgated or order issued thereunder;

21 (2) The administrator may bring a civil action against a creditor or a
 22 An order that the person acting in his behalf to recover violating any provi-
 23 sion of the Idaho credit code or any rule promulgated or order issued there-
 24 under pay a civil penalty of no more than to the department in an amount not to
 25 exceed five thousand dollars (\$5,000) for repeatedly and intentionally vio-
 26 lating this act. A civil penalty pursuant to this subsection may not be im-
 27 posed for a each violation of this act occurring more than two (2) years be-
 28 fore the action is brought. To the extent that a series of violations was
 29 not intentional or resulted from a bona fide error that occurred despite the
 30 implementation of procedures to avoid the error, the series of violations
 31 shall be considered one (1) violation. A bona fide error includes clerical,
 32 calculation, computer malfunction, programming, or printing errors;

33 (3) An order allowing the administrator to recover costs that may in-
 34 clude investigative expenses and attorney's fees; and

35 (4) An order granting other appropriate remedies, including but not
 36 limited to restitution to borrowers for excess charges or actual damages.

37 SECTION 3. That Section 28-46-302, Idaho Code, be, and the same is
 38 hereby amended to read as follows:

39 28-46-302. LICENSE TO MAKE REGULATED CONSUMER LOANS. (1) The adminis-
 40 trator shall receive and act on all applications for a license to do business
 41 as a regulated lender. Applications shall be filed ~~in the manner prescribed~~
 42 by with the administrator through the NMLSR, shall contain such information
 43 as the administrator may reasonably require, shall be updated as necessary
 44 to keep the information current, and shall be accompanied by an application
 45 fee of three hundred fifty dollars (\$350). When an application for licensure
 46 is denied or withdrawn, the administrator shall retain all fees paid by the
 47 applicant. The administrator may deny an application for a license if the
 48 administrator finds that:

1 (a) The financial responsibility, character, and fitness of the appli-
2 cant, and of the officers and directors thereof ~~(if the applicant is a~~
3 ~~corporation)~~, managers, members, or other individuals in control of or
4 with the authority to direct the affairs of the applicant are ~~not~~ such
5 as to warrant belief that the business will not be operated honestly and
6 fairly within the purposes of this act;

7 (b) ~~The applicant does not maintain at least thirty thousand dollars~~
8 ~~(\$30,000) in liquid assets, as determined in accordance with generally~~
9 ~~accepted accounting principles, available for the purpose of making~~
10 ~~loans under this chapter;~~

11 ~~(c)~~ The applicant has had a license, substantially equivalent to a
12 license under this chapter and issued by any state, denied, revoked or
13 suspended under the law of such state;

14 ~~(d)~~ The applicant has filed an application for a license ~~which~~ that is
15 false or misleading with respect to any material fact;

16 ~~(e)~~ The application does not contain all of the information required
17 by the administrator; or

18 ~~(f)~~ The application is not accompanied by an application fee of three
19 hundred fifty dollars (\$350).

20 (2) A licensee under this chapter shall meet the requirements of sub-
21 section (1) of this section at all times while licensed pursuant to this
22 chapter. The administrator is empowered to conduct investigations as he may
23 deem necessary, to enable him to determine the existence of the requirements
24 set out in subsection (1) of this section.

25 (3) Upon written request, the applicant is entitled to a hearing on the
26 question of his qualifications for a license if:

27 (a) The administrator has notified the applicant in writing that his
28 application has been denied, or objections filed; or

29 (b) The administrator has not issued a license within sixty (60) days
30 after the application for the license was filed.

31 ~~If a hearing is held, the applicant and those filing objections shall~~
32 ~~reimburse, pro rata, the administrator for his reasonable and necessary ex-~~
33 ~~penses incurred as a result of the hearing.~~ A request for a hearing may not be
34 made more than fifteen (15) days after the administrator has mailed a writing
35 to the applicant notifying him that the application has been denied and stat-
36 ing in substance the administrator's finding supporting denial of the appli-
37 cation or that objections have been filed and the substance thereof.

38 (4) The administrator may issue additional licenses to the same li-
39 censee upon application by the licensee, in the manner prescribed by the
40 administrator, and payment of the required application fee. A separate
41 license shall be required for each place of business. Each license shall
42 remain in full force and effect unless the licensee does not satisfy the
43 renewal requirements of subsection (8) of this section, or the license is
44 relinquished, suspended or revoked.

45 (5) No licensee shall change the location of any place of business, or
46 consolidate, or close any locations, without giving the administrator at
47 least fifteen (15) days' prior written notice.

48 (6) A licensee shall not engage in the business of making regulated con-
49 sumer loans at any place of business for which he does not hold a license nor
50 shall he engage in business under any other name than that in the license.

1 (7) A license application shall be deemed withdrawn and void if an ap-
 2 plicant submits an incomplete license application and, after receipt of a
 3 written notice of the application deficiency, fails to provide the direc-
 4 tor with information necessary to complete the application within sixty (60)
 5 days of receipt of the deficiency notice. A written deficiency notice shall
 6 be deemed received by a license applicant when:

7 (a) Placed in regular U.S. mail by the director or his agent using an
 8 address provided by the applicant on the license application; or

9 (b) E-mailed to the applicant using an e-mail address provided by the
 10 applicant on the license application; or

11 (c) Posted by the director or his agent on the NMLSR ~~if the license ap-~~
 12 ~~plication was submitted through the NMLSR.~~

13 (8) On or before ~~May~~ December 31 of each year, every licensee under
 14 this chapter shall pay a nonrefundable annual license renewal fee of one
 15 hundred fifty dollars (\$150) per licensed location, and shall file with the
 16 administrator, through the NMLSR, a renewal form containing such informa-
 17 tion as the administrator may require. Notwithstanding the provisions of
 18 section 67-5254, Idaho Code, a license issued under this part automatically
 19 expires if not timely renewed according to the requirements of this sec-
 20 tion. Notwithstanding the provisions of section 67-5254, Idaho Code, branch
 21 licenses issued under this part also expire upon the expiration, relin-
 22 quishment or revocation of a license issued under this part to a licensee's
 23 designated home office.

24 (9) For a period of time not to exceed sixty (60) days following license
 25 expiration, the director may reinstate an expired license if he finds that
 26 the applicant meets the requirements for licensure under this part and the
 27 applicant has submitted to the director:

28 (a) A complete application for renewal;

29 (b) The fees required to apply for license renewal unless previously
 30 paid for the period for which the license renewal applies; and

31 (c) A reinstatement fee of two hundred dollars (\$200).

32 SECTION 4. That Section 28-46-303, Idaho Code, be, and the same is
 33 hereby amended to read as follows:

34 28-46-303. REVOCATION OR SUSPENSION OF LICENSE. (1) The administrator
 35 may ~~issue to a person licensed to make regulated consumer loans an order to~~
 36 ~~show cause why his license should not be revoked or suspended for a period not~~
 37 ~~in excess of six (6) months. The order shall state the place for a hearing and~~
 38 ~~set a time for the hearing that is no less than ten (10) days from the date of~~
 39 ~~the order. A, after the notice and hearing, suspend or revoke any license if~~
 40 the administrator ~~shall revoke or suspend the license if he finds that:~~

41 (a) The licensee has ~~repeatedly and willfully~~ violated any provision of
 42 this act or any rule or order lawfully made pursuant to this act; or

43 (b) Facts or conditions exist ~~which that~~ would clearly have justified
 44 the administrator in refusing to grant a license had these facts or con-
 45 ditions existed or been known to exist at the time the application for
 46 the license was made;

47 (c) The licensee has knowingly or through the lack of due care failed
 48 to pay any fee imposed by the administrator under the authority of the
 49 Idaho credit code;

1 (d) The licensee has committed any fraud, engaged in any dishonest ac-
 2 activities, or made any misrepresentations; or

3 (e) The licensee has made a materially false statement in the applica-
 4 tion for the license or failed to give a true reply to a question in the
 5 application.

6 (2) No revocation or suspension of a license is lawful unless, prior to
 7 institution of revocation or suspension proceedings by the administrator,
 8 notice is given to the licensee of the facts or conduct ~~which that~~ warrant
 9 the intended action, ~~and the licensee is given an opportunity to show com-~~
 10 ~~pliance with all lawful requirements for retention of the license.~~ Notice
 11 given pursuant to this subsection shall comply with the requirements of sec-
 12 tion 67-5254, Idaho Code.

13 (3) If the administrator finds that probable cause for revocation of a
 14 license exists and that enforcement of this act requires immediate suspen-
 15 sion of the license pending investigation, he may, after a hearing upon five
 16 (5) days' written notice, enter an order suspending the license for not more
 17 than thirty (30) days.

18 (4) Whenever the administrator revokes or suspends a license, he shall
 19 enter an order to that effect and forthwith notify the licensee of the revo-
 20 cation or suspension. Within five (5) days after the entry of the order, he
 21 shall deliver to the licensee a copy of the order and the findings supporting
 22 the order.

23 (5) Any person holding a license to make regulated consumer loans may
 24 relinquish the license by notifying the administrator in writing of its
 25 relinquishment, but this relinquishment shall not affect his liability for
 26 acts previously committed or prohibit the administrator from entering an
 27 order suspending or revoking a license.

28 (6) No revocation, suspension, or relinquishment of a license shall im-
 29 pair or affect the obligation of any preexisting lawful contract between the
 30 licensee and any debtor.

31 (7) The administrator may reinstate a license, terminate a suspension,
 32 or grant a new license to a person whose license has been revoked or suspended
 33 if no fact or condition then exists ~~which that~~ clearly would have justified
 34 the administrator in refusing to grant a license.

35 SECTION 5. That Section 28-46-304, Idaho Code, be, and the same is
 36 hereby amended to read as follows:

37 28-46-304. RECORDS -- ANNUAL REPORTS. (1) Every regulated lender
 38 shall maintain records in conformity with generally accepted accounting
 39 principles and practices in a manner that will enable the administrator to
 40 determine whether the regulated lender is complying with the provisions of
 41 this act. The recordkeeping system of a regulated lender shall be sufficient
 42 if he makes the required information reasonably available. The records need
 43 not be kept in the place of business where regulated consumer loans are made,
 44 if the administrator is given free access to the records wherever located.
 45 The records pertaining to any loan need not be preserved for more than two (2)
 46 years after making the final entry relating to the loan, but in the case of an
 47 open-end account, the two (2) years is measured from the date of each entry.

48 (2) Concurrent with license renewal, on or before May 31⁵ of each year,
 49 every licensee shall file with the administrator a composite annual report

1 for the prior calendar year in the form prescribed by the administrator re-
 2 lating to all regulated consumer loans made by him. Information contained in
 3 annual reports shall be subject to disclosure according to chapter 1, title
 4 74, Idaho Code, and may be published only in composite form.

5 SECTION 6. That Section 28-46-403, Idaho Code, be, and the same is
 6 hereby amended to read as follows:

7 28-46-403. QUALIFICATIONS FOR PAYDAY LOAN LICENSE. (1) To qualify for
 8 a license, ~~an applicant shall satisfy the following requirements:~~

9 ~~(a) The applicant shall have liquid assets of at least thirty thousand~~
 10 ~~dollars (\$30,000) determined in accordance with generally accepted~~
 11 ~~accounting principles, provided that applicants seeking to engage in~~
 12 ~~the business of payday loans at more than one (1) location in the state~~
 13 ~~shall have liquid assets of at least an additional five thousand dollars~~
 14 ~~(\$5,000) for each additional location in the state up to a maximum of~~
 15 ~~seventy-five thousand dollars (\$75,000) for all locations in the state;~~
 16 ~~and~~

17 ~~(b) The financial responsibility, financial condition, business ex-~~
 18 ~~perience, character, and general fitness of the applicant shall rea-~~
 19 ~~sonably warrant the administrator's belief that the applicant's busi-~~
 20 ~~ness will be conducted lawfully and fairly. In determining whether this~~
 21 ~~qualification has been met, and for the purpose of investigating com-~~
 22 ~~pliance with this act, the administrator may review:~~

23 ~~(i)a) The relevant business records and the capital adequacy of the ap-~~
 24 ~~plicant;~~

25 ~~(iib) The competence, experience, integrity, and financial ability of~~
 26 ~~any applicant, and, if the applicant is an entity, of any person who is~~
 27 ~~a member, partner, director, senior officer, or twenty-five percent~~
 28 ~~(25%) or more equity owner other individuals in control of or with the~~
 29 ~~authority to direct the affairs of the applicant; and~~

30 ~~(iic) Any record of conviction, on the part of the applicant, or any~~
 31 ~~person referred to in subparagraph (iib) of this paragraph, subsection~~
 32 ~~of any criminal activity; any fraud or other act of personal dishon-~~
 33 ~~esty; any act, omission, or practice which that constitutes a breach of~~
 34 ~~a fiduciary duty; or any suspension, revocation, removal, or adminis-~~
 35 ~~trative action by any agency or department of the United States, or any~~
 36 ~~state, from participation in the conduct of any business.~~

37 (2) The requirements set forth in subsection (1) of this section are
 38 continuing in nature. A licensee shall meet the requirements of this section
 39 at all times while licensed pursuant to this part 4.

40 SECTION 7. That Section 28-46-404, Idaho Code, be, and the same is
 41 hereby amended to read as follows:

42 28-46-404. APPLICATION FOR PAYDAY LOAN LICENSE. (1) Each application
 43 for a license shall be in writing and under oath to the administrator, ~~in a~~
 44 ~~form prescribed by the administrator~~ through the NMLSR, and shall include at
 45 least the following:

46 (a) The legal name, residence, and business address of the applicant
 47 and, if the applicant is an entity, of every member, partner, director,

1 senior officer, or twenty-five percent (25%) or more equity owner other
 2 individuals in control of or with the authority to direct the affairs of
 3 the applicant;

4 (b) The location at which the principal place of business of the appli-
 5 cant is located; and

6 (c) Other data and information the administrator may require with re-
 7 spect to the applicant, and, if the applicant is an entity, such data and
 8 information of its members, partners, directors, senior officers, or
 9 twenty-five percent (25%) or more equity owners of the applicant.

10 (2) Each application for a license shall be accompanied by an applica-
 11 tion fee in the amount of three hundred fifty dollars (\$350). Such fee shall
 12 not be subject to refund.

13 (3) The fee set forth in subsection (2) of this section shall be re-
 14 quired for each location for which an application is submitted.

15 (4) Within sixty (60) days of the filing of an application in a form pre-
 16 scribed by the administrator, and accompanied by the fee required in subsec-
 17 tion (2) of this section, the administrator shall investigate to ascertain
 18 whether the qualifications prescribed by subsection (1) of section 28-46-
 19 403, Idaho Code, have been satisfied. If the administrator finds that the
 20 qualifications have been satisfied and approves the documents, the adminis-
 21 trator shall issue to the applicant a license to engage in the payday loan
 22 business.

23 (5) Notwithstanding the provisions of section 67-5254, Idaho Code, a
 24 license issued pursuant to this part automatically expires if not timely
 25 renewed according to the requirements of subsection (7) of this section,
 26 or the license is relinquished, suspended, or revoked pursuant to this
 27 act. Notwithstanding the provisions of section 67-5254, Idaho Code, branch
 28 licenses issued under this part also expire upon the expiration, relin-
 29 quishment, or revocation of a license issued under this part to a licensee's
 30 designated home office.

31 (6) A license application shall be deemed withdrawn and void if an ap-
 32 plicant submits an incomplete license application and, after receipt of a
 33 written notice of the application deficiency, fails to provide the direc-
 34 tor with information necessary to complete the application within sixty (60)
 35 days of receipt of the deficiency notice. A written deficiency notice shall
 36 be deemed received by a license applicant when:

37 (a) Placed in regular U.S. mail by the director or his agent using an
 38 address provided by the applicant on the license application; or

39 (b) E-mailed to the applicant using an e-mail address provided by the
 40 applicant on the license application; or

41 (c) Posted by the director or his agent on the NMLSR ~~if the license ap-~~
 42 ~~plication was submitted through the NMLSR.~~

43 (7) On or before ~~May~~ December 31 of each year, every licensee under this
 44 part ~~4~~ shall pay a nonrefundable annual license renewal fee of one hundred
 45 fifty dollars (\$150) per licensed location, and shall file with the adminis-
 46 trator a renewal form containing such information as the administrator may
 47 require.

48 (8) For a period of time not to exceed sixty (60) days following license
 49 expiration, the director may reinstate an expired license if he finds that

1 the applicant meets the requirements for licensure under this part and the
2 applicant has submitted to the director:

- 3 (a) A complete application for renewal;
- 4 (b) The fees required to apply for license renewal unless previously
5 paid for the period for which the license renewal applies; and
- 6 (c) A reinstatement fee of two hundred dollars (\$200).