

the Commercial Law Article, and the provisions which deal with licensing and regulations are retained in their respective Code allocation (i.e., Article 11, §§ 163 et seq. and Article 58A, §§ 1 et seq.) pending further revision and inclusion in the proposed Business Regulation Article.

SECTION 6. AND BE IT FURTHER ENACTED, That Section 5 (b) of Article 49 of the Annotated Code of Maryland (1972 Replacement Volume, 1974 Supplement) title "Interest and Usury" be and it is hereby repealed and re-enacted, with amendments, to read as follows:

§ 5. Legal interest on unsecured installment loans; license for lending business required; exceptions; penalty; jurisdiction.

(b) Any person engaged in the business of making loans for a consideration under [this section] §12-103(C) OF THE COMMERCIAL LAW ARTICLE, which includes any person making more than five loans [hereunder] UNDER §12-103(C) per year, other than a banking institution, national banking association, building and loan association, whether federally or State chartered, credit union or licensee under any Maryland lending provisions in any other article of the Code, which is organized under the laws of this State or otherwise is qualified to do business in this State, before doing any lending business, shall obtain a license from the [Bank Commissioner] COMMISSIONER OF CONSUMER CREDIT to do lending business. The license required shall be applied for and issued in accordance with and subject to all of the licensing and examination provisions of Article 11 relating to [industrial finance companies, the same being §§ 169 through 191 of said article] THE MARYLAND CONSUMER LOAN LAW - LICENSING PROVISIONS. The provisions of this subsection shall not apply with respect to loans made between relatives, or between an employer and his employees, or between a landlord and his tenants. Any person failing to comply with these provisions shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000, or suffer imprisonment of not more than one year, or both, in the discretion of the court. In Baltimore City, the Municipal Court of Baltimore City shall have jurisdiction to try cases under this section.

REVISOR'S NOTE: The reference to §12-103(c) of the Commercial Law Article is substituted for "this section" because Art. 49, §5(a) and (c) are revised and incorporated into Title 12,