

IN THE SENATE

SENATE BILL NO. 1007

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO COLLECTION AGENCIES; AMENDING SECTION 26-2222, IDAHO CODE,
2 TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
3 26-2224, IDAHO CODE, TO PROVIDE THAT LICENSE APPLICATIONS SHOULD BE
4 FILED THROUGH THE NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY;
5 AMENDING SECTION 26-2228, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR
6 SHALL PROMULGATE A CERTAIN RULE; AMENDING SECTION 26-2229A, IDAHO CODE,
7 TO AUTHORIZE THE COLLECTION OF CERTAIN INTEREST, FEES, CHARGES, AND
8 EXPENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 26-2231,
9 IDAHO CODE, TO REVISE A PROVISION REGARDING RENEWAL OF A LICENCE, TO
10 PROVIDE FOR EXPIRATION OF A LICENSE, AND TO PROVIDE CONDITIONS FOR REIN-
11 STATEMENT OF A LICENSE; REPEALING SECTION 26-2232, IDAHO CODE, RELATING
12 TO COLLECTION AGENCY SURETY BONDS; REPEALING SECTION 26-2232A, IDAHO
13 CODE, RELATING TO DEBT COUNSELORS, CREDIT COUNSELORS, CREDIT REPAIR
14 ORGANIZATIONS, AND BONDS; AMENDING SECTION 26-2237, IDAHO CODE, TO
15 PROVIDE A CODE REFERENCE; AMENDING CHAPTER 22, TITLE 26, IDAHO CODE,
16 BY THE ADDITION OF A NEW SECTION 26-2252, IDAHO CODE, TO ESTABLISH THE
17 COLLECTION AGENCY RECOVERY FUND, TO PROVIDE FOR USES OF THE FUND, AND TO
18 PROVIDE EXCEPTIONS; AMENDING CHAPTER 22, TITLE 26, IDAHO CODE, BY THE
19 ADDITION OF A NEW SECTION 26-2253, IDAHO CODE, TO PROVIDE FOR FUNDING
20 OF THE COLLECTION AGENCY RECOVERY FUND, TO PROVIDE FOR ADJUSTMENT OF
21 FEES, TO PROVIDE FOR INTEREST, AND TO PROVIDE THAT MONEY IN THE FUND
22 MAY BE APPLIED TO CERTAIN USES; AMENDING CHAPTER 22, TITLE 26, IDAHO
23 CODE, BY THE ADDITION OF A NEW SECTION 26-2254, IDAHO CODE, TO PROVIDE A
24 STATUTE OF LIMITATIONS FOR FILING A CLAIM; AMENDING CHAPTER 22, TITLE
25 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2255, IDAHO CODE,
26 TO PROVIDE PROCEDURES FOR RECOVERY FROM THE COLLECTION AGENCY RECOVERY
27 FUND; AMENDING CHAPTER 22, TITLE 26, IDAHO CODE, BY THE ADDITION OF A
28 NEW SECTION 26-2256, IDAHO CODE, TO PROVIDE FOR RECOVERY LIMITS FROM
29 THE COLLECTION AGENCY RECOVERY FUND; AND AMENDING CHAPTER 22, TITLE 26,
30 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2257, IDAHO CODE, TO PRO-
31 VIDE FOR REVOCATION OF A LICENSE FOR PAYMENT FROM THE COLLECTION AGENCY
32 RECOVERY FUND IN CERTAIN INSTANCES.
33

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

35 SECTION 1. That Section 26-2222, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 26-2222. DEFINITIONS. As used in this act:

38 (1) "Agent" means any person who, for compensation or gain, or in the
39 expectation of compensation or gain, contacts persons in Idaho in connection
40 with the business activities of a licensee or person required to be licensed
41 under this act.

1 (2) "Business funds" means all moneys belonging to or due a licensee or
2 person required to be licensed in connection with the business activities
3 authorized under this act.

4 (3) "Collection activities" means the activities enumerated in subsec-
5 tions (2) through (6) of section 26-2223, Idaho Code.

6 (4) "Collection agency" means a person who engages in any of the activ-
7 ities enumerated in subsections (2) through (6) of section 26-2223, Idaho
8 Code.

9 (5) "Credit repair organization" means any person engaged in any of the
10 activities enumerated in subsection (8) of section 26-2223, Idaho Code. A
11 credit repair organization does not include:

12 (a) A consumer reporting agency, as defined in 15 U.S.C. ~~section~~
13 1681a(f), that provides consumer reports based on information fur-
14 nished by creditors or any affiliate or subsidiary of such consumer
15 reporting agency as defined by rule promulgated by the director;

16 (b) A person who has an ongoing contractual arrangement with a consumer
17 reporting agency, as described in ~~subsection (5) paragraph~~ (a) of this
18 subsection, to obtain consumer reports from a consumer reporting agency
19 for the purposes of:

20 (i) Reselling such report, or any information contained in or de-
21 rived from such report, to a consumer; or

22 (ii) Monitoring information in such report on behalf of a con-
23 sumer; or

24 (c) A person to the extent that such person advertises, markets,
25 provides or facilitates consumer access to the products or services
26 offered or provided by:

27 (i) An entity described in ~~subsection (5) paragraph~~ (a) of this
28 subsection; or

29 (ii) A person described in ~~subsection (5) paragraph~~ (b) of this
30 subsection.

31 (6) "Creditor" means any person who offers or extends credit creating a
32 debt or to whom a debt is owed.

33 (7) "Creditor client" means any person who transfers or assigns to a
34 collection agency licensee or person required to be so licensed under this
35 act, any account, bill, claim or other indebtedness for collection purposes.

36 (8) "Creditor funds" means all funds due and owing a creditor by a li-
37 censee or person required to be licensed under this act.

38 (9) "Debt counselor" or "credit counselor" means any person engaged in
39 any of the activities enumerated in subsection (7) of section 26-2223, Idaho
40 Code.

41 (10) "Department" means the Idaho department of finance.

42 (11) "Director" means the director of the Idaho department of finance.

43 (12) "Licensee" means a person who has obtained a license under this
44 act.

45 (13) "Nationwide mortgage licensing system and registry" or "NMLSR"
46 means a licensing system for all entities required to be licensed under this
47 chapter, developed and maintained by the conference of state bank supervi-
48 sors and the American association of residential mortgage regulators.

49 (14) "Net collections" means all funds that are due to creditors from
50 the licensee pursuant to the contract between the licensee and creditor, or

1 licensee and debtor without taking into account any offset or funds due from
2 the creditor to the licensee, because of the creditor having collected any
3 part of the account due, plus all funds that the licensee agreed to return to
4 debtors or that were not to be applied to debts.

5 (145) "Person" means any individual, corporation, association, part-
6 nership, limited liability partnership, trust, company, limited liability
7 company, or unincorporated association.

8 SECTION 2. That Section 26-2224, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 26-2224. LICENSE APPLICATION. Every applicant for a license under
11 this act shall file with the director, through the NMLSR, an application ~~in a~~
12 ~~form prescribed by the director~~ that shall include:

13 (1) The name of the applicant; if the applicant is a corporation, a list
14 of its officers and directors and their addresses; if the applicant is a
15 partnership, a list of the partners and their addresses; or if the applicant
16 is a limited liability company, a list of its members or managers and their
17 addresses.

18 (2) The street address of the applicant's principal location.

19 (3) All names by which the applicant engages in collection activities.

20 (4) The names of all persons and organizations with which the applicant
21 is affiliated, and the location of the principal office or place of business
22 of each such affiliate.

23 (5) A complete description of the business to be conducted, or plan of
24 operation contemplated, by the applicant in this state.

25 (6) The name, address and qualifications of a natural person possess-
26 ing a minimum of three (3) years of experience related to the business to be
27 conducted under this act who will supervise the applicant's office locations
28 from which business activities in this state will be conducted.

29 (7) Copies of all contracts, forms, form letters, and advertisements or
30 solicitations to be used by the applicant in its business activities under
31 this act, which must accompany the application and be identified as exhibits
32 by number.

33 (8) If the applicant is a corporation, a limited liability company,
34 partnership, or limited liability partnership, a copy of its articles of in-
35 corporation, articles of organization, partnership agreement, or operating
36 agreement, duly authenticated.

37 (9) A list of the names, business addresses and telephone numbers of all
38 agents who will contact persons or solicit business for the applicant in this
39 state.

40 (10) The name and business address of the applicant's agent for service
41 of process located in this state.

42 (11) A nonrefundable application fee of one hundred fifty dollars
43 (\$150).

44 (12) An agreement of consent authorizing the director to examine any and
45 all of the applicant's financial accounts used for business activities under
46 this act.

47 (13) Such other information concerning the applicant as the director
48 may reasonably require. Such application shall be executed and verified
49 on oath by the applicant. Information required at the time of application,

1 except for advertisements and solicitations, shall be updated and filed with
2 the director as necessary to keep the information current.

3 SECTION 3. That Section 26-2228, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 26-2228. POWERS OF THE DIRECTOR. In addition to any other duties au-
6 thorized by law, the director shall:

- 7 (1) Administer and enforce the provisions and requirements of this act;
8 (2) Conduct investigations and issue subpoenas as necessary to deter-
9 mine whether a person has violated any provision of this act, rule or order
10 hereunder;
11 (3) Conduct examinations of the books and records of licensees related
12 to business activities authorized under this act and conduct investigations
13 as necessary and proper for the enforcement of the provisions of this act,
14 rules or orders hereunder;
15 (4) Pursuant to chapter 52, title 67, Idaho Code, issue orders and pro-
16 mulgate rules that, in the opinion of the director, are necessary to exe-
17 cute, enforce and effectuate the purposes of this act; and, including ap-
18 pointment of a volunteer advisory board comprised of individuals who repre-
19 sent licensees subject to this act
20 ~~(5) Require that all funds collected by the department under this act~~
21 ~~be deposited into the finance administrative account pursuant to section~~
22 ~~67-2702, Idaho Code.~~

23 SECTION 4. That Section 26-2229A, Idaho Code, be, and the same is hereby
24 amended to read as follows:

25 26-2229A. REQUIREMENT OF FAIR, OPEN AND HONEST DEALING -- PROHIBITED
26 PRACTICES. (1) Every licensee or person required to be licensed under this
27 act and its agents shall deal openly, fairly, and honestly without deception
28 in the conduct of its business activities in this state under this act.

29 (2) When not inconsistent with the statutes of this state, the provi-
30 sions of the federal fair debt collection practices act, 15 U.S.C. ~~section~~
31 1692, et seq., as amended, may be enforced by the director against collection
32 agencies licensed or required to be licensed under the provisions of this
33 act.

34 (3) In every instance where a collection agency licensee has a manage-
35 rial or financial interest in a creditor client, or where a creditor client
36 has a managerial or financial interest in a collection agency licensee, dis-
37 closure of such interest must be made on each and every contact with a debtor
38 in seeking to make a collection of any account, claim, or other indebtedness.

39 (4) No collection agency licensee, or collection agency required to be
40 licensed under this act, or agent of such collection agency shall collect or
41 attempt to collect any interest or other charges, fees, or expenses inci-
42 dental to the principal obligation unless such interest or incidental fees,
43 charges, or expenses:

- 44 (a) Are expressly authorized by statute;
45 (b) Are allowed by court ruling against the debtor;
46 (c) Are expressly authorized by the agreement creating the debt, except
47 as otherwise prohibited by law;

1 (d) Have been judicially determined;

2 ~~(de)~~ Are provided for in a written form agreement, signed by both the
3 debtor and the licensee, and which has the prior approval of the direc-
4 tor with respect to the terms of the agreement and amounts of the fees,
5 interest, charges and expenses; or

6 (ef) Reasonably relate to the actual cost associated with processing a
7 demand draft or other form of electronic payment on behalf of a debtor
8 for a debt payment, provided that the debtor has preauthorized the
9 method of payment and has been notified in advance that such payment may
10 be made by reasonable alternative means that will not result in addi-
11 tional charges, fees or expenses to the debtor.

12 (5) No person shall sell, distribute or make use of solicitations, col-
13 lection letters, demand forms or other printed matter ~~which that~~ are made
14 similar to or resemble governmental forms or documents, or legal forms used
15 in civil or criminal proceedings.

16 (6) No person shall use any trade name, address, insignia, picture, em-
17 blem or any other means ~~which that~~ creates any impression that such person is
18 connected with or is an agency of government.

19 (7) No person licensed, or required to be licensed under this act, shall
20 misappropriate, transfer, or convert to his own use or benefit, funds be-
21 longing to or held for another person in connection with business activities
22 authorized under this act.

23 (8) No credit repair organization licensed, or required to be licensed
24 under this act, shall charge or receive money or other valuable considera-
25 tion for the performance of any service, which the credit repair organiza-
26 tion has agreed to perform for any consumer, before such service is fully
27 performed.

28 (9) No person licensed or required to be licensed under this act shall
29 make a representation or statement of material fact, or omit to state a mate-
30 rial fact, in connection with the offer, sale or performance of any service
31 authorized under this act, if the representation, statement or omission is
32 false or misleading or has the tendency or capacity to be misleading.

33 SECTION 5. That Section 26-2231, Idaho Code, be, and the same is hereby
34 amended to read as follows:

35 26-2231. RENEWAL OF LICENSE -- REINSTATEMENT. (1) On or before ~~the~~
36 ~~fifteenth day of March~~ December 31 of each year, each licensee shall pay to
37 the director, through the NMLSR, a nonrefundable license renewal fee of one
38 hundred dollars (\$100) and shall file with the director, through the NMLSR
39 or as otherwise prescribed by the director, a license renewal form providing
40 complete information as required by the director. Notwithstanding the pro-
41 visions of section 67-5254, Idaho Code, a license issued under this section
42 shall automatically expire if not timely renewed according to the provisions
43 of this section.

44 (2) ~~Failure to fully comply with the license renewal requirements of~~
45 ~~this section by the fifteenth day of March of each year shall result in auto-~~
46 ~~matic expiration of the license as of that date~~ The director may reinstate an
47 expired license during the time period of January 1 through February 28, im-
48 mediately following expiration of a license, if the director finds that the

1 applicant meets the requirements for licensure under this chapter and after
 2 submission to the director of:

- 3 (a) A complete application for renewal;
 4 (b) Payment of the required fees for license renewal, unless previously
 5 paid for the period for which the license renewal applies; and
 6 (c) A reinstatement fee of fifty dollars (\$50.00).

7 SECTION 6. That Section [26-2232](#), Idaho Code, be, and the same is hereby
 8 repealed.

9 SECTION 7. That Section [26-2232A](#), Idaho Code, be, and the same is hereby
 10 repealed.

11 SECTION 8. That Section 26-2237, Idaho Code, be, and the same is hereby
 12 amended to read as follows:

13 26-2237. FEES -- DISPOSITION OF FUNDS. Except as provided in section
 14 26-2253, Idaho Code, aAll fees provided for in this act shall be paid to
 15 the director and by him remitted to the state treasurer pursuant to section
 16 59-1014, Idaho Code, and all such funds shall be deposited to the credit of
 17 the finance administrative account in the state dedicated fund.

18 SECTION 9. That Chapter 22, Title 26, Idaho Code, be, and the same is
 19 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 20 ignated as Section 26-2252, Idaho Code, and to read as follows:

21 26-2252. COLLECTION AGENCY RECOVERY FUND. (1) There is hereby created
 22 in the state treasury the collection agency recovery fund.

23 (2) As provided in section 26-2255, Idaho Code, the collection agency
 24 recovery fund shall be used to reimburse persons to whom an Idaho court
 25 awards actual damages resulting from acts constituting violations of this
 26 chapter by a collection agent, debt counselor, credit counselor, or credit
 27 repair organization who was licensed, or required to be licensed, under this
 28 chapter at the time that the act was committed.

29 (3) A recovery from the collection agency recovery fund shall not in-
 30 clude punitive damages awarded by a court.

31 (4) Payments from the collection agency recovery fund may not be made
 32 to:

33 (a) Any collection agency, debt counselor, credit counselor, or credit
 34 repair organization whose acts, or the acts of its agent, were found by
 35 a court to be violations of this chapter and a basis of the court's award
 36 of a money judgment to a person injured by such violations;

37 (b) Any person who acquires a debt where acts associated with the col-
 38 lection of such debt are found by a court to be violations of this chap-
 39 ter and a basis for a judgment obtained by a person injured by such vio-
 40 lations; or

41 (c) The spouse, or personal representative of the spouse, of the judg-
 42 ment debtor or the personal representative of the judgment debtor.

1 SECTION 10. That Chapter 22, Title 26, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 26-2253, Idaho Code, and to read as follows:

4 26-2253. FUNDING OF THE COLLECTION AGENCY RECOVERY FUND. (1) Upon
5 application for a collection agency, debt counselor, credit counselor, or
6 credit repair license and upon renewal of a license issued under this chap-
7 ter, the applicant or person seeking renewal shall, in addition to paying the
8 license application or renewal fee required under this chapter, pay a fee
9 to the department, through the NMLSR, for deposit in the collection agency
10 recovery fund as follows:

11 (a) Two hundred fifty dollars (\$250) for home office locations; and

12 (b) One hundred dollars (\$100) for each branch office required to be
13 registered pursuant to section 26-2230, Idaho Code.

14 (2) With respect to the collection agency recovery fund fees payable at
15 the time of annual license renewal for licensees under this chapter, the di-
16 rector may adjust the fees within the limits of subsection (1) of this sec-
17 tion on a pro rata basis as necessary to maintain a balance of one million
18 five hundred thousand dollars (\$1,500,000) in the collection agency recov-
19 ery fund, plus an additional amount of fifty thousand dollars (\$50,000) as
20 set forth in subsection (4) of this section.

21 (3) All interest that accrues in the collection agency recovery fund
22 shall be added to the balance of the collection agency recovery fund.

23 (4) On an annual basis, the department may apply up to fifty thousand
24 dollars (\$50,000) of moneys accumulated in the collection agency recovery
25 fund in excess of one million five hundred thousand dollars (\$1,500,000) to:

26 (a) Fund the department's expenses in administering the collection
27 agency recovery fund;

28 (b) Develop and implement consumer education concerning the industries
29 regulated by the department pursuant to this chapter;

30 (c) Contract for research projects for the state concerning the indus-
31 tries regulated by the department pursuant to this chapter; and

32 (d) Fund the training expenses of department staff members and its at-
33 torneys concerning the industries regulated by the department pursuant
34 to this chapter.

35 SECTION 11. That Chapter 22, Title 26, Idaho Code, be, and the same is
36 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
37 ignated as Section 26-2254, Idaho Code, and to read as follows:

38 26-2254. STATUTE OF LIMITATIONS. The filing of a verified claim with
39 the court pursuant to section 26-2255, Idaho Code, that is the basis of a
40 claim against the collection agency recovery fund may not be instituted more
41 than one (1) year after termination of all court proceedings concerning such
42 judgment, including appeals.

43 SECTION 12. That Chapter 22, Title 26, Idaho Code, be, and the same is
44 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
45 ignated as Section 26-2255, Idaho Code, and to read as follows:

1 26-2255. PROCEDURE FOR RECOVERY. (1) A person who obtains against a
2 collection agent, debt counselor, credit counselor, or credit repair organ-
3 ization a money judgment in an Idaho court, which judgment includes findings
4 of violations of this chapter occurring on or after July 1, 2019, after final
5 judgment has been entered, execution returned unsatisfied, and the judgment
6 has been recorded, may file a verified claim with the court in which the judg-
7 ment was entered, and on twenty (20) days' written notice to the director and
8 to the judgment debtor, may apply to the court for an order directing payment
9 from the collection agency recovery fund of any unpaid amount on such judg-
10 ment, subject to section 26-2254, Idaho Code.

11 (2) At a hearing on the application, the person seeking recovery from
12 the collection agency recovery fund must show that:

13 (a) The judgment has not been discharged in bankruptcy and is based on
14 facts allowing recovery under section 26-2252, Idaho Code;

15 (b) The person is not a spouse of the judgment debtor or the personal
16 representative of the spouse;

17 (c) The person is not a collection agent, debt counselor, credit coun-
18 selor, or credit repair organization, as defined in this chapter, who is
19 seeking to recover any compensation regarding the transaction that is
20 the subject of the money judgment upon which a claim against the collec-
21 tion agency recovery fund is based; and

22 (d) Based on the best available information, the judgment debtor lacks
23 sufficient nonexempt assets in this state or any other state to satisfy
24 the judgment.

25 (3) Any recovery on the money judgment received by the judgment credi-
26 tor before payment from the collection agency recovery fund shall be applied
27 by the judgment creditor to reduce the judgment creditor's actual damages
28 which were awarded in the judgment.

29 (4) After giving notice and the opportunity for a hearing to the person
30 seeking recovery, to the judgment debtor, and to the department, the court
31 may enter an order requiring the director to pay from the collection agency
32 recovery fund the amount the court finds payable on the claim, pursuant to
33 and in accordance with the limitations contained in this section, if the
34 court is satisfied as to the proof of all matters required to be shown under
35 subsection (2) of this section, and that the person seeking recovery from
36 the collection agency recovery fund has satisfied all of the requirements of
37 this section.

38 (5) When the director receives notice that a hearing is scheduled under
39 this section, the director may enter an appearance, file a response, appear
40 at the hearing, or take any other appropriate action as he deems necessary to
41 protect the collection agency recovery fund from spurious or unjust claims
42 and to ensure compliance with the requirements for recovery under this sec-
43 tion.

44 (6) If the court finds that the aggregate amount of claims against a
45 collection agent, debt counselor, credit counselor, or credit repair or-
46 ganization exceeds the limits set forth in section 26-2256, Idaho Code, the
47 court shall reduce proportionately the amount the court finds payable on the
48 claim.

1 (7) The department shall provide the court with information concerning
2 the collection agency recovery fund necessary to enable the court to carry
3 out its duties under this section.

4 SECTION 13. That Chapter 22, Title 26, Idaho Code, be, and the same is
5 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
6 ignated as Section 26-2256, Idaho Code, and to read as follows:

7 26-2256. RECOVERY LIMITS. (1) A person entitled to receive payment
8 from the collection agency recovery fund may receive reimbursement of ac-
9 tual damages that shall not include post judgment interest, reasonable
10 attorney's fees, and court costs, as determined by the court, subject to the
11 limitations in subsection (2) of this section and subject to the availabil-
12 ity of sufficient funds in the collection agency recovery fund at the time
13 payment is ordered.

14 (2) A payment from the collection agency recovery fund may be made by
15 the director only pursuant to a court order as provided by section 26-2255,
16 Idaho Code, in an amount equal to the unsatisfied portion of the creditor's
17 judgment or judgments, or fifty thousand dollars (\$50,000), whichever is
18 less.

19 (3) Payments from the collection agency recovery fund shall be limited
20 in the aggregate to two hundred fifty thousand dollars (\$250,000) against
21 any one (1) licensee. If the total claims against such licensee exceed the
22 aggregate limit of two hundred fifty thousand dollars (\$250,000), the court
23 shall prorate payment based on the ratio that a person's claim bears to the
24 other claims filed against such licensee.

25 SECTION 14. That Chapter 22, Title 26, Idaho Code, be, and the same is
26 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
27 ignated as Section 26-2257, Idaho Code, and to read as follows:

28 26-2257. REVOCATION OF LICENSE FOR PAYMENT FROM THE COLLECTION AGENCY
29 RECOVERY FUND. (1) The director may summarily revoke a license issued un-
30 der this chapter if the director is required by court order under section
31 26-2255, Idaho Code, to make a payment from the collection agency recovery
32 fund based on a money judgment that includes findings of violations of this
33 chapter by such licensee.

34 (2) A person whose license has been revoked pursuant to subsection (1)
35 of this section is not eligible to be considered for the issuance of a new li-
36 cense under this chapter until the person has repaid in full, plus interest
37 at the current legal rate, the amount paid from the collection agency fund
38 resulting from that person's violation of this chapter.

39 (3) This section does not limit the authority of the director to take
40 disciplinary action against a licensee under this chapter for a violation of
41 this chapter or of rules promulgated or orders issued pursuant to this chap-
42 ter. The repayment in full to the collection agency recovery fund of all
43 obligations of a licensee under this chapter does not nullify or modify the
44 effect of any other disciplinary proceeding brought under this chapter.