§ 5-531. Brokerage on loans; recovery of excess; effect of restitution. 1. No person shall, directly or indirectly, take or receive more than fifty cents for a brokerage, soliciting, driving or procuring the loan or forbearance of one hundred dollars, and in that proportion for a greater or less sum, except loans on real estate security; nor more than thirty-eight cents for making or renewing any bond, bill, note or other security given for such loan or forbearance, or for any counter bond, bill, note or other security concerning the same.

2. For the purposes of this section:

a. "Consumer" means a natural person.

b. "Loan broker" means any individual, firm, corporation, or partnership who agrees for a fee to obtain a loan or credit for a consumer or to assist a consumer in obtaining a loan or credit, other than a loan or credit on real estate security.

c. No loan broker shall solicit, receive or collect from a consumer the fee authorized by subdivision one of this section in advance of the disbursement of loan proceeds or the extension of credit to a consumer.

d. No loan broker shall solicit, receive or collect from a consumer any fee, advance payment or compensation of any nature other than the fee authorized by subdivision one of this section.

3. a. Every person who shall pay, deliver or deposit any money, property or thing in action, over and above the rate aforesaid, and his personal representatives may, within three years after such payment, delivery or deposit, sue for and recover the same of the person so taking or receiving such money, property or thing in action, or of his personal representatives. Judgment may be entered in favor of a consumer in an amount not to exceed three times the actual damages plus reasonable attorneys' fees.

b. In case such suit shall not be brought within the time above prescribed, in good faith, or in case it shall be discontinued, or

willfully delayed, then the public welfare officials of the city or town where the offense was committed, may, within one year after such neglect, discontinuance or delay, sue for and recover the money, property or thing in action, so received, delivered or deposited, from the person receiving the same, or his personal representatives, for the use of the poor of the county.

c. In addition to the other remedies provided, whenever there shall be a violation of subdivision two of this section, application may be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction by a special proceeding to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violations; and if it shall appear to the satisfaction of the court or justice that the defendant has, in fact, violated this article, an injunction may be issued by such court or justice, enjoining and restraining any further violation, without requiring proof that any person has, in fact, been injured or damaged thereby. In any such proceeding, the court may make allowances to the attorney general as provided in paragraph six of subdivision (a) of section eighty-three hundred three of the civil practice law and rules, and direct restitution. Whenever the court shall determine that a violation of this article has occurred, the court may impose a civil penalty of not more than one thousand dollars for each violation. In connection with any such proposed application, the attorney general is authorized to take proof and make a determination of the relevant facts and to issue subpoenas in accordance with the civil practice law and rules.