

TITLE 28
COMMERCIAL TRANSACTIONS

CHAPTER 49
RELATIONSHIP TO OTHER LAWS, EFFECTIVE DATE, AND OVERRIDE OF FEDERAL
PREEMPTION

28-49-101. RELATIONSHIP TO OTHER LAWS. (1) All political subdivisions of this state shall be prohibited from enacting and enforcing ordinances, resolutions and regulations pertaining to the financial or lending activities of persons who:

(a) Are subject to the jurisdiction of the department of finance of the state of Idaho, including activities subject to this chapter;

(b) Are subject to the jurisdiction or regulatory supervision of the board of governors of the federal reserve system, the office of the comptroller of the currency, the national credit union administration, the federal deposit insurance corporation, the federal trade commission or the United States department of housing and urban development; or

(c) Originate, purchase, sell, assign, securitize or service property interests or obligations created by financial transactions or loans made, executed or originated by persons referred to in subsection (1) (a) or (1) (b) of this section or assist or facilitate such transactions.

(2) The requirements of this section shall apply to all ordinances, resolutions and regulations pertaining to financial or lending activities, including any ordinances, resolutions or regulations disqualifying persons from doing business with a political subdivision based upon financial or lending activities or imposing reporting requirements or any other obligations upon persons regarding financial or lending activities.

[28-49-101, added 2002, ch. 301, sec. 8, p. 864; am. 2014, ch. 97, sec. 12, p. 274.]

28-49-105. OVERRIDE OF FEDERAL PREEMPTION. The legislature of the state of Idaho hereby declares and states that it does not want any of the provisions of Title V, Part A - Mortgage Usury Laws, Mortgages, Section 501(a) (1) of the Depository Institutions Deregulation and Monetary Control Act of 1980 (Public Law 96-221; 94 Stat. 132), to apply with respect to loans, mortgages, credit sales, and advances made in this state, and that the provisions of Title V, Part A - Mortgage Usury Laws, Mortgages, Section 501(a) (1) of the Depository Institutions Deregulation and Monetary Control Act of 1980 (Public Law 96-221; 94 Stat. 132), shall not apply with respect to loans, mortgages, credit sales, and advances made in this state.

[28-49-105, added 1983, ch. 119, sec. 3, p. 311.]

28-49-107. [CHAPTER 22, TITLE 26](#), UNAFFECTED. No provision of this act shall be construed to amend or repeal any of the provisions of [chapter 22, title 26](#), Idaho Code, as the same is now enacted or as it may be hereafter amended, reenacted or substituted.

[28-49-107, added 1983, ch. 119, sec. 3, p. 312.]