951 S.D. 2 H.D. 1 C.D. 1

# A BILL FOR AN ACT

RELATING TO MORTGAGE LOAN ORIGINATION.

#### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

- 1 SECTION 1. Section 454F-1, Hawaii Revised Statutes, is
- 2 amended as follows:
- 3 1. By adding a new definition to be appropriately inserted
- 4 and to read:
- 5 ""Executive officer" means a president, chairperson of an
- 6 executive committee, senior officer responsible for a subject
- 7 entity or organization's business, chief financial officer, or
- 8 any other person who performs similar functions related to the
- 9 subject entity or organization."
- 10 2. By amending the definition of "qualified individual" to
- 11 read:
- 12 ""Qualified individual" means an individual who is
- 13 responsible for the oversight of mortgage loan originators that
- 14 are employed by or contracted to perform work for a mortgage
- 15 loan originator company[-] or an exempt sponsoring mortgage loan
- 16 originator company."
- 17 SECTION 2. Section 454F-1.6, Hawaii Revised Statutes, is
- 18 amended to read as follows:



1	"\$454F-1.6 Presumption of control. An individual is
2	presumed to control a mortgage loan originator company if that
3	individual is [a]:
4	(1) An executive officer; or
5	(2) A director, general partner, or managing member[, or
6	executive officer] who directly or indirectly has the
7	right to vote ten per cent or more of a class of
8	voting securities or has the power to sell or direct
9	the sale of ten per cent or more of a class of voting
10	securities of that licensee or applicant."
11	SECTION 3. Section 454F-1.7, Hawaii Revised Statutes, is
12	amended as follows:
13	1. By amending its title and subsection (a) to read:
14	"§454F-1.7 Duties of a [mortgage loan originator
15	company's] qualified individual and branch manager. (a) Every
16	mortgage loan originator company licensed under this chapter and
17	every exempt sponsoring mortgage loan originator company
18	registered with NMLS under this chapter shall designate a
19	qualified individual to fulfill the duties and responsibilities
20	set forth in this chapter. A qualified individual shall have
21	the duty to manage and supervise the mortgage loan origination

1	activities	s of [a] the principal office of the licensed mortgage
2	loan origi	nator [company's principal office] company or exempt
3	sponsoring	mortgage loan originator company, and the licensed
4	mortgage l	oan originators located at or working out of the
5	principal	office and all company branch offices. A qualified
6	individual	for a mortgage loan originator company shall hold a
7	license as	s a mortgage loan originator issued pursuant to this
8	chapter."	
9	2. E	By amending subsection (c) to read:
10	"(c)	A qualified individual for a mortgage loan originator
11	company or	exempt sponsoring mortgage loan originator company
12	shall be r	responsible for:
13	(1)	Supervising the maintenance and accounting of client
14		trust accounts and disbursements from those accounts;
15	(2)	Supervising the maintenance of all records, contracts,
16		and documents of the mortgage loan originator
17		company[+] or exempt sponsoring mortgage loan
18		originator company;
19	(3)	Supervising all mortgage loan originator agreements
20		and mortgage loan documents and the handling of these

documents by the licensed mortgage loan originators

21

1		who are employed by or are independent contractors of
2		the mortgage loan originator company[7] or exempt
3		sponsoring mortgage loan originator company;
4	(4)	Supervising all licensed mortgage loan originators who
5		are employed by or are independent contractors of the
6		mortgage loan originator company[+] or exempt
7		sponsoring mortgage loan originator company;
8	(5)	Developing and enforcing policies and procedures
9		relating to the handling of residential mortgage loan
10		transactions and the professional conduct of the
11		licensed mortgage loan originators and other staff;
12	(6)	Developing and monitoring compliance with a policy on
13		continuing education requirements for all licensed
14		mortgage loan originators who are employed by or are
15		independent contractors of the mortgage loan
16		originator company or exempt sponsoring mortgage loan
17		originator company pursuant to the requirements of
18		this chapter and the rules of the commissioner;
19	(7)	Ensuring that the licenses of all mortgage loan
20		originators who are employed by or are independent
21		contractors of the mortgage loan originator company[]

1		or exempt sponsoring mortgage loan originator company,
2		and the license of the mortgage loan originator
.3		company are current and active, that the exempt
4		sponsoring mortgage loan originator company is
5		registered with NMLS, and that all required fees are
6		timely paid to the mortgage loan recovery fund;
7	(8)	Establishing and conducting a training program for all
8		licensed mortgage loan originators who are employed by
9		or are independent contractors of the mortgage loan
10		originator company[+] or exempt sponsoring mortgage
11		loan originator company;
12	(9)	Ensuring that all licensed mortgage loan originators
13	,	who are employed by or are independent contractors of
14		the mortgage loan originator company or exempt
15		sponsoring mortgage loan originator company are
16		provided adequate information and training on the
17		latest amendments to licensing laws and rules and any
18		other applicable laws and rules;
19	(10)	Notifying the commissioner of the termination of the
20		employment or independent contractor relationship of
21		licensed mortgage loan originators who were employed

1		by or were independent contractors of the mortgage
2		loan originator company or exempt sponsoring mortgage
3		loan originator company upon the termination of
4		employment or the independent contractor relationship;
5		and
6	(11)	Ensuring that the records, loan documents, and
7		agreements including mortgage loan originator
8		agreements are retained for seven years on paper or in
9		electronic format by the mortgage loan originator
. 10		company[-] or exempt sponsoring mortgage loan
11		originator company."
12	SECT	ION 4. Section 454F-4, Hawaii Revised Statutes, is
13	amended b	y amending subsection (d) to read as follows:
14	"(d)	In connection with an application for a license under
15	this chap	ter, the applicant, at a minimum, shall furnish to NMLS
16	informati	on concerning the applicant's identity, including:
17	(1)	Fingerprints of the applicant or, if an applicant is
18		not an individual, each of the applicant's control
19		persons, executive officers, directors, general
20		partners, and managing members for submission to the
21		Federal Bureau of Investigation and any governmental

1		agency or entity authorized to receive the
2		fingerprints for a state, national, and international
3		criminal history background check $[+]$ , accompanied by
4		the applicable fee charged by the entities conducting
5		the criminal history background check; and
6	(2)	Personal history and experience of the applicant or,
7		if an applicant is not an individual, each of the
8		applicant's control persons, executive officers,
9		directors, general partners, and managing members in a
10		form prescribed by NMLS including the submission of
11		authorization for NMLS and the commissioner to obtain:
12		(A) An independent credit report obtained from a
13		consumer reporting agency described in section
14		603(p) of the Fair Credit Reporting Act, title 15
15		United States Code section 1681 et seq.; and
16		(B) Information related to any administrative, civil,
17		or criminal findings by any governmental
18		jurisdiction;
19	provided	that the commissioner may use any information obtained
20	pursuant	to this subsection or through NMLS to determine an

- 1 applicant's demonstrated financial responsibility, character,
- 2 and general fitness for licensure."
- 3 SECTION 5. Section 454F-5, Hawaii Revised Statutes, is
- 4 amended by amending subsection (b) to read as follows:
- 5 "(b) The applicant, or in the case of an applicant that is
- 6 not an individual, each of the applicant's control persons,
- 7 executive officers, directors, general partners, and [managers,]
- 8 managing members, shall submit authorization to the commissioner
- 9 for the commissioner to conduct background checks to determine
- 10 or verify the information in subsection (a) in each state where
- 11 the person has conducted mortgage loan origination activities.
- 12 Authorization pursuant to this subsection shall include consent
- 13 to provide additional fingerprints, if necessary, to law
- 14 enforcement or regulatory bodies in other states."
- 15 SECTION 6. Section 454F-10.5, Hawaii Revised Statutes, is
- 16 amended by amending subsection (a) to read as follows:
- 17 "(a) Every mortgage loan originator company licensed under
- 18 this chapter and every exempt sponsoring mortgage loan
- 19 originator company shall have and maintain a principal place of
- 20 business in the State and shall designate a qualified individual

- 1 to fulfill the duties and responsibilities of a qualified
- 2 individual set forth in section 454F-1.7."
- 3 SECTION 7. Section 454F-10.7, Hawaii Revised Statutes, is
- 4 amended by amending subsection (b) to read as follows:
- 5 "(b) The commissioner shall approve a request for change
- 6 of control under subsection (a) if, after investigation, the
- 7 commissioner determines that the person or group of persons who
- 8 will obtain control [are licensed pursuant to] will be in
- 9 compliance with this chapter[+] upon approval of the application
- 10 for a proposed change of control of the licensee and will have
- 11 the competence, experience, character, and general fitness to
- 12 control the licensee or person in control of the licensee in a
- 13 lawful and proper manner  $[\tau]$ , and that the interests of the
- 14 public will not be jeopardized by the change of control."
- 15 SECTION 8. Section 454F-18, Hawaii Revised Statutes, is
- 16 amended by amending subsection (b) to read as follows:
- "(b) In addition to any other powers provided by law, the
- 18 commissioner shall have the authority to:
- 19 (1) Administer and enforce the provisions and requirements
- of this chapter;

1	(2)	Adopt, amend, or repeal rules and issue declaratory
2		rulings or informal nonbinding interpretations;
3	(3)	Develop requirements for licensure through rules,
4		including establishing the content of the written
5		tests required under section 454F-7;
6	(4)	Investigate and conduct hearings regarding any
7		violation of this chapter or any rule or order of, or
8		agreement with, the commissioner;
9	(5)	Create fact-finding committees that may make
10		recommendations to the commissioner for the
11		commissioner's deliberations;
12	(6)	Require an applicant or any of its control persons,
13		<u>executive</u> officers, directors, [employees,] general
14		partners, and managing members[, managers, and agents]
15		to disclose their relevant criminal history and
16		request a criminal history record check in accordance
17		with chapter 846;
18	(7)	Contract with or employ qualified persons, including
19		investigators, examiners, or auditors who may be
20		exempt from chapter 76 and who shall assist the

1

14

15

16

17

18

19

20

# S.B. NO. S.D. 2 H.D. 1

2		and duties;
3	(8)	Require that all fees, fines, and charges collected by
4		the commissioner under this chapter, except for fees
5		designated for deposit into the mortgage loan recovery
6		fund pursuant to section 454F-41, be deposited into
7		the compliance resolution fund established pursuant to
8		section 26-9(o);
9	(9)	Process and investigate complaints, subpoena witnesses
10		and documents, administer oaths, and receive
11		affidavits and oral testimony, including telephonic
12		communications, and do any and all things necessary or
13		incidental to the exercise of the commissioner's power

commissioner in exercising the commissioner's powers

(10) Require a licensee to comply with any rule, guidance, guideline, statement, supervisory policy or any similar proclamation issued or adopted by the Federal Deposit Insurance Corporation to the same extent and in the same manner as a bank chartered by the State or

and duties, including the authority to conduct

contested case proceedings under chapter 91; and

```
1
              in the alternative, any policy position of the
2
              Conference of State Bank Supervisors."
 3
         SECTION 9. Section 454F-22, Hawaii Revised Statutes, is
 4
    amended by amending subsections (a) to (c) to read as follows:
               Except as provided in subsection (b), a mortgage loan
5
6
    originator shall pay the following fees to obtain and maintain a
7
    valid mortgage loan originator license:
8
              Initial application fee of $600;
         (1)
9
         (2)
              Annual license renewal fee of $350;
              Reinstatement fee of $100;
10
         (3)
              Late fee of $25 per day; and
11
         (4)
12
         (5)
              Criminal background check fee [of $35, or of an amount
13
              determined by the commissioner by rule pursuant to
14
              chapter 91.] pursuant to section 454F-4(d)(1).
15
              A sole proprietorship mortgage loan originator shall
16
    pay the following fees to obtain and maintain a valid sole
17
    proprietor mortgage loan originator license:
18
         (1)
              Initial application fee of $35;
19
         (2)
              Annual license renewal fee of $35;
20
         (3) Reinstatement fee of $100;
21
         (4)
              Late fee of $25 per day; and
```

1	(5)	Crimi	inal background check fee [ <del>of \$35, or of an amount</del>
2		detei	rmined by the commissioner by rule pursuant to
3		chapt	ter 91.] pursuant to section 454F-4(d)(1).
4	(c)	A moi	rtgage loan originator company shall pay the
5	following	fees	to maintain a valid mortgage loan originator
6	company l	icense	e or branch license:
7	(1)	Fees	payable for a principal office of a mortgage loan
8		origi	inator company:
9		(A)	Initial application fee of \$900;
10		(B)	Processing fee of \$35 for each control person;
11		(C)	Annual license renewal fee of \$600;
12		(D)	Reinstatement fee of \$100;
13		(E)	Late fee of \$25 per day; and
14		(F)	Criminal background check fee [of \$35, or of an
15			amount determined by the commissioner by rule
16			pursuant to chapter 91, for each control person,
17			executive officer, director, general partner, and
18			manager; and] pursuant to section 454F-4(d)(1).
19	(2)	Fees	payable for each branch office of a mortgage loan
20		orig:	inator company:
21		(A)	Initial application fee of \$250;

1	(B) Annual license renewal fee of \$100;
2	(C) Reinstatement fee of \$100; and
3	(D) Late fee of \$25 per day."
4	SECTION 10. Section 454F-25, Hawaii Revised Statutes, is
5	amended to read as follows:
6	"\$454F-25 Nonprofit organizations; mortgage loan
7	originators. (a) An employee who performs mortgage loan
8	originator activities for a nonprofit organization is exempt
9	from registration and licensure as a mortgage loan originator;
10	provided that:
11	(1) The employee's actions are part of the employee's
12	duties as an employee of the nonprofit organization;
13	(2) The employee only provides mortgage loan originator
14	services with respect to residential mortgage loans
15	with terms favorable to the borrower; and
16	(3) The nonprofit organization [registers with] maintains
17	a valid registration as a nonprofit organization in
18	NMLS and a unique identifier through NMLS.
19	(b) The commissioner shall periodically examine the books
20	and activities of nonprofit organizations as defined in section
21	454F-1 and shall revoke an organization's registration as a

1	nonprofit	organization with NMLS if the nonprofit organization
2	fails to	meet the requirements to be a nonprofit organization.
3	(c)	In determining whether a residential mortgage loan has
4	terms fav	orable to the borrower, the commissioner shall examine:
5	(1)	The interest rate that the home loan would carry;
6	(2)	The charges that are imposed on the borrower for
7		origination, application, closing, and other costs;
8	(3)	Whether the mortgage includes any predatory
9		characteristics;
10	(4)	The borrower's ability to repay the loan; and
11	(5)	The term of the mortgage.
12	(d)	A nonprofit organization shall designate an employee
13	who shall	have the duty to directly manage and supervise the
14	mortgage	loan origination activity of the nonprofit
15	organizat	ion, including:
16	(1)	The maintenance of all records, contracts, and
17		documents of the nonprofit organization relating to
18		mortgage loan origination activity;
19	(2)	All mortgage loan originator agreements and mortgage
20		loan documents and the handling of these documents by

the nonprofit organization's employees, or by

21

1		independent contractors located at or working out of
2		the nonprofit organization; and
3	(3)	All employees of the nonprofit organization, and all
4		independent contractors of the nonprofit organization
5		located at or working out of the nonprofit
6		organization, who are working on or handling mortgage
7		loan origination activity of the nonprofit
8		organization."
9	SECT	ION 11. Section 846-2.7, Hawaii Revised Statutes, is
10	amended by	y amending subsection (b) to read as follows:
11	"(b)	Criminal history record checks may be conducted by:
12	(1)	The department of health or its designee on operators
13		of adult foster homes for individuals with
14		developmental disabilities or developmental
15		disabilities domiciliary homes and their employees, a
16		provided by section 321-15.2;
17	(2)	The department of health or its designee on
18		prospective employees, persons seeking to serve as
19		providers, or subcontractors in positions that place
20		them in direct contact with clients when providing

1		non-witnessed direct mental health or health care
2		services as provided by section 321-171.5;
3	(3)	The department of health or its designee on all
4		applicants for licensure or certification for,
5		operators for, prospective employees, adult
6		volunteers, and all adults, except adults in care, at
7		healthcare facilities as defined in section 321-15.2;
8	(4)	The department of education on employees, prospective
9		employees, and teacher trainees in any public school
10		in positions that necessitate close proximity to
11		children as provided by section 302A-601.5;
12	(5)	The counties on employees and prospective employees
13		who may be in positions that place them in close
14		proximity to children in recreation or child care
15		programs and services;
16	(6)	The county liquor commissions on applicants for liquor
17		licenses as provided by section 281-53.5;
18	(7)	The county liquor commissions on employees and
19		prospective employees involved in liquor
20		administration, law enforcement, and liquor control
21		investigations;

1	(8)	The department of human services on operators and
2		employees of child caring institutions, child placing
3		organizations, and foster boarding homes as provided
4		by section 346-17;
5	(9)	The department of human services on prospective
6		adoptive parents as established under section
7		346-19.7;
8	(10)	The department of human services or its designee on
9		applicants to operate child care facilities, household
10		members of the applicant, prospective employees of the
11		applicant, and new employees and household members of
12		the provider after registration or licensure as
13		provided by section 346-154, and persons subject to
14		section 346-152.5;
15	(11)	The department of human services on persons exempt
16		pursuant to section 346-152 to be eligible to provide
17		child care and receive child care subsidies as
18		provided by section 346-152.5;
19	(12)	The department of health on operators and employees of
20		home and community-based case management agencies and
21		operators and other adults, except for adults in care,

1		residing in community care foster family homes as
2		provided by section 321-15.2;
3	(13)	The department of human services on staff members of
4		the Hawaii youth correctional facility as provided by
5		section 352-5.5;
6	(14)	The department of human services on employees,
7		prospective employees, and volunteers of contracted
8		providers and subcontractors in positions that place
9		them in close proximity to youth when providing
10		services on behalf of the office or the Hawaii youth
11		correctional facility as provided by section 352D-4.3;
12	(15)	The judiciary on employees and applicants at detention
13		and shelter facilities as provided by section 571-34;
14	(16)	The department of public safety on employees and
15		prospective employees who are directly involved with
16		the treatment and care of persons committed to a
17		correctional facility or who possess police powers
18		including the power of arrest as provided by section
19		353C-5;

1	(17)	The board of private detectives and guards on
2		applicants for private detective or private guard
3		licensure as provided by section 463-9;
4	(18)	Private schools and designated organizations on
5		employees and prospective employees who may be in
6		positions that necessitate close proximity to
7		children; provided that private schools and designated
8		organizations receive only indications of the states
9		from which the national criminal history record
10		information was provided pursuant to section 302C-1;
11	(19)	The public library system on employees and prospective
12		employees whose positions place them in close
13	·	proximity to children as provided by section
14		302A-601.5;
15	(20)	The State or any of its branches, political
16		subdivisions, or agencies on applicants and employees
17		holding a position that has the same type of contact
18		with children, vulnerable adults, or persons committed
19		to a correctional facility as other public employees
20		who hold positions that are authorized by law to

1		require criminal history record checks as a condition
2		of employment as provided by section 78-2.7;
3	(21)	The department of health on licensed adult day care
4		center operators, employees, new employees,
5		subcontracted service providers and their employees,
6		and adult volunteers as provided by section 321-15.2;
7	(22)	The department of human services on purchase of
8		service contracted and subcontracted service providers
9		and their employees serving clients of the adult
10		protective and community services branch, as provided
11		by section 346-97;
12	(23)	The department of human services on foster grandparent
13		program, senior companion program, and respite
14		companion program participants as provided by section
15		346-97;
16	(24)	The department of human services on contracted and
17		subcontracted service providers and their current and
18		prospective employees that provide home and community-
19		based services under section 1915(c) of the Social
20		Security Act, title 42 United States Code section
21		1396n(c), or under any other applicable section or

1		sections of the Social Security Act for the purposes			
2		of providing home and community-based services, as			
3		provided by section 346-97;			
4	(25)	The department of commerce and consumer affairs on			
5		proposed directors and executive officers of a bank,			
6		savings bank, savings and loan association, trust			
7		company, and depository financial services loan			
8	•	company as provided by section 412:3-201;			
9	(26)	The department of commerce and consumer affairs on			
10		proposed directors and executive officers of a			
11		nondepository financial services loan company as			
12		provided by section 412:3-301;			
13	(27)	The department of commerce and consumer affairs on the			
14		original chartering applicants and proposed executive			
15		officers of a credit union as provided by section			
16		412:10-103;			
17	(28)	The department of commerce and consumer affairs on:			
18		(A) Each principal of every non-corporate applicant			
19		for a money transmitter license;			
20		(B) The executive officers, key shareholders, and			
21		managers in charge of a money transmitter's			

1		activities of every corporate applicant for a
2		money transmitter license; and
3		(C) The persons who are to assume control of a money
4		transmitter licensee in connection with an
5		application requesting approval of a proposed
6		change in control of licensee,
7		as provided by sections 489D-9 and 489D-15;
8	(29)	The department of commerce and consumer affairs on
9		applicants for licensure and persons licensed under
10		title 24;
11	(30)	The Hawaii health systems corporation on:
12		(A) Employees;
13		(B) Applicants seeking employment;
14		(C) Current or prospective members of the corporation
15		board or regional system board; or
16		(D) Current or prospective volunteers, providers, or
17		contractors,
18		in any of the corporation's health facilities as
19		provided by section 323F-5.5;
20	(31)	The department of commerce and consumer affairs on:

1		(A) An applicant for a mortgage loan originator	
2		license[; and], or license renewal; and	
3		(B) Each control person, executive officer, director,	
4		general partner, and [manager] managing member of	
5		an applicant for a mortgage loan originator	
6		company license[7] or license renewal,	
7		as provided by chapter 454F;	
8	(32)	The state public charter school commission or public	
9		charter schools on employees, teacher trainees,	
10		prospective employees, and prospective teacher	
11		trainees in any public charter school for any position	
12		that places them in close proximity to children, as	
13		provided in section 302D-33;	
14	(33)	The counties on prospective employees who work with	
15		children, vulnerable adults, or senior citizens in	
16		community-based programs;	
17	(34)	The counties on prospective employees for fire	
18		department positions which involve contact with	
19		children or vulnerable adults;	

1	(35)	The counties on prospective employees for emergency
2		medical services positions which involve contact with
3		children or vulnerable adults;
4	(36)	The counties on prospective employees for emergency
5		management positions and community volunteers whose
6		responsibilities involve planning and executing
7		homeland security measures including viewing,
8		handling, and engaging in law enforcement or
9		classified meetings and assisting vulnerable citizens
10		during emergencies or crises;
11	(37)	The State and counties on employees, prospective
12		employees, volunteers, and contractors whose position
13		responsibilities require unescorted access to secured
14		areas and equipment related to a traffic management
15		center;
16	(38)	The State and counties on employees and prospective
17		employees whose positions involve the handling or use
18		of firearms for other than law enforcement purposes;
19	(39)	The State and counties on current and prospective
20		systems analysts and others involved in an agency's
21		information technology operation whose position

1		responsibilities provide them with access to
2		proprietary, confidential, or sensitive information;
3	(40)	The department of commerce and consumer affairs on
4		applicants for real estate appraiser licensure or
5		certification as provided by chapter 466K;
6	(41)	The department of health or its designee on all
7		license applicants, licensees, employees, contractors,
8		and prospective employees of medical marijuana
9		dispensaries, and individuals permitted to enter and
10		remain in medical marijuana dispensary facilities as
11		provided under sections 329D-15(a)(4) and
12		329D-16(a)(3);
13	(42)	The department of commerce and consumer affairs on
14		applicants for nurse licensure or license renewal,
15		reactivation, or restoration as provided by sections
16		457-7, 457-8, 457-8.5, and 457-9;
17	[+] (43) [+]	The county police departments on applicants for
18		permits to acquire firearms pursuant to section 134-2
19		and on individuals registering their firearms pursuant
20		to section 134-3;
21	[-[] (44) [-]	The department of commerce and consumer affairs on:

1	(A)	Each of the controlling persons of the applicant
2		for licensure as an escrow depository, and each
3		of the officers, directors, and principals who
4		will be in charge of the escrow depository's
5		activities upon licensure; and
6	(B)	Each of the controlling persons of an applicant
7		for proposed change in control of an escrow
8		depository licensee, and each of the officers,
9		directors, and principals who will be in charge
10		of the licensee's activities upon approval of
11		such application,
12	as p	rovided by chapter 449; and
13	[+] (45) [+] Any	other organization, entity, or the State, its
14	bran	ches, political subdivisions, or agencies as may
15	be a	uthorized by state law."
16	SECTION 1	2. Statutory material to be repealed is bracketed
17	and stricken.	New statutory material is underscored.
18	SECTION 1	3. This Act shall take effect on September 1,
19	2017.	
20		

2017-2549 SB951 CD1 SMA.doc

#### Report Title:

Mortgage Loan Originators; Division of Financial Institutions; Secure and Fair Enforcement for Mortgage Licensing Act; Change in Control; Background Checks

#### Description:

Updates the State's mortgage loan origination law to clarify: persons subject to criminal history disclosures and criminal history background checks on applications for licensure and change in control of the licensee; procedures for change in control of a licensee; persons who must disclose their relevant criminal history and criminal history background checks upon application for licensure and change of control of the licensee; criminal background check fee requirements; and conditions under which an employee performing mortgage loan origination activities for a nonprofit is exempt from registration and licensure as a mortgage loan originator. Effective 9/1/2017. (CD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.