

---

---

# 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 of [a] the principal office of the licensed mortgage  
 2 loan originator [~~company's principal office~~] company or exempt  
 3 sponsoring mortgage loan originator company, and the licensed  
 4 mortgage loan 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 a mortgage loan originator issued pursuant to this  
 8 chapter."

9 2. 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 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  
 21 documents by the licensed mortgage loan originators



- 1           who are employed by or are independent contractors of  
2           the mortgage loan originator company[+] 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 SECTION 4. Section 454F-4, Hawaii Revised Statutes, is  
 13 amended by amending subsection (d) to read as follows:

14 "(d) In connection with an application for a license under  
 15 this chapter, the applicant, at a minimum, shall furnish to NMLS  
 16 information 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 appropriate payment of the applicable fee for each  
5 record 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[+], 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:

17 "(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  
20 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 executive 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 commissioner in exercising the commissioner's powers  
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  
14 and duties, including the authority to conduct  
15 contested case proceedings under chapter 91; and
- 16 (10) Require a licensee to comply with any rule, guidance,  
17 guideline, statement, supervisory policy or any  
18 similar proclamation issued or adopted by the Federal  
19 Deposit Insurance Corporation to the same extent and  
20 in the same manner as a bank chartered by the State or



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:

5 "(a) Except as provided in subsection (b), a mortgage loan  
6 originator shall pay the following fees to obtain and maintain a  
7 valid mortgage loan originator license:

- 8 (1) Initial application fee of \$600;
- 9 (2) Annual license renewal fee of \$350;
- 10 (3) Reinstatement fee of \$100;
- 11 (4) Late fee of \$25 per day; and
- 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.~~

15 (b) 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) Criminal background check fee [~~of \$35, or of an amount~~  
2 ~~determined by the commissioner by rule pursuant to~~  
3 ~~chapter 91.~~] pursuant to section 454F-4.

4 (c) A mortgage loan originator company shall pay the  
5 following fees to maintain a valid mortgage loan originator  
6 company license or branch license:

7 (1) Fees payable for a principal office of a mortgage loan  
8 originator 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.~~

19 (2) Fees payable for each branch office of a mortgage loan  
20 originator 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 favorable 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, including:

15 (1) The maintenance of all records, contracts, and  
16 documents of the nonprofit organization relating to  
17 mortgage loan origination activity;

18 (2) All mortgage loan originator agreements and mortgage  
19 loan documents and the handling of these documents by  
20 the nonprofit organization's employees, or by



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           SECTION 11. Section 846-2.7, Hawaii Revised Statutes, is  
10 amended by 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, as
  - 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 [~~and~~] 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 provided by chapter 449; and
- 13 ~~[(45)]~~ Any other organization, entity, or the State, its  
14 branches, political subdivisions, or agencies as may  
15 be authorized by state law."

16 SECTION 12. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 13. This Act shall take effect on September 1,  
19 2017.



**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. Takes effect 09/01/2017. (SD1)

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

