

Act No. 67  
Public Acts of 2008  
Approved by the Governor  
April 2, 2008  
Filed with the Secretary of State  
April 3, 2008  
EFFECTIVE DATE: April 3, 2008

**STATE OF MICHIGAN  
94TH LEGISLATURE  
REGULAR SESSION OF 2008**

**Introduced by Senators Stamas, Richardville, Anderson, Sanborn, Kahn, Gleason, Schauer, Birkholz, Clarke, Olshove, Brown, Cassis and Hunter**

# **ENROLLED SENATE BILL No. 829**

AN ACT to amend 1987 PA 173, entitled "An act to define and regulate mortgage brokers, mortgage lenders, and mortgage servicers; to prescribe the powers and duties of the financial institutions bureau and certain public officers and agencies; to provide for the promulgation of rules; and to provide remedies and penalties," (MCL 445.1651 to 445.1684) by adding section 2b.

*The People of the State of Michigan enact:*

Sec. 2b. (1) A loan officer registration is valid for 1 calendar year and terminates on December 31 unless it is renewed on or before that date.

(2) Subject to subsection (6), to renew the loan officer registrations of the loan officer registrants who are employees or agents of a licensee or registrant, the licensee or registrant shall submit an application for renewal before December 1 of the year of the current loan officer registrations. The licensee or registrant shall include with the application the annual operating fee established in section 8(3) for each loan officer registrant included in the application.

(3) The commissioner shall prescribe the form of the application for renewal of loan officer registrations under subsection (2) and the process for submitting an application for renewal. The application form shall require that an applicant provide at least all of the following information about each loan officer registrant included in the application for renewal:

- (a) The name, address, and current license or registration number of the applicant.
- (b) The name and home address of the loan officer registrant.
- (c) The current registration number of the loan officer registrant.

(d) A statement as to whether the loan officer registrant has had an application denied, or a license, registration, or similar authority revoked or suspended, to practice any profession or occupation in any jurisdiction, including, but not

limited to, licensure or registration as a mortgage broker, mortgage lender, or mortgage servicer in which the loan officer registrant held more than 25% of the ownership interest or as a loan officer.

(e) Except as provided in subsection (7), proof acceptable to the commissioner that the loan officer registrant has in the immediately preceding calendar year completed at least 6 hours of instruction in a course or courses relevant to the residential mortgage lending industry, the content of which has been approved by the commissioner. The 6 hours of instruction shall include at least 1.5 hours related to legal and regulatory compliance and at least 1 hour related to ethics and fraud prevention. All of the following apply to the course or courses described in this subdivision:

(i) A course may utilize a live instructor or be conducted by electronic means, including, but not limited to, the internet, digital broadcast, or satellite network. However, a course conducted by electronic means must include a method of confirming a loan officer registrant's completion of the course.

(ii) The course must be provided by a person approved by the commissioner.

(f) Any other information required by the commissioner.

(4) Before a licensee or registrant submits an application for renewal of a loan officer registration for a loan officer registrant under subsection (2), the loan officer registrant shall provide an affidavit to the licensee or registrant that discloses any criminal conviction of or plea of no contest by the loan officer registrant occurring between 1 of the following, as applicable, and the date of the affidavit:

(a) If the renewal application is for the loan officer registrant's first renewal of his or her loan officer registration, the date of the background records check provided at the time of his or her initial registration.

(b) If the renewal application is for the loan officer registrant's second or subsequent renewal of his or her loan officer registration, the date of the most recent affidavit provided by the loan officer registrant to the licensee or registrant under this subsection.

(5) The commissioner shall not renew the loan officer registration of any loan officer who has ever been convicted of, or pled no contest to, any of the following:

(a) A felony or misdemeanor involving embezzlement, forgery, fraud, a financial transaction, or securities.

(b) Within the 10-year period preceding the date of the application for renewal, a felony other than a felony described in subdivision (a).

(6) If an individual included in an application for renewal under subsection (2) is not currently registered and his or her loan officer registration has not been renewed for a period of more than 5 consecutive calendar years, the individual must apply for a loan officer registration under section 2a as a new applicant. However, the applicant may include in a renewal application under subsection (2) a request to renew the loan officer registration for a loan officer registrant who is not currently registered if his or her loan officer registration has not been renewed for a period of fewer than 5 consecutive years.

(7) An applicant under subsection (2) for renewal of the loan officer registration of a loan officer registrant who has a valid, similar license or registration from another state that has instructional procedures and requirements for loan officers approved by the commissioner may satisfy subsection (3)(e) by submitting proof that he or she is in compliance with the instructional requirements of that state at the time of application.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 94th Legislature are enacted into law:

(a) Senate Bill No. 826.

(b) Senate Bill No. 827.

(c) Senate Bill No. 828.

(d) Senate Bill No. 830.

(e) Senate Bill No. 831.

(f) Senate Bill No. 832.

(g) Senate Bill No. 833.

(h) House Bill No. 5287.

(i) House Bill No. 5288.

(j) House Bill No. 5289.

(k) House Bill No. 5290.

(l) House Bill No. 5291.

This act is ordered to take immediate effect.

*Carol Morey Viventi*

Secretary of the Senate

*Richard J. Brown*

Clerk of the House of Representatives

Approved .....

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Governor