

E AND R AMENDMENTS TO LB 380

Introduced by Enrollment and Review Committee: McGill, 26,
Chairperson

1 1. Because of the enactment of Laws 2007, LB 124, strike
2 the original sections and insert the following new sections:

3 Section 1. Section 45-705, Revised Statutes Supplement,
4 2007, is amended to read:

5 45-705 (1) No person shall act as a mortgage banker or
6 use the title mortgage banker in this state unless he, she, or it
7 is licensed or has registered with the department as provided in
8 the Mortgage Bankers Registration and Licensing Act or is licensed
9 under the Nebraska Installment Loan Act.

10 (2) Applicants for a license as a mortgage banker shall
11 submit to the department an application on forms prescribed by
12 the department. The application shall include, but not be limited
13 to, (a) the applicant's corporate name and no more than one trade
14 name or doing business as designation, if applicable, (b) the
15 applicant's main office address, (c) all branch office addresses
16 at which business is to be conducted, (d) the names and titles
17 of each director and principal officer of the applicant, (e) the
18 names of all shareholders, partners, or members of the applicant,
19 (f) a description of the activities of the applicant in such detail
20 as the department may require, and (g) if the applicant is an
21 individual, his or her social security number.

22 (3) The application for a license as a mortgage banker
23 shall include or be accompanied by, in a manner as prescribed by

1 the director, (a) the name and street address in this state of a
2 registered agent appointed by the licensee for receipt of service
3 of process and (b) the written consent of the registered agent
4 to the appointment. A post office box number may be provided in
5 addition to the street address.

6 (4) The application for a license as a mortgage banker
7 shall be accompanied by an application fee of four hundred dollars
8 and, if applicable, a seventy-five-dollar fee for each branch
9 office listed in the application and any processing fee allowed
10 under subsection (3) of section 45-715.

11 (5) The director may prescribe that the application for
12 a license as a mortgage banker include or be accompanied by, in
13 a manner as prescribed by the director, a background investigation
14 of each applicant by means of fingerprints and a check of his or
15 her criminal history record information maintained by the Federal
16 Bureau of Investigation through the Nebraska State Patrol. If the
17 applicant is a partnership, association, corporation, or other
18 form of business organization, the director may require a criminal
19 history record information check on each member, director, or
20 principal officer of each applicant or any individual acting
21 in the capacity of the manager of an office location. The
22 applicant shall be responsible for the direct costs associated
23 with criminal history record information checks performed. The
24 information obtained thereby may be used by the director to
25 determine the applicant's eligibility for licensing under this
26 section. Except as authorized pursuant to subsection (3) of section
27 45-715, receipt of criminal history record information by a private

1 person or entity is prohibited.

2 (6) A license granted under the Mortgage Bankers
3 Registration and Licensing Act shall not be assignable.

4 (7) An application is deemed filed when accepted as
5 substantially complete by the director.

6 Sec. 2. Section 45-706, Revised Statutes Supplement,
7 2007, is amended to read:

8 45-706 (1) Upon the filing of an application for a
9 license, if the director finds that the character and general
10 fitness of the applicant, the members thereof if the applicant
11 is a partnership, limited liability company, association, or other
12 organization, and the officers, directors, and principal employees
13 if the applicant is a corporation are such that the business
14 will be operated honestly, soundly, and efficiently in the public
15 interest consistent with the purposes of the Mortgage Bankers
16 Registration and Licensing Act, the director shall issue a license
17 as a mortgage banker to the applicant. The director shall approve
18 or deny an application for a license within ninety days after (a)
19 acceptance of the application; (b) delivery of the bond required
20 under section 45-709; and (c) payment of the required fee.

21 (2) If the director determines that the license should be
22 denied, the director shall notify the applicant in writing of the
23 denial and of the reasons for the denial. The director shall not
24 deny an application for a license because of the failure to submit
25 information required under the act or rules and regulations adopted
26 and promulgated under the act without first giving the applicant
27 an opportunity to correct the deficiency by supplying the missing

1 information. A decision of the director denying a license pursuant
2 to the act may be appealed, and the appeal shall be in accordance
3 with the Administrative Procedure Act. The director may deny an
4 application for a license if an officer, director, shareholder
5 owning five percent or more of the voting shares of the applicant,
6 partner, or member was convicted of, pleaded guilty to, or was
7 found guilty after a plea of nolo contendere to (a) a misdemeanor
8 under any state or federal law which involves dishonesty or fraud
9 or which involves any aspect of the mortgage banking business,
10 financial institution business, or installment loan business or (b)
11 any felony under state or federal law.

12 (3) (a) All initial licenses shall remain in full force
13 and effect until the next succeeding March 1. Beginning January
14 1, 2008, initial licenses shall remain in full force and effect
15 until the next succeeding December 31. Thereafter, licenses may be
16 renewed annually by filing with the director an application for
17 renewal containing such information as the director may require to
18 indicate any material change in the information contained in the
19 original application or succeeding renewal applications, including
20 the information ~~required by~~ submitted under subsection (3) of
21 section 45-705.

22 (b) Except as provided in subdivision (3)(c) of this
23 section, for the annual renewal of a license to conduct a
24 mortgage banking business under the Mortgage Bankers Registration
25 and Licensing Act, the fee shall be two hundred dollars plus
26 seventy-five dollars for each branch office, if applicable, and any
27 processing fee allowed under subsection (3) of section 45-715.

1 (c) Licenses which expire on March 1, 2008, shall be
2 renewed until December 31, 2008, upon compliance with subdivision
3 (3)(a) of this section. For such renewals, the department shall
4 prorate the fees provided in subdivision (3)(b) of this section
5 using a factor of ten-twelfths.

6 (4) The director may require a licensee to maintain a
7 minimum net worth, proven by an audit conducted by a certified
8 public accountant, if the director determines that the financial
9 condition of the licensee warrants such a requirement or that the
10 requirement is in the public interest.

11 Sec. 3. Original sections 45-705 and 45-706, Revised
12 Statutes Supplement, 2007, are repealed.

13 2. On page 1, line 3, strike "Cumulative" and strike
14 "2006" and insert "2007".