Bill as Introduced

SB 121-FN – AS INTRODUCED

2003 SESSION

03-0814
06/10

SENATE BILL ***121-FN***

AN ACT relative to mortgage originator registration.

SPONSORS: Sen. Larsen, Dist 15; Sen. Below, Dist 5; Sen. Sapareto, Dist 19; Rep. Mock; Carr 4; Rep. Langley, Rock 88; Rep. Wall, Straf 72

COMMITTEE: Banks

ANALYSIS

This bill requires that originators of both first and second mortgage loans be registered with the bank commissioner before they may be originators and sets up a procedure for registration.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

03-0814
06/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to mortgage originator registration.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Chapter; First Mortgage Originator Registration. Amend RSA by inserting after chapter 397-B the following new chapter:

CHAPTER 397-C

FIRST MORTGAGE ORIGINATOR REGISTRATION

397-C:1 Definition. In this chapter, "originator" means an individual who is employed or retained by a mortgage banker or broker, required to be licensed under RSA 397-A, and who, for compensation or gain or in the expectation of compensation or gain, negotiates, solicits, arranges or funds a mortgage loan. Originator shall not include an officer of a corporation, a general partner, a sole proprietor, or a member of a limited liability company.

397-C:2 Registration Required. Licensees shall register individuals as originators before they may be employed or retained as originators and no individual shall act as an originator without first being registered. No individual may act as an originator for more than one mortgage banker or broker. Originator registration shall terminate when the originator ceases to be associated with the licensee. Both the originator and the licensee shall notify the commissioner, in writing, within 30 days of the cessation of association between a licensee and an originator.

397-C:3 Application. When the commissioner receives an application for originator registration, he or she shall register the originator named in the application. The commissioner may deny the registration if he or she finds that the applicant has made a material misstatement in the application, or that the applicant's character, reputation, integrity, and general fitness do not warrant a belief that granting such registration would be in the public interest.

397-C:4 Fees and Registration Period. The licensee filing the originator application shall pay a registration fee of $50 to the commissioner at the time of filing. An originator registration shall remain in force until it has been surrendered, revoked, suspended, or expires, or when the association between the licensee and the originator ceases. An originator registration shall expire when the mortgage banker or broker's license expires under RSA 397-A:8. The mortgage banker or broker may renew an originator registration by filing an application for renewal and paying an annual renewal fee of $25 for each application.

397-C:5 Fees Nonrefundable. The commissioner shall not abate the originator registration fee if the registration is surrendered, revoked, suspended, or terminates before the period for which it was issued expires. All fees required by this section shall be nonrefundable.

397-C:6 Registration; Suspension, Revocation, Non-renewal. The commissioner may suspend, revoke, or refuse to renew the registration of an originator for any reason which would be sufficient to deny an original originator application or if he or she finds that the originator has committed any fraud, has misappropriated funds, or has misrepresented any of the material particulars of a mortgage loan transaction.

397-C:7 Appeal.

I. If the bank commissioner determines that the person named in the originator application fails to meet the requirements of this chapter, the bank commissioner shall, in writing, immediately notify the person so named and the licensee of the denial and the reasons for such denial.

II. The person named in the originator application may appeal a denial of registration in accordance with RSA 541-A and rules of the bank commissioner adopted thereunder.

III. The person named in the originator application may petition the banking department for a rehearing in accordance with RSA 541 if the decision in an appeal conducted pursuant to paragraph II affirms a denial of a originator registration.

2 New Chapter; Second Mortgage Home Loan Originator Registration. Amend RSA by inserting after chapter 398-A the following new chapter:

CHAPTER 398-B

SECOND MORTGAGE HOME LOAN ORIGINATOR REGISTRATION

398-B:1 Definition. In this chapter, "originator" means an individual who is employed or retained by a mortgage lender or broker, required to be licensed under RSA 398-A, and who, for compensation or gain or in the expectation of compensation or gain, negotiates, solicits, arranges or funds a mortgage loan. Originator shall not include an officer of a corporation, a general partner, a sole proprietor, or a member of a limited liability company.

398-B:2 Registration Required. Licensees shall register individuals as originators before they may be employed or retained as originators and no individual shall act as an originator without first being registered. No individual may act as an originator for more than one mortgage lender or broker. Originator registration shall terminate when the originator ceases to be associated with the licensee. Both the originator and the licensee shall notify the commissioner, in writing, within 30 days of the cessation of association between a licensee and an originator.

398-B:3 Application. When the commissioner receives an application for originator registration, he or she shall register the originator named in the application. The commissioner may deny the registration if he or she finds that the applicant has made a material misstatement in the application, or that the applicant's character, reputation, integrity, and general fitness do not warrant a belief that granting such registration would be in the public interest.

397-C:4 Fees and Registration Period. The licensee filing the originator application shall pay a registration fee of $50 to the commissioner at the time of filing. An originator registration shall remain in force until it has been surrendered, revoked, suspended, or expires, or when the

association between the licensee and the originator ceases. An originator registration shall expire when the mortgage lender or broker's license expires under RSA 397-A:8. The mortgage banker or broker may renew an originator registration by filing an application for renewal and paying an annual renewal fee of $25 for each application.

398-B:5 Fees Nonrefundable. The commissioner shall not abate the originator registration fee if the registration is surrendered, revoked, suspended, or terminates before the period for which it was issued expires. All fees required by this section shall be nonrefundable.

398-B:6 Registration; Suspension, Revocation, Non-renewal. The commissioner may suspend, revoke, or refuse to renew the registration of an originator for any reason which would be sufficient to deny an original originator application or if he or she finds that the originator has committed any fraud, has misappropriated funds, or has misrepresented any of the material particulars of a mortgage loan transaction.

397-C:7 Appeal.

I. If the bank commissioner determines that the person named in the originator application fails to meet the requirements of this chapter, the bank commissioner shall, in writing, immediately notify the person so named and the licensee of the denial and the reasons for such denial.

II. The person named in the originator application may appeal a denial of registration in accordance with RSA 541-A and rules of the bank commissioner adopted thereunder.

III. The person named in the originator application may petition the banking department for a rehearing in accordance with RSA 541 if the decision in an appeal conducted pursuant to paragraph II affirms a denial of a originator registration

3 Effective Date. This act shall take effect July 1, 2003.

LBAO
03-0814
1/24/03

SB 121-FN – FISCAL NOTE

AN ACT relative to mortgage originator registration.

FISCAL IMPACT:

The Banking Department has determined this bill will increase state restricted revenue by $117,500 in FY 2004 and by $70,500 in FY 2005 each year thereafter. State restricted expenditures will increase by $28,134 in FY 2004, $29,124 in FY 2005, $29,852 in FY 2006 and by $30,598 in FY 2007. There will be no fiscal impact on county and local revenue or expenditures.

METHODOLOGY:

The Department stated currently there are 470 licensed entities who would be required to register loan originators, and that this number will remain the same through FY 2007. The Department estimates on average each of the licensed entities would register five loan originators. This will result in a total of 2,350 loan originators being licensed. Costs associated with registering loan originators can be assumed within the departments budget.

Revenue	FY 2004	FY 2005	FY 2006	FY 2007
# of new loan originators	2,350	470	470	470
Loan originator renewals	0	1,880	1,880	1,880
First-time license fee	$ 50	$ 50	$ 50	$ 50
Renewal license fee	25	25	25	25
First-time license revenue	117,500	23,500	23,500	23,500
Renewal license revenue	0	47,000	47,000	47,000
Total license revenue	$117,500	$70,500	$70,500	$70,500

Amendments

Rep. Spiess, Hills. 47
May 6, 2003
2003-1500h
06/09

Amendment to SB 121-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to mortgage originators.

Amend the bill by replacing all after the enacting clause with the following:

1 Definitions; "Originator". RSA 397-A:1, IX is repealed and reenacted to read as follows:

IX. "Originator" means an individual who is employed and supervised by a mortgage banker or broker required to be licensed under RSA 397-A, and who, for compensation or gain or in the expectation of compensation or gain, negotiates, solicits, arranges, or finds a mortgage loan.

2 New Subparagraph; License Application; Requirements; Originator List. Amend RSA 397-A:5, II by inserting after subparagraph (c) the following new subparagraph:

(d) Each applicant shall provide a list of all individuals, and the address of the work location of each such individual, who will act as originators for the licensee.

3 Annual Report; Originator List Included. Amend RSA 397-A:13, I to read as follows:

I. Each licensee shall file, under oath, an annual report with the banking department on or before February 1 each year concerning operations for the preceding year or license period ending December 31 upon the form prescribed by the banking department. [~~Whenever a licensee operates 2 or more licensed offices or whenever 2 or more affiliated licensees operate licensed offices, then a composite report of such group of licensed offices may be filed in lieu of individual reports.~~] ***The annual report shall include a list of all individuals, and the address of the work location of each such individual, who act as originators for the licensee.***

4 New Paragraph; Definitions; "Originator". Amend RSA 398-A:1 by inserting after paragraph V the following new paragraph:

VI. "Originator" means an individual who is employed and supervised by a mortgage lender or broker required to be licensed under RSA 397-A or 398-A, and who, for compensation or gain or in the expectation of compensation or gain, negotiates, solicits, arranges, or finds a mortgage loan.

5 License Required; Originator List Added. Amend RSA 398-A:1-a, II to read as follows:

II. The application for such license shall be in writing, under oath and in the form prescribed by the bank commissioner. ***Each applicant shall provide a list of all individuals, and the address of the work location of each such individual, who will act as originators for the***

licensee.

6 Report; Originator List Added. Amend RSA 398-A:1-e to read as follows:

398-A:1-e Report. Each licensee shall file with the commissioner on or before February 1 of each year a report under oath concerning the business and operations for the preceding calendar year ending December 31 in the form prescribed by the commissioner. [~~Whenever a licensee operated 2 or more licensed offices or whenever 2 or more affiliated licensees operated licensed offices, then a composite report of such group of licensed offices may be filed in lieu of individual reports.~~] ***The annual report shall include a list of all individuals, and the address of the work location of each such individual, who act as originators for the licensee.*** The commissioner shall publish an analysis of the information required under this section as a part of his annual report. Any licensee failing to file the report required by this section within the time prescribed shall pay to the commissioner the sum of $25 for each calendar day the report is overdue. [~~If a licensee elects to file a composite report and such composite report is not filed on or before February 1 as required under this section, the penalty prescribed in this section shall apply separately for each license held.~~]

7 Effective Date. This act shall take effect July 1, 2003.

2003-1500h

AMENDED ANALYSIS

This bill defines the term "originator" for both first and second mortgage brokers and requires the mortgage broker to include a list of his or her originators with an application for a license and in the annual report.

Hearing Minutes

HOUSE COMMITTEE ON COMMERCE

PUBLIC HEARING ON SB 121-FN

BILL TITLE: relative to mortgage originator registration.

DATE: April 1, 2003

LOB ROOM: 302 **Time Public Hearing Called to Order:** 11:10 am

Time Adjourned: 12:30 pm

(please circle if present)

Committee Members: Reps. Hunt, L. Fraser, Francoeur, Belanger, Langley, DiFruscia, D. Flanders, Spiess, Holden, Liebl, Quandt, Charles Clark, Brady, Scamman, Stepanek, Reardon, Kathleen Taylor, Meader, DeStefano, Vachon and Kopka.

Bill Sponsors: Sens. Larsen, Below, Sapareto and Reps. Mock, Langley and Wall

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

***Sen. Sylvia Larsen, prime sponsor** – See written testimony. Introduced the bill. SB 121 establishes a process to register mortgage loan originators. This bill is intended to enhance consumer confidence and protection. This bill is modeled after a similar law in Connecticut.

Mary Jurta, NH Banking Department – Supports the bill. Department would like to mold the language back into RSA 397A and 398A. This puts the onus on the licensee to register its employees/contractors.

***Charles Arrison, owner Clarion Mortgage Associates & Director of NH Mortgage Bankers Association** - See attached written testimony.

Q: Rep. Dennis Vachon – Who is responsible for informing the consumer of their financing options?

A: The originator is the person in direct contact with the borrower.

Q: Rep. Paul Spiess - Is there a potential for confusion in "controlled business relationships" between the definition of an originator, and providing assistance to a person applying for a mortgage?

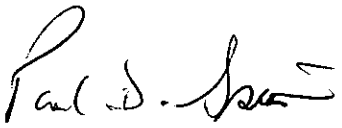
A: A real estate broker who assists a borrower in filing an application should be registered.

Q: Rep. Stephen Stepanek – Would passage of this bill restrict the number of originators or competition?

A: It would probably limit some people from being registered, but it would in no way limit competition.

Jim Demers, New England Financial Services Assn. & Mortgage Bankers of New Hampshire – Registration is an emerging trend at the state level. The industry wants this supervision to protect their interests and reputation. This is not licensure because we want a streamlined process. The purpose is to identify who is taking the application.

Respectfully Submitted:



Paul D. Spiess, Clerk

Sub-Committee Actions

HOUSE COMMITTEE ON COMMERCE

SUBCOMMITTEE WORK SESSION ON SB 121

BILL TITLE: relative to mortgage originator registration.

DATE: May 6, 2003

Subcommittee Members: Reps. Stepanek, Spiess, Reardon, DeStefano and Fraser

Comments and Recommendations: Brought forth amendment #1414, and drafted slight changes. The subcommittee subsequently voted in favor of the changes and expects the revised amendment to be ready for executive session on Wednesday, May 7.

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, (OTP/A), ITL, Interim Study (Please circle one.)

Moved by Rep. Spiess

Seconded by Rep. Readon

Vote: 5-0

Respectfully submitted,

Rep. Stepehn B. Stepanek
Subcommittee Chairman/Clerk

Rep. Spiess, Hills. 47
April 28, 2003
2003-1414h
06/09

Amendment to SB 121-FN

Not Adopted

Amend the title of the bill by replacing it with the following:

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Amend the bill by replacing all after the enacting clause with the following:

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7 Effective Date. This act shall take effect July 1, 2003.

2003-1414h

AMENDED ANALYSIS

This bill defines the term "originator" for both first and second mortgage brokers and requires the mortgage broker to include a list of his or her originators with an application for a license and in the annual report.

Sub-Committee Minutes

HOUSE COMMITTEE ON COMMERCE

SUBCOMMITTEE WORK SESSION ON SB 121

BILL TITLE: relative to mortgage originator registration.

DATE: April 15, 2003

Subcommittee Members: Reps. DeStefano. Fraser, Spiess, Kopka and Stepanek

Comments and Recommendations: Amendment coming and will schedule another subcommittee meeting.

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Stephen B. Stepanek
Subcommittee Chairman/Clerk

Testimony

Testimony of Sen. Sylvia Larsen SB 121
House Commerce - April 1, 2003

Senate Bill 121 would establish a process whereby the New Hampshire Banking Department would register mortgage originators. I believe this bill is an excellent step toward better protection for New Hampshire consumers who enter into mortgage transactions.

Last year I introduced Senate Bill 392, an act that would have established a study of possible mortgage originator licensure. While that bill did not pass in its original form, I am pleased that the mortgage industry in New Hampshire followed through on its promise to study this matter, and I am very pleased that Senate Bill 121 comes to you today with the support of the Mortgage Bankers and Brokers Association of New Hampshire and the New England Financial Services Association.

Mortgage originators are the individuals who negotiate, solicit, arrange or fund mortgage loans. They are the employees of licensed mortgage lending companies, the people you and I directly interact with when we fill out a mortgage application and take out a mortgage on our homes. We are fortunate here in New Hampshire because we have not seen a huge number of problems like other states have seen due to unscrupulous or poorly informed mortgage originators. But there are anecdotal stories about problems some people have experienced here because a mortgage originator misinformed a borrower on the terms of a loan or acted improperly while doing their job as an originator.

SB 121 will not solve all of the possible problems that could occur, but it will help weed out the bad actors whose bad acts often tarnish an entire industry. SB 121 is modeled after a similar law that took effect last year in Connecticut. It has been found there that the registration process does not place an undue burden on the mortgage lenders. It simply requires a mortgage lender to register its originators with the Banking Department. It gives the Banking Department the authority to register and monitor those who work as mortgage originators. And it gives the Banking Department the authority to deny or suspend the registration of a person if they find that person has ever committed fraud, misappropriated funds or misrepresented any material particulars of a mortgage loans transaction. In essence, it removes those with a problem past from being able to work as a mortgage originator.

The consumers of this state have a right to know that the people they deal with when mortgaging their homes are honest and understand the transactions they are delivering. This bill will give the Banking Department one more tool to help insure that is what happens.

Good morning. My name is Charles Michael Arrison. I am a licensed New Hampshire Mortgage Broker and the owner of Clarion Mortgage Associates located in Manchester. I have held a mortgage broker license since April 1992 and have been in the mortgage industry for just over 32 years.

I am also a member of the Board of Directors for the Mortgage Bankers and Brokers Association in New Hampshire and sit on their Ethics and Legislative Committee.

I am testifying today, regarding Senate bill 121-FN, as a member of the Board of MBBA and as a licensed New Hampshire mortgage broker.

The MBBA and I are in favor of this bill. We want to thank Senator Larsen and her committee for sponsoring it. It is long overdue.

Senate Bill 121-FN will go a long way to eliminate the "unscrupulous mortgage originator". It will force originators to register and have the banking department, mortgage bankers and mortgage brokers participate in monitoring this registration. If an originator does not register or looses their registration they will not be able to originate mortgages in New Hampshire since no mortgage banker or mortgage broker will hire them. Therefore the unregistered originator will have no access to lenders.

Once again I would like to thank you for your time and if there are any questions I will be happy to answer them.

Charles M. Arrison
Clarion Mortgage Associates
1034 Belmont St
Manchester, NH 03104
(603) 623 0277
April 1, 2003

Summary of Complaints from 1/1/2002 to 12/31/2002

License Type:	
Sales Finance Company	6
Retail Seller	8
First Mortgage Banker	38
First Mortgage Broker	18
First Mortgage Banker and Broker	74
Mortgage Servicer Registration	26
Second Mortgage Home Loan Lender	3
Small Loan Lender	1
Debt Adjuster	0
Unlicensed	8
Referrals	22
Grand Total	**204**

Resolution Types:	
Resolved for consumer	73
No jurisdiction to provide remedy	18
Institution within its rights	44
Referral	29
No response or disposition unknown	3
Other	8
Unresolved	29
TOTAL	**204**

Complaint Types:

Mortgage, Application	24	Auto, Assignment/Sale	0
Mortgage, Assignment/Sale	1	Auto, Credit reports	0
Mortgage, Closing costs	3	Auto, Credit Denial	0
Mortgage, Credit reports	2	Auto, Fees, Charges and Cos	1
Mortgage, Credit Denial	2	Auto, Insurance/Warranty	1
Mortgage, Discharge/Payoff	15	Auto, Late fees	0
Mortgage, Escrow	18	Auto, Misrepresentation	3
Mortgage, Foreclosure	8	Auto, Title/Payoff	1
Mortgage, Insurance	7	Auto, Unlicensed	1
Mortgage, Interest	0	Auto, Other	11
Mortgage, Misrepresentation	18	**Total Auto Complaints**	**18**
Mortgage, Servicing	41		
Mortgage, Unlicensed	3		
Mortgage, Other	33	Debt Adjuster	0
Total Mortgage Complaints	**175**	Mortgage Servicer	0
		Retail Seller	1
		Small Loans	5
TOTAL COMPLAINTS	**204**	Other - Referrals	5

Kim

Complaints Totals: From 01/01/02 to 12/31/02

Company Name	License Type	Total
AAPEX MORTGAGE COMPANY	Referral	1
ABN-AMRO	Referral	3
ACCREDITED MORTGAGE CORP	First Mortgage Banker and Broker	2
AEGIS MORTGAGE CORPORATION	First Mortgage Banker and Broker	1
ALLIANCE MORTGAGE COMPANY	First Mortgage Banker	2
ALPHA MORTGAGE & FINANCIAL SERVICES INC	First Mortgage Broker	4
AMCAP MORTGAGE INC	First Mortgage Banker and Broker	1
AMERICAN BUSINESS MORTGAGE SERVICES INC	First Mortgage Banker and Broker	1
AMERICAN GENERAL FINANCIAL SERVICES INC	First Mortgage Banker	1
AMERICAN HERITAGE MORTGAGE CORP	First Mortgage Banker and Broker	2
AMERICAN HOME MORTGAGE CORP	First Mortgage Banker and Broker	1
AMERICREDIT FINANCIAL SERVICES INC	Sales Finance Company	1

Company Name	License Type	Total
AMERIQUEST MORTGAGE COMPANY INC	First Mortgage Banker and Broker	3
AUTO EXCHANGE INC	Retail Seller	1
AUTO WHOLESALERS OF NORTH HAMPTON	Unlicensed	1
BANK OF AMERICA MORTGAGE	Referral	1
BANKNORTH GROUP INC	Referral	1
BARON MORTGAGE CORPORATION	First Mortgage Banker	2
BAUER MORTGAGE GROUP LLC	First Mortgage Broker	1
BENEFICIAL MORTGAGE CO OF NEW HAMPSHIRE	First Mortgage Banker and Broker	3
BSI FINANCIAL SERVICES INC	Unlicensed	1
CAPITOL FIRST BENEFITS	Unlicensed	1
CHAMPION MORTGAGE CO INC	Referral	1
CHASE MANHATTAN MORTGAGE CORPORATION	First Mortgage Banker and Broker	11
CHEVY CHASE FSB	Referral	1

Company Name	License Type	Total
CITADEL MORTGAGE CORPORATION	First Mortgage Broker	1
CITIFINANCIAL INC	First Mortgage Banker	2
CITIFINANCIAL MORTGAGE COMPANY INC	First Mortgage Banker	5
CITIMORTGAGE INC	First Mortgage Banker	1
CITIMORTGAGE INC	Referral	1
CITIZENS MORTGAGE CORPORATION	First Mortgage Banker and Broker	1
CONSECO FINANCE SERVICING CORP	First Mortgage Banker	4
COUNTRYWIDE HOME LOANS INC	First Mortgage Banker	10
CRESCENT MORTGAGE SERVICES INC	First Mortgage Banker	1
CTX MORTGAGE COMPANY LLC	First Mortgage Banker and Broker	2
DAIMLERCHRYSLER SERVICES NORTH AMERICA LLC	Sales Finance Company	1
DEDICATED MORTGAGE ASSOCIATES LLC	First Mortgage Broker	1
DIAMOND FUNDING CORPORATION	First Mortgage Banker	1

Company Name	License Type	Total
DOVENMUEHLE MORTGAGE INC	Mortgage Servicer Registration	10
E-TRADE MORTGAGE	Unlicensed	1
EAST-WEST MORTGAGE COMPANY INC	First Mortgage Banker	2
EASTERN MORTGAGE SERVICES INCORPORATED	Unlicensed	1
EMC MORTGAGE CORPORATION	Mortgage Servicer Registration	2
EQUITY ONE CONSUMER LOAN COMPANY INC	First Mortgage Banker and Broker	1
FAIRBANKS CAPITAL CORP	Mortgage Servicer Registration	9
FIRST AUTO ACCEPTANCE INC	Retail Seller	1
FIRST EASTERN MORTGAGE CORPORATION	Referral	2
FIRST HORIZON HOME LOAN CORPORATION	First Mortgage Banker and Broker	3
FJG FINANCIAL INC	First Mortgage Broker	1
FLAGGSTAR BANK FSB	Referral	1
FLANDERS & PATCH MOTOR SALES INC	Retail Seller	1

Company Name	License Type	Total
FORD MOTOR CREDIT COMPANY	Sales Finance Company	2
FRED'S AUTO/TRUCK REPAIR	Referral	1
FREEDOM MORTGAGE CORPORATION	First Mortgage Banker and Broker	3
FULL SPECTRUM LENDING INC	First Mortgage Banker	1
G W M INC	Retail Seller	1
GE CAPITAL MORTGAGE SERVICES INC	First Mortgage Banker and Broker	1
GMAC MORTGAGE CORPORATION	First Mortgage Banker and Broker	9
GRANITE STATE MORTGAGE CORP	First Mortgage Banker and Broker	1
GUARANTY RESIDENTIAL LENDING INC	First Mortgage Banker and Broker	1
HAMPTON BAY MORTGAGE COMPANY INC	First Mortgage Broker	2
HOMEBOUND MORTGAGE INC	First Mortgage Banker and Broker	1
HOMECOMINGS FINANCIAL NETWORK INC	First Mortgage Banker	3
HOMEOWNERS LENDING CORP	Second Mortgage Home Loan Lend	1

Company Name	License Type	Total
HOMEOWNERS LOAN CORP	First Mortgage Banker and Broker	1
HOMEQ SERVICING CORPORATION	Mortgage Servicer Registration	1
HOMESIDE LENDING INC	First Mortgage Banker and Broker	8
HOMESTEAD FUNDING CORP	First Mortgage Banker and Broker	1
HOUSEHOLD FINANCE CORPORATION II	First Mortgage Banker and Broker	4
HOUSEHOLD FINANCE CORPORATION II	Second Mortgage Home Loan Lend	1
KENDALL LEASING CO INC	Retail Seller	1
LCC FINANCIAL CORP	Referral	2
LCC FINANCIAL CORP	Sales Finance Company	1
LENDINGTREE INC	First Mortgage Broker	1
LOANMAX LLC	Small Loan Lender	1
MEMBERS MORTGAGE COMPANY INC	First Mortgage Banker	1
MERRIMACK MORTGAGE COMPANY INC	First Mortgage Banker and Broker	1

Company Name	License Type	Total
MORTGAGE CENTRAL SOLUTIONS INC	First Mortgage Broker	3
MORTGAGE NETWORK INC	First Mortgage Banker	1
MORTGAGE PARTNERS INC	First Mortgage Banker and Broker	2
MORTGAGE SELECT	Unlicensed	1
NATION ONE MORTGAGE COMPANY INC	First Mortgage Banker	1
NATIONAL CITY MORTGAGE CO INC	First Mortgage Banker and Broker	2
NEW CENTURY MORTGAGE CORPORATION	First Mortgage Banker and Broker	1
NEW ENGLAND REGIONAL MORTGAGE CORPORATION	First Mortgage Banker and Broker	1
NEW ENGLAND REGIONAL MORTGAGE CORPORATION	Referral	1
NEWMAN FORD LLC	Retail Seller	1
NORTH AMERICAN MORTGAGE COMPANY INC	Referral	1
OLYMPUS SERVICING LIMITED PARTNERSHIP	Mortgage Servicer Registration	2

Company Name	License Type	Total
OPTION ONE MORTGAGE CORPORATION	First Mortgage Banker and Broker	2
PEOPLE'S MORTGAGE CORPORATION	First Mortgage Banker and Broker	1
PORT CITY NISSAN INC	Retail Seller	1
PRICELINE AUTOS	Unlicensed	1
PUTNAM MORTGAGE CORPORATION	First Mortgage Broker	1
REGENCY MORTGAGE CORP	First Mortgage Banker and Broker	1
SALLIE MAE SERVICING	Referral	1
SARAH GILL	First Mortgage Banker and Broker	1
SAXON MORTGAGE SERVICES INC	Mortgage Servicer Registration	1
STATEWIDE MORTGAGE FUNDING CORP	Second Mortgage Home Loan Lend	1
TALARICO PONTIAC-CADILLAC INC	Retail Seller	1
THOMAS SANUTH	Sales Finance Company	1
TITLE MORTGAGE SOLUTION LLC	First Mortgage Broker	1

Company Name	License Type	Total
TOWNE & COUNTRY MORTGAGE SERVICES INC	First Mortgage Broker	1
TRAVELER MORTGAGE CENTER	Referral	1
UNITED COMPANIES LENDING CORPORATION	Unlicensed	1
VERNE A LACROSSE	First Mortgage Broker	1
WASHINGTON MUTUAL INC	Referral	1
WASHINGTON MUTUAL HOME LOANS INC	Referral	2
WILSHIRE CREDIT CORPORATION	Mortgage Servicer Registration	1

Summary of Complaints from 1/1/2003 to 3/31/2003

License Type:	
Sales Finance Company	3
Retail Seller	5
First Mortgage Banker	8
First Mortgage Broker	4
First Mortgage Banker and Broker	18
Mortgage Servicer Registration	12
Second Mortgage Home Loan Lender	1
Small Loan Lender	1
Debt Adjuster	0
Unlicensed	5
Referrals	2
Grand Total	59

Resolution Types:	
Resolved for consumer	5
No jurisdiction to provide remedy	4
Institution within its rights	4
Referral	4
No response or disposition unknown	0
Other	1
Unresolved	41
TOTAL	59

Complaint Types:

Mortgage, Application	2	Auto, Assignment/Sale	1
Mortgage, Assignment/Sale	0	Auto, Credit reports	0
Mortgage, Closing costs	3	Auto, Credit Denial	0
Mortgage, Credit reports	0	Auto, Fees, Charges and Cos	0
Mortgage, Credit Denial	0	Auto, Insurance/Warranty	1
Mortgage, Discharge/Payoff	10	Auto, Late fees	0
Mortgage, Escrow	2	Auto, Misrepresentation	3
Mortgage, Foreclosure	1	Auto, Title/Payoff	2
Mortgage, Insurance	6	Auto, Unlicensed	0
Mortgage, Interest	0	Auto, Other	0
Mortgage, Misrepresentation	3	**Total Auto Complaints**	7
Mortgage, Servicing	14		
Mortgage, Unlicensed	1		
Mortgage, Other	9	Debt Adjuster	0
Total Mortgage Complaints	51	Mortgage Servicer	0
		Retail Seller	0
		Small Loans	1
TOTAL COMPLAINTS	59	Other - Referrals	0

Complaints Totals: From 01/01/03 to 03/31/03

Company Name	License Type	Total
A & B MORTGAGE CORPORATION	First Mortgage Broker	2
AEGIS LENDING CORPORATION	First Mortgage Banker and Broker	1
AMERIQUEST MORTGAGE COMPANY INC	First Mortgage Banker and Broker	2
BEDFORD CAPTIAL CORP	Referral	1
CENDANT MORTGAGE CORPORATION	First Mortgage Banker	1
CENTEX HOME EQUITY COMPANY LLC	First Mortgage Banker and Broker	1
CHASE MANHATTAN MORTGAGE CORPORATION	First Mortgage Banker and Broker	2
CITICAPITAL COMMERCIAL LEASING CORPORATION	Sales Finance Company	1
CITIFINANCIAL INC	First Mortgage Banker	1
CONSECO FINANCE SERVICING CORP	First Mortgage Banker	2
CORVETTE CITY USA CORP	Retail Seller	3

Company Name	License Type	Total
COUNTRYWIDE HOME LOANS INC	First Mortgage Banker	2
CROWN PROPERTIES AND HOME SALES LLC	Unlicensed	1
DIEUW THONET	First Mortgage Broker	1
DOVENMUEHLE MORTGAGE INC	Mortgage Servicer Registration	3
DOVENMUEHLE MORTGAGE INC	Referral	1
EAST WEST MORTGAGE COMPANY INC	First Mortgage Broker	1
ELITE ESCROW & CLOSING SERVICES	Unlicensed	1
EMC MORTGAGE CORPORATION	Mortgage Servicer Registration	1
FAIRBANKS CAPITAL CORP	Mortgage Servicer Registration	6
FINANCIAL RESOURCES INC	Unlicensed	1
FORD MOTOR CREDIT COMPANY	Sales Finance Company	1
GARY BLAKE CAR COMPANY LLC	Retail Seller	1
GMAC MORTGAGE CORPORATION	First Mortgage Banker and Broker	3

Company Name	License Type	Total
HOMECOMINGS FINANCIAL NETWORK INC	First Mortgage Banker	1
HOMESIDE LENDING INC	First Mortgage Banker and Broker	2
HOUSEHOLD MORTGAGE SERVICES	Unlicensed	2
INTERBAY FUNDING LLC	First Mortgage Banker	1
LOANMAX LLC	Small Loan Lender	1
M&T CREDIT CORPORATION	Sales Finance Company	1
M&T MORTGAGE CORPORATION	First Mortgage Banker and Broker	1
MACMULKIN CHEVROLET INC	Retail Seller	1
MORTGAGE PARTNERS INC	First Mortgage Banker and Broker	1
NEW ENGLAND MERCHANTS CORP	First Mortgage Banker and Broker	1
OLYMPUS SERVICING LIMITED PARTNERSHIP	Mortgage Servicer Registration	1
PRINCIPAL RESIDENTIAL MORTGAGE INC	First Mortgage Banker and Broker	3
SAXON MORTGAGE SERVICES INC	Mortgage Servicer Registration	1

Company Name	License Type	Total
WELLS FARGO HOME MORTGAGE INC	First Mortgage Banker and Broker	1
WELLS FARGO HOME MORTGAGE INC	Second Mortgage Home Loan Lend	1

Voting Sheets

HOUSE COMMITTEE ON COMMERCE

EXECUTIVE SESSION on SB 121-FN

BILL TITLE: **relative to mortgage originator registration.**

DATE: May 7, 2003

LOB ROOM: 302

Amendments:

Sponsor: Rep. Spiess	OLS Document #:	2003	1500h
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

Motions: (OTP) OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Spiess

Seconded by Rep. Reardon Amendment

Vote: 13-2 (Please attach record of roll call vote.)

Motions: OTP (OTP/A) ITL, Interim Study (Please circle one.)

Moved by Rep. Spiess

Seconded by Rep. Reardon

Vote: 13-2 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: Regular

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Paul D. Spiess, Clerk

OFFICE OF THE HOUSE CLERK 2003 SESSION

COMMERCE

Bill #: SB-121 **Title:** _____

PH Date: ___/___/___ **Exec Session Date:** 3/12/03

Motion: OTP **Amendment #:** 1500h

MEMBER	YEAS	NAYS
Hunt. John B. Chairman		
Fraser. Leo W. V Chairman		
Francoeur. Sheila T	✓	
Belanger. Ronald J		
Langley. Jane S	✓	
DiFruscia. Anthony R		
Flanders. Donald H	✓	
Spiess. Paul D	✓	
Holden. Randolph N	✓	
Liebl. George J		✓
Quandt. Matthew J	✓	
Clark. Charles L	✓	
Brady. Mark A		✓
Scamman. Stella	✓	
Stepanek. Stephen B		
Reardon. Tara G	✓	
Taylor. Kathleen N	✓	
Meader. David R	✓	
DeStefano. Stephen T	✓	
Vachon. Dennis P		
Kopka. Angeline A	✓	
	13	2
TOTAL VOTE:		

Printed: 1/6/2003

COMMERCE

Bill #: SB-121 **Title:**

PH Date: / / **Exec Session Date:** 2/7/03

Motion: OTPA **Amendment #:**

MEMBER	YEAS	NAYS
Hunt. John B. Chairman		
Fraser. Leo W. V Chairman		
Francoeur. Sheila T	✓	
Belanger. Ronald J		
Langley. Jane S	✓	
DiFruscia. Anthony R		
Flanders. Donald H	✓	
Spiess. Paul D	✓	
Holden. Randolph N	✓	
Liebl. George J		✓
Quandt. Matthew J	✓	
Clark. Charles L	✓	
Brady. Mark A		✓
Scamman. Stella	✓	
Stepanek. Stephen B		
Reardon. Tara G	✓	
Taylor. Kathleen N	✓	
Meader. David R	✓	
DeStefano. Stephen T	✓	
Vachon. Dennis P		
Kopka. Angeline A	✓	
	15	2

TOTAL VOTE:
Printed: 1/6/2003

Committee Report

COMMITTEE REPORT

COMMITTEE: **Commerce**

BILL NUMBER: **SB 121-FN**

TITLE: relative to mortgage originator registration.

DATE: May 7, 2003 CONSENT CALENDAR YES ☐ NO ☒

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

The intent of this bill, as passed by the Senate, would require that any person engaged in the business of originating mortgage loans for compensation must be registered as a loan "originator" with the New Hampshire Banking Department. This would require filing an application, paying a fee, and being subject to suspension, revocation or non-renewal. The committee felt that there was not sufficient evidence to justify implementing a registration process. Further, the committee believes that the licensed mortgage banker or mortgage broker is ultimately responsible for the actions of their agents/employees. The committee amendment requires the licensee to provide a list of all loan originators who originate loans on their behalf to the banking department at the time of renewal of their license.

Vote 13-2.

Rep. Paul D. Spiess
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

Commerce

SB 121-FN, relative to mortgage originator registration. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul D. Spiess for Commerce: The intent of this bill, as passed by the Senate, would require that any person engaged in the business of originating mortgage loans for compensation must be registered as a loan "originator" with the New Hampshire Banking Department. This would require filing an application, paying a fee, and being subject to suspension, revocation or non-renewal. The committee felt that there was not sufficient evidence to justify implementing a registration process. Further, the committee believes that the licensed mortgage banker or mortgage broker is ultimately responsible for the actions of their agents/employees. The committee amendment requires the licensee to provide a list of all loan originators who originate loans on their behalf to the banking department at the time of renewal of their license. **Vote 13-2.**

COMMITTEE REPORT

COMMITTEE: **COMMERCE**

BILL NUMBER: **SB 121-FN**

TITLE: relative to mortgage originator registration.

DATE: 3-7-03 CONSENT CALENDAR YES ☐ NO ☒

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

The intent of this bill as passed by the Senate, would require that any person engaged in the business of originating mortgage loans, for compensation, must be registered as a loan "originator" with the New Hampshire Banking Dept. This would require filing an application, paying a fee, and being subject to suspension, revocation or non-renewal. The Committee felt that there was not sufficient evidence to ~~support~~ justify implementing a registration process. Further, the Committee believes that the licensed mortgage banker or mortgage broker is ultimately responsible for the actions of their agents/employees.

Vote _____

Rep. _____ (over)
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

Committee
The Amendment requires the licensee to ~~report annually to the Banking Department~~ provide a list of all loan originators who originate loans on their behalf to the Banking Department at the time of renewal of their license.

JBA