

THE SECONDARY MORTGAGE LOAN ACT (EXCERPT)
Act 125 of 1981

***** 493.52c THIS SECTION IS REPEALED BY ACT 77 OF 2009 EFFECTIVE JULY 31, 2010 *****

493.52c Secondary mortgage loan officer registration; validity; duration; application for renewal; requirements.

Sec. 2c. (1) A secondary mortgage 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 secondary mortgage loan officer registrations of any 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 secondary mortgage loan officer registrations. The licensee or registrant shall include with the application the annual operating fee established in section 6a(6) for each secondary mortgage loan officer registrant included in the application.

(3) The commissioner shall prescribe the form of the application for renewal of secondary mortgage 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 secondary mortgage 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 secondary mortgage loan officer registrant.
- (c) The current registration number of the secondary mortgage loan officer registrant.

(d) A statement as to whether the secondary mortgage 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 broker, lender, or servicer in which the secondary mortgage loan officer registrant held more than 25% of the ownership interest or as a secondary mortgage loan officer.

(e) Except as provided in subsection (7), proof acceptable to the commissioner that the secondary mortgage 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 secondary mortgage 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 secondary mortgage loan officer registration for a secondary mortgage loan officer registrant under subsection (2), the secondary mortgage 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 secondary mortgage 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 secondary mortgage loan officer registrant's first renewal of his or her secondary mortgage 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 secondary mortgage loan officer registrant's second or subsequent renewal of his or her secondary mortgage loan officer registration, the date of the most recent affidavit provided by the secondary mortgage loan officer registrant to the licensee or registrant under this subsection.

(5) The commissioner shall not renew the secondary mortgage loan officer registration of any secondary mortgage 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 secondary mortgage loan officer registration has not been renewed for a period of more than 5 consecutive calendar years, the individual must apply for a secondary mortgage loan officer registration under section 2b as a new applicant. The applicant may include in a renewal application under subsection (2) a request to renew the secondary mortgage loan officer registration for a secondary mortgage loan officer

registrant who is not currently registered if his or her secondary mortgage 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 secondary mortgage loan officer registration of a secondary mortgage loan officer registrant who has a valid, similar license or registration from another state that has instructional procedures and requirements for secondary mortgage 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.

History: Add. 2008, Act 325, Imd. Eff. Dec. 18, 2008.