

TITLE 160. DEPARTMENT OF CONSUMER CREDIT
CHAPTER 55. MORTGAGE BROKERS, MORTGAGE LENDERS AND MORTGAGE
LOAN ORIGINATORS

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

160:55-1-1 [AMENDED]

160:55-1-2 [AMENDED]

Subchapter 3. Licensing

160:55-3-1.1 [AMENDED]

160:55-3-3.1 [AMENDED]

160:55-3-4 [AMENDED]

160:55-3-8 [AMENDED]

160:55-3-9.1 [AMENDED]

160:55-3-12 [AMENDED]

160:55-3-13 [AMENDED]

Subchapter 7. Records

160:55-7-1 [AMENDED]

Subchapter 9. Enforcement

160:55-9-3 [AMENDED]

160:55-9-4 [AMENDED]

160:55-9-5 [AMENDED]

160:55-9-6 [AMENDED]

160:55-9-7 [AMENDED]

SUMMARY:

House Bill 1828 amended the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act (Oklahoma SAFE Act) and established a mortgage lender license, effective November 1, 2013. The proposed rule amendments implement the mortgage licensing requirements for mortgage lenders established in House Bill 1828 by specifying that an application, bond, minimum net worth, criminal background checks of control persons and credit reports of control persons are required. A licensed mortgage loan originator must also be designated to oversee any activity of a mortgage lender that satisfies the definition of a mortgage broker as defined by the Oklahoma SAFE Act.

The proposed rule amendments clarify that a mortgage loan originator designated to oversee mortgage loan origination activities for a mortgage broker or mortgage lender may not serve as the designated mortgage loan originator for any other mortgage broker, mortgage lender or branch office. The proposed rule amendments also update references regarding the proper venue for administrative appeals and the requirements for orders issued by the Administrator.

A proposed rule amendment establishes a process for a licensee to request an inactive license status in accordance with the Oklahoma SAFE Act. A proposed rule amendment removes a requirement that licensees return a license to the Administrator upon notification of an address change or upon notification that a business location is closing.

Proposed rule amendments also remove language regarding the failure of an applicant to provide information requested by the Administrator and language regarding the failure of an applicant to qualify for a license. The proposed rule amendments includes new provisions stating

that if applicants fail to provide information requested by the Administrator, a failure to provide information as requested by the Administrator shall be deemed a withdrawal of an application.

A proposed rule amendment specifies that mortgage loan originator license applicants must pass a qualified written test developed by the Nationwide Mortgage Licensing System and Registry (NMLS&R) in accordance with standards established by the Oklahoma SAFE Act. The proposed testing rule amendment will authorize the Administrator to adopt any qualified written test developed by NMLS&R in accordance with standards established by the Oklahoma SAFE Act.

AUTHORITY:

Administrator of Consumer Credit; 59 O.S. §§ 2095.1(2), 2095.5(C), 2095.13 and 2095.14.

COMMENT PERIOD:

Written and oral comments will be accepted during the period of February 3, 2014 through March 5, 2014. Written comments may be mailed or emailed to Roy John Martin, General Counsel, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112 or via email at rmartin@okdocc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 1:30 p.m. on Wednesday, March 5, 2014 at the Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by the proposed rule amendments are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing before the conclusion of the comment period on March 5, 2014 at the above address.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Department of Consumer Credit at 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112 or the Department of Consumer Credit Internet website at www.ok.gov/okdocc/Rules_and_Actions/index.html.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and will be available on and after February 18, 2014, at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Roy John Martin, General Counsel, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112, 405-521-3653, rmartin@okdocc.ok.gov.