

CHAPTER 240

SB 189 – FINAL VERSION

03/30/11 1185s

25May2011... 1853h

06/22/11 2428EBA

2011 SESSION

11-1075

08/05

SENATE BILL **189**

AN ACT relative to the definition of mortgage loan originator.

SPONSORS: Sen. D’Allesandro, Dist 20; Sen. Odell, Dist 8; Sen. Bradley, Dist 3; Rep. Chandler, Carr 1

COMMITTEE: Commerce

ANALYSIS

This bill changes the definition of mortgage loan originator.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to the definition of mortgage loan originator.

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

240:1 Mortgage Loan Originator; Definition. Amend RSA 397-A:1, XVII(a) to read as follows:

(a) “Originator” or “mortgage loan originator” or “mortgage originator” or “loan originator” means an individual who for direct or indirect compensation or gain or in the expectation of direct or indirect compensation or gain, takes a mortgage application or offers, negotiates, solicits, arranges, or finds a mortgage loan or [~~who assists a consumer in obtaining or applying to obtain a mortgage loan by, among~~]

~~other things, advising on loan terms (including rates, fees, and other costs), preparing loan packages, or collecting information on behalf of the consumer with regard to a mortgage loan or~~ who offers or negotiates terms of a residential mortgage loan. No individual may act as an originator for more than one mortgage broker, mortgage servicer, or mortgage banker. A sole proprietor licensed as a mortgage broker, mortgage servicer, or mortgage banker shall also obtain a license as a mortgage originator prior to engaging in the activities of a mortgage originator. Mortgage loan originator does not include:

- (1) An individual engaged solely as a loan processor or underwriter except as otherwise provided in RSA 397-A:3, II-a;
- (2) A person that only performs real estate brokerage activities and is licensed or registered in accordance with applicable state law, unless the person or entity is compensated by a lender, a mortgage broker, mortgage servicer, or other mortgage loan originator or by any agent of such lender, mortgage broker, mortgage servicer, or other mortgage loan originator; ~~and~~
- (3) A person solely involved in extensions of credit relating to timeshare plans, as that term is defined in 11 U.S.C. section 101(53D)[-]; **and**
- (4) Any individual who is not otherwise described in subparagraph (a) and who performs purely administrative or clerical tasks as an employee at the direction of and subject to the supervision and instruction of a licensed person who is described in subparagraph (a).**

240:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 5, 2011

Effective Date: September 3, 2011