

**Proposed Amendments & New Rules**  
**7 TAC, Part 1, Chapter 2**  
**Residential Mortgage Loan Originators Licensed with OCCC**  
**7/25/13 Precomment Draft**

*Subchapter A. Application Procedures for Office of Consumer Credit Commissioner Applicants*

*§2.101. Definitions.*

The following words and terms, when used in this chapter, have the following meanings unless the context clearly indicates otherwise:

(1) NMLS [~~NMLSR~~]~~--~~The Nationwide Mortgage Licensing System and Registry with the same meaning as assigned by Texas Finance Code, §180.002.

(2) OCCC--The Office of Consumer Credit Commissioner of the State of Texas.

(3) RMLO--A residential [~~registered~~] mortgage loan originator licensed with the OCCC under Texas Finance Code, Chapter 180[~~, Residential Mortgage Loan Originators, the Texas Secure and Fair Enforcement for Mortgage Licensing Act of 2009~~].

*§2.102. Registration with Nationwide Mortgage Licensing System and Registry.*

(a) Individuals. Individuals applying for a license with the OCCC and who, for actual or expected compensation or gain, take a residential mortgage loan application, or who offer or negotiate the terms of a residential mortgage loan, are required to register with NMLS [~~the NMLSR~~], except for individuals engaged in authorized activity subject to the authority of a regulatory official under Texas Finance Code, §180.251(a).

(b) Entities. Entities licensed or applying for a license with the OCCC to make, transact, or negotiate residential mortgage loans are not required to register with NMLS [~~the NMLSR~~].

(c) Withdrawal of application. If an application is not completed within 30 calendar days after notice of deficiency has been sent to the applicant, the application may be considered abandoned and will be withdrawn.

(d) Inactive status. The OCCC may issue a license in an inactive status if the applicant complies with all requirements of licensure and completes the required application except for the requirement of providing an employer. After the inactive RMLO has submitted an employer and the OCCC has verified that the employer is currently registered or licensed by the OCCC, the license may be changed to active status.

(e) Conditional status. The OCCC may issue a license on a conditional basis.

*§2.103. Fingerprint Submissions.*

Applicants are required to submit one legible set of fingerprints to NMLS [~~the NMLSR~~] for purposes of application with the OCCC to become an RMLO. The OCCC reserves the right to request additional sets of fingerprints to conduct state and international background checks.

*§2.104. Application and Renewal Fees.*

(a) Required submission to NMLS [~~NMLSR~~]. To become an RMLO, an OCCC applicant must submit the required fees to NMLS [~~the NMLSR~~]. A fee is required to be submitted at the time of application and at the time of renewal. All fees are nonrefundable and nontransferable.

(b) Fingerprint processing fees. Fingerprint processing fees must also be paid in the amount necessary to recover the costs of investigating the OCCC applicant's fingerprint record (amount required by third party).

(c) OCCC application and renewal fees. The Finance Commission of Texas sets the RMLO application fee at \$300 and the RMLO annual renewal fee not to exceed \$300 for applications filed with the OCCC. Annual renewal fees are due to NMLS [~~the NMLSR~~] by December 31 of each year. A third party operates NMLS [~~the NMLSR~~] and that third-party operator sets the amount of the required system fees. Applicants and RMLOs must pay all required application and renewal fees, fingerprint processing fees, and any additional amounts required by the third-party operator.

(d) OCCC reinstatement period and fee. The Finance Commission of Texas sets the RMLO reinstatement fee at \$50 for applications filed with the OCCC. The reinstatement period for OCCC applicants runs from January 1 through the last day of February each year.

*§2.105. Recovery Fund Fees.*

Applicants and RMLOs applying for a license or renewal with the OCCC must pay a nonrefundable [~~non-refundable~~] \$25 recovery fund fee to the OCCC at the time of application and at the time of renewal.

*Subchapter B. Operational Requirements for Office of Consumer Credit Commissioner Licensees*  
*{{NOTE: New subchapter containing two new rules.}}*

*§2.201. License Renewal.*

(a) Requirements. A license may be renewed if:

(1) the RMLO submits a completed application for renewal through the NMLS together with the payment of the applicable renewal application fee;

(2) the OCCC determines that the RMLO continues to meet the minimum requirements for license issuance, including financial responsibility, character, and general fitness, as provided in Texas Finance Code, §180.055, and subsection (d) of this section; and

(3) the RMLO provides satisfactory evidence that the RMLO has completed the continuing education requirements of Texas Finance Code, §180.060.

(b) Denial. Renewal of a license may be denied for reasons provided in Texas Finance Code, §180.201.

(c) Additional information. The OCCC may require additional, clarifying, or supplemental information from any applicant for the renewal of a license pursuant to Texas Finance Code, Chapter 180 in order to determine compliance with the law.

(d) Additional background checks. After initial issuance of a license, the OCCC may require additional criminal and credit background checks in order to determine an RMLO's continuing compliance with the law.

*§2.202. Maintaining Current Information.*

An RMLO must maintain current information with NMLS. An RMLO must notify the OCCC by filing a license amendment through NMLS, if any of the following items change:

(1) address;

(2) name; or

(3) employer.