

DEPARTMENT OF REGULATORY AGENCIES
DIVISION OF REAL ESTATE
MORTGAGE LOAN ORIGINATORS AND MORTGAGE COMPANIES
4 CCR 725-3

EMERGENCY RULE
November 20, 2019

CHAPTER 2: REQUIREMENTS FOR LICENSURE

Pursuant to and in compliance with Title 12, Article 10 and Title 24, Article 4, C.R.S., as amended, notice of emergency rule-making is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Colorado Board of Mortgage Loan Originators (the "Board") to promulgate rules, or to amend, repeal, or repeal and re-enact the present rules of the Board.

STATEMENT OF BASIS

The statutory basis for the rules titled Rules of the Board of Mortgage Loan Originators is Part 7 of Title 12, Article 10, Colorado Revised Statutes, as amended.

STATEMENT OF PURPOSE

The Board finds that immediate adoption of this emergency rule is imperatively necessary to comply with state and federal law; including §§ 12-10-701, et seq., C.R.S., 12 U.S.C. §§ 5101, et seq., and that compliance with the rule-making requirements of § 24-4-103, C.R.S., applicable to non-emergency rules, would be contrary to the public interest.

SPECIFIC PURPOSE OF RULEMAKING

The specific purpose of this rule-making is to ensure the modifications made through the passage of the Economic Growth, Regulatory Relief, and Consumer Protection Act (S.2155) as codified in the SAFE Mortgage Licensing Act of 2008 reconcile with the requirements found in § 12-10-711(11), C.R.S. Effective November 24, 2019, federal law will grant temporary authority for individuals moving from a depository to a non-depository institution or a state-licensed mortgage loan originator moving interstate to perform activities requiring a licensing for up to 120 days prior to completion of the mandatory qualifying education or successfully passing the licensing examination.

Without the immediate adoption of the emergency rules, the public's interest is not served. Wherefore, pursuant to § 24-4-103(6), C.R.S., the Board has stated needs to adopt these emergency rules.

PROPOSED NEW, AMENDED AND REPEALED RULES

Deleted material shown ~~struck through~~; new material is indicated by underline. Rules, or portions of rules, which are unaffected are reproduced. Readers are advised to obtain a copy of the complete rules of the Board at www.dora.colorado.gov/dre.

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2.4 Temporary ~~license authority and Colorado temporary license~~

An applicant applying for mortgage loan originator temporary license that is eligible for temporary authority must meet the following requirements:

- A. Submit a set of fingerprints to the Nationwide Multistate Licensing System and Registry (NMLS) in accordance with policies and procedures as established by the NMLS.
- B. Must be eligible for temporary authority with the NMLS in accordance with policies and procedures as established by the NMLS.
- C. Applicant must be employed and sponsored by a Colorado NMLS registered mortgage company.
- D. Applicant has not had any of the following:
 1. An application for a mortgage loan originator license denied in any jurisdiction;
 2. A mortgage loan originator license revoked or suspended in any jurisdiction;
 3. Has been subject to, or served with a cease and desist order; and
 4. Has been convicted of, or pled guilty or nolo contendere to, a misdemeanor or felony pursuant to sections 12-10-711(1)(b), (2)(b)(I), and (2)(c), C.R.S.
- E. Applicant has met either one of the following:
 1. Registered in the NMLS as a loan originator for a depository (i.e. bank or savings association) as defined in section 12-10-709(1)(b), C.R.S. during the one (1) year period preceding the date of application for a temporary license; or
 2. A license issued as a mortgage loan originator in another jurisdiction during the thirty (30) day period preceding the date of application for a temporary license.
- F. Applicant will have seven (7) business days from notice of issuance of temporary authority from the NMLS to submit the Colorado Division of Real Estate's "Mortgage Loan Originator License Application" which includes the following state specific requirements pursuant to section 12-10-711(11), C.R.S.:
 1. Submit a set of fingerprints for the purposes of a criminal history check to the Colorado Bureau of Investigations (CBI).
 2. Acquisition of a surety bond pursuant to section 12-10-717, C.R.S. and in accordance with any rule of the Board that directly or indirectly addresses surety bond requirements.
 3. Acquisition of the errors and omissions insurance pursuant to section 12-10-707, C.R.S. and in accordance with any rule of the Board that directly or indirectly addresses errors and omissions insurance requirements.
 4. Applicant must identify the responsible Colorado licensed mortgage loan originator ("Responsible Mortgage Loan Originator") who is responsible for the supervision of the applicant during the time they hold an active mortgage loan originator temporary license.
 5. Payment of the non-refundable application fee as established by the Board.

~~———— Mortgage loan originators demonstrating to the Board a good-faith effort to comply with the requirements pursuant to § 12-61-901, et seq., C.R.S. may be issued a temporary license upon completion of the requirements set forth below:~~

- ~~A. — The individual has completed all requirements set forth by the Nationwide Mortgage Licensing System and Registry, including payment of requisite fees, and has been approved by the Board of Mortgage Loan Originators on the Nationwide Mortgage Licensing System and Registry;~~
- ~~B. — Prior to submitting an application, a set of fingerprints for a criminal history record check must be submitted to the Colorado Bureau of Investigation (CBI);~~
- ~~C. — Acquisition of a surety bond as required by § 12-61-907, C.R.S. and in accordance with any rule of the Board that directly or indirectly addresses surety bond requirements;~~

- ~~D. Acquisition of the errors and omissions insurance required by § 12-61-903.5, C.R.S. and in accordance with any rule of the Board that directly or indirectly addresses errors and omissions insurance requirements;~~
 - ~~E. Completion of the Colorado Division of Real Estate specific Mortgage Loan Originator Application; and~~
 - ~~F. Payment of the application fee established by the Board and is non-refundable.~~
- 2.5 A mortgage loan originator holding a temporary license must be employed and sponsored by a Colorado NMLS registered mortgage company and must be supervised by a Responsible Mortgage Loan Originator licensed in Colorado. Only individuals who are licensed as state-licensed loan originators may hire and sponsor unlicensed mortgage loan originators under the temporary license provision.
- ~~A. Licensed mortgage loan originators who employ and sponsor such a temporarily licensed mortgage loan originator shall~~The Responsible Mortgage Loan Originator will be held responsible under all applicable provisions of law, including without limitation this Part 9-7 and § 38-40-105, C.R.S., for the actions of the temporarily licensed mortgage loan originator mortgage loan originator holding a temporary license, to whom a temporary license has been assigned, and are personally subject to all applicable penalties under the law.
 - ~~B. Licensed mortgage loan originators shall~~Responsible Mortgage Loan Originators must notify the Division of Real Estate, in a manner acceptable to the Board, of exact dates of hire and termination of employment the beginning and ending dates of supervision for temporarily licensed mortgage loan originators holding a temporary license. Sponsoring mortgage loan originators shall complete the mortgage loan originator temporary license update form, and forward to the Division of Real Estate, in a manner acceptable to the Board, all other information required for the possible receipt of a temporary license.
 - ~~C. Licensed mortgage loan originators shall~~Responsible Mortgage Loan Originators will be held responsible for the activity activities of temporarily licensed mortgage loan originators holding a temporary license through and including the date of the temporary license expiration or termination of supervision, whichever is sooner. and required notification of such termination to the Division of Real Estate.
- 2.6 Temporary licenses shall expire 120 days after completion of the Mortgage Loan Originator License Application or when the temporary license is terminated by a licensed mortgage loan originator with whom the temporary licensee is operating under. A mortgage loan originator temporary license will expire on one of the following dates, whichever is sooner:
- A. Applicant withdraws their application for a Colorado mortgage loan originator license;
 - B. The Board denies the applicant's application for a Colorado mortgage loan originator license;
 - C. The Board approves and issues a Colorado mortgage loan originator license;
 - D. Supervision termination date between the Responsible Mortgage Loan Originator and the mortgage loan originator holding a temporary license; or
 - E. One hundred twenty (120) days after the date the applicant was issued a temporary license.
- 2.7 ~~Individuals Applicants seeking a temporary licenses shall~~will be granted one (1) mortgage loan originator temporary license providing the applicant meets all of the requirements as set forth in these rules. Additional or extended temporary licenses ~~shall~~will be prohibited.
- 2.8 ~~Temporary licensees shall request on the application that the Board inactivate their temporary license upon determination by the Board that the requirements of the law have not been met.~~REPEALED (11/24/2019)
- 2.9 Any mortgage loan originator temporary license issued by the Board ~~shall~~will have the same force and effect of the license ~~required by pursuant to § section 12-61-90412-10-701, et seq.,~~ C.R.S. for the period of time it is in effect.

2.10 Once the applicant fully complies with the terms of the law as determined by the Board, the Board ~~shall~~will license the applicant in accordance with ~~§-section 12-64-903~~12-10-704, C.R.S.