

H. B. 4271

(By Delegates Moore, Reynolds and Azinger)
[Introduced January 24, 2012; referred to the
Committee on Banking and Insurance then the Judiciary.]

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10 A BILL to amend and reenact §31-17-11 of the Code of West Virginia,
11 1931, as amended, relating to the reporting requirements for
12 residential mortgage lenders and broker licensees; providing
13 that such reporting shall be done through the Nationwide
14 Mortgage Licensing System and Registry for the periods
15 established by the Nationwide Mortgage Licensing System and
16 Registry; preserving the confidentiality of such reports;
17 giving the Commissioner of Banking the discretion to direct
18 that the reports shall be filed directly with the Division of
19 Banking; and replacing the duty of the Commissioner of Banking
20 to provide an aggregate analysis of the information contained
21 in reports with a requirement that the commissioner shall
22 publish annually a list of the licenses issued under this
23 chapter and direct consumers to the public information
24 available through the Nationwide Mortgage Licensing System and

1 Registry.

2 *Be it enacted by the Legislature of West Virginia:*

3 That §31-17-11 of the Code of West Virginia, 1931, as amended,
4 be amended and reenacted to read as follows:

5 **ARTICLE 17. WEST VIRGINIA RESIDENTIAL MORTGAGE LENDER, BROKER AND**
6 **SERVICER ACT.**

7 **§31-17-11. Records and reports; examination of records; analysis.**

8 (a) Every lender and broker licensee shall maintain at his or
9 her place of business in this state, if any, or if he or she has no
10 place of business in this state, at his or her principal place of
11 business outside this state, such books, accounts and records
12 relating to all transactions within this article as are necessary
13 to enable the commissioner to enforce the provisions of this
14 article. All the books, accounts and records shall be preserved,
15 exhibited to the commissioner and kept available as provided herein
16 for the reasonable period of time as the commissioner may by rules
17 require. The commissioner is hereby authorized to prescribe by
18 rules the minimum information to be shown in the books, accounts
19 and records.

20 (b) Each licensee shall file ~~with the commissioner~~ a report
21 through the Nationwide Mortgage Licensing System and Registry under
22 oath or affirmation concerning his or her business and operations
23 in this state for the ~~preceding license year upon participation in~~
24 defined reporting period established by the Nationwide Mortgage

1 Licensing System and Registry and on a date established by the
2 Nationwide Mortgage Licensing System and Registry. ~~For license~~
3 ~~years 2008 and 2009, all licensees shall submit an annual report to~~
4 ~~the Division of Banking on or before March 15, 2009, and March 15,~~
5 ~~2010, respectively, on a form prescribed by the commissioner.~~
6 These reports are not public records and may not be open to public
7 inspection. The commissioner may direct that the reports required
8 by this subsection be filed directly with the Division of Banking.

9 (C) The commissioner may, at his or her discretion, make or
10 cause to be made an examination of the books, accounts and records
11 of every lender or broker licensee pertaining to primary and
12 subordinate mortgage loans made in this state under the provisions
13 of this article, for the purpose of determining whether each lender
14 and broker licensee is complying with the provisions hereof and for
15 the purpose of verifying each lender or broker licensee's annual
16 report. If the examination is made outside this state, the licensee
17 shall pay the cost thereof in like manner as applicants are
18 required to pay the cost of investigations outside this state.

19 (d) The commissioner shall publish annually a list of the
20 licenses issued under this chapter and shall direct consumers to
21 public information available through the Nationwide Mortgage
22 Licensing System and Registry. ~~an aggregate analysis of the~~
23 ~~information furnished in accordance with the provisions of~~
24 ~~subsection (b) or © of this section, but the individual reports are~~

1 ~~not public records and may not be open to public inspection.~~

2 (e) The commissioner may enter into cooperative and
3 information-sharing agreements with regulators in other states or
4 with federal authorities to discharge his or her responsibilities
5 under this article.

NOTE: The purpose of this bill is to require the electronic submission of reports relating to the business and operations of licensed mortgage lenders, brokers and servicers as established through the Nationwide Mortgage Licensing System and to release the Commissioner of Banking from the duty to publish an aggregate analysis of the information contained in said reports annually.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.