

LOUISIANA OFFICE OF FINANCIAL INSTITUTIONS
NON-DEPOSITORY DIVISION
2012 Legislation Summary

OFI BILLS:

Act 199 (HB 508) effective May 22, 2012, provides an exemption from La. S.A.F.E. Residential Mortgage Lending Act wherein if a person is not “regularly engaged” in residential mortgage lending activity in this state. Defines the term “regularly engaged” as either of the following:

(1) Engaged in residential mortgage lending activity, during the previous or current calendar year, as a mortgage loan originator in connection with more than 10 residential mortgage loans or in connection with any residential mortgage loan having a principal amount exceeding \$25,000, or employed by an employer who meets the thresholds set forth in proposed law.

(2) Engaged in residential mortgage lending activity, during the previous or current calendar year, as a mortgage loan broker, lender, or both, separately or combined, in connection with residential mortgage loans for which the combined original principal balance exceeds \$250,000 or in connection with any residential mortgage loan having a principal amount exceeding \$25,000.

For more information regarding this legislative act and how it may affect your company, please contact Deputy Chief Examiner Darin Domingue at (225) 922-2596.

Act 220 (HB 1128) effective May 22, 2012, revises the license renewal dates and the late renewal filing dates to coincide with the dates programmed in the uniform nationwide online licensing system in order to utilize that system for processing licenses.

- Licenses expiration dates will be changed to 12/31
- Late renewal dates will end on the last day in February of the following year

The revisions are applicable to the following licensing programs:

- Sale of Checks/Money Transmitters
- Licensed Lenders and
- Pawnbrokers

In addition, the Act requires licensees to pay applicable user charges for the utilization of the electronic database licensing system. The Act also repeals statutory references to limits on system charges for certain mortgage brokers, lenders, and originators.

For more information regarding these legislative acts and how they may affect pawnbrokers and licensed lenders, please contact Deputy Chief Examiner John Braud at (225) 925-7762 and for sale of checks and money transmitters, contact Review Examiner Doug Buras at (225) 922-2595.

These are merely highlights of the bills for information purposes and are not official interpretations or opinions. Please visit www.legis.louisiana.gov to review the entirety of the Acts.

OTHER BILLS THAT AFFECT NON-DEPOSITORY ENTITIES

Act 144 (SB 95) is effective August 1, 2012 and applies to Pawnbrokers authorizes the Department of Public Safety and Corrections access, upon request, to transactional information for the purpose of an investigation of a specific crime relating to a particular pawn transaction by:

- electronic transmission if the pawnbroker has the means available to make transmissions in electronic form via a system which makes solely transactional information available for transmission
- placing in the United States mail
- sending a facsimile

Act 234 (SB 326) effective August 1, 2012 amends the Louisiana Deferred Presentment and Small Loan Act to provide that beginning January 1, 2013, for a period of one year, the commissioner shall collect and compile information and data from licensees concerning the operation, function, and customers of deferred presentment transactions and small loan businesses. The information and data collected by the commissioner shall include, but not be limited to the following:

1. The number of loans issued quarterly
2. Location of the licensee's business and the number of loans and deferred presentment transactions issued quarterly for each licensee.
3. The number of checks returned unpaid for any reason and the amount of the fee charged by the licensee for such checks.

The Act also provides that the commissioner shall compile and submit to the legislature, in an aggregate format, the information and data collected by April 1, 2014.

Further instructions regarding the submission of this data will be provided to the affected entities in the near future via email.

For more information regarding these legislative acts and how they may affect your company, please contact Deputy Chief Examiner John Braud at (225) 925-7762.

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