

1 ~~sales and use taxes and the tax due thereon separately~~ as prescribed by the
2 department of revenue.

3 ***-0377/P10.327* *-4294/P1.307* SECTION 531.** 77.77 (1) of the statutes is
4 renumbered 77.77 (1) (a) and amended to read:

5 77.77 (1) (a) ~~The gross receipts sales price~~ from services subject to the tax under
6 s. 77.52 (2) are not or the lease, rental, or license of tangible personal property and
7 property, items, and goods specified under s. 77.52 (1) (b), (c), and (d), is subject to
8 the taxes under this subchapter, and the incremental amount of tax caused by a rate
9 increase applicable to those services, leases, rentals, or licenses is not due, if those
10 services are billed to the customer and paid for before beginning with the first billing
11 period starting on or after the effective date of the county ordinance, special district
12 resolution, or rate increase, regardless of whether the service is furnished or the
13 property, item, or good is leased, rented, or licensed to the customer before or after
14 that date.

15 ***-0377/P10.328* *-4294/P1.308* SECTION 532.** 77.77 (1) (b) of the statutes is
16 created to read:

17 77.77 (1) (b) The sales price from services subject to the tax under s. 77.52 (2)
18 or the lease, rental, or license of tangible personal property and property, items, and
19 goods specified under s. 77.52 (1) (b), (c), and (d), is not subject to the taxes under this
20 subchapter, and a decrease in the tax rate imposed under this subchapter on those
21 services first applies, beginning with bills rendered on or after the effective date of
22 the repeal or sunset of a county ordinance or special district resolution imposing the
23 tax or other rate decrease, regardless of whether the service is furnished or the
24 property, item, or good is leased, rented, or licensed to the customer before or after
25 that date.

1 ***-0377/P10.329*** ***-4294/P1.309*** SECTION 533. 77.77 (2) of the statutes is
2 repealed.

3 ***-0377/P10.330*** ***-4294/P1.310*** SECTION 534. 77.785 (1) of the statutes is
4 amended to read:

5 77.785 (1) All retailers shall collect and report the taxes under this subchapter
6 on the ~~gross receipts~~ sales price from leases and rentals of property ~~or items,~~
7 property, and goods under s. 77.52 (1) (b), (c), and (d) under s. 77.71 (4).

8 ***-0377/P10.331*** ***-4294/P1.311*** SECTION 535. 77.785 (2) of the statutes is
9 amended to read:

10 77.785 (2) Prior to registration or titling, a retailer of a boat, ~~all-terrain vehicle,~~
11 ~~trailer and semi-trailer dealers and licensed aircraft, motor vehicle, manufactured~~
12 ~~home, as defined in s. 101.91 (2), or recreational vehicle, as defined in s. 340.01 (48r),~~
13 ~~and snowmobile dealers~~ shall collect the taxes under this subchapter on sales of
14 items under s. 77.71 (4). The dealer retailer shall remit those taxes to the
15 department of revenue along with payments of the taxes under subch. III.

16 ***-1948/P1.14*** SECTION 536. 77.92 (4) of the statutes is amended to read:

17 77.92 (4) "Net business income," with respect to a partnership, means taxable
18 income as calculated under section 703 of the Internal Revenue Code; plus the items
19 of income and gain under section 702 of the Internal Revenue Code, including taxable
20 state and municipal bond interest and excluding nontaxable interest income or
21 dividend income from federal government obligations; minus the items of loss and
22 deduction under section 702 of the Internal Revenue Code, except items that are not
23 deductible under s. 71.21; plus guaranteed payments to partners under section 707
24 (c) of the Internal Revenue Code; plus the credits claimed under s. 71.07 (2dd), (2de),
25 (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (2dy), (3g), (3h), ~~(3s)~~, (3n), (3p), (3r), (3s).

1 (3t), (3w), (5e), (5f), (5g), (5h), (5i), (5j), and (5k); and plus or minus, as appropriate,
2 transitional adjustments, depreciation differences, and basis differences under s.
3 71.05 (13), (15), (16), (17), and (19); but excluding income, gain, loss, and deductions
4 from farming. "Net business income," with respect to a natural person, estate, or
5 trust, means profit from a trade or business for federal income tax purposes and
6 includes net income derived as an employee as defined in section 3121 (d) (3) of the
7 Internal Revenue Code.

8 *~~0377/P10.332~~* *~~4294/P1.312~~* SECTION 537. 77.98 of the statutes is
9 amended to read:

10 **77.98 Imposition.** A local exposition district under subch. II of ch. 229 may
11 impose a tax on the retail sale, except sales for resale, within the district's
12 jurisdiction under s. 229.43 of ~~products that are subject to a tax under s. 77.54 (20)~~
13 ~~(e) 1. to 3. and not~~ candy, as defined in s. 77.51 (1fm), prepared food, as defined in s.
14 77.51 (10m), and soft drinks, as defined in s. 77.51 (17w), unless exempt from the
15 sales tax under s. 77.54 (1), (4), (7) (a), (7m), (9), (9a) ~~or (20) (e) 5., (20n) (b) and (c),~~
16 and (20r).

17 *~~0377/P10.333~~* *~~4294/P1.313~~* SECTION 538. 77.981 of the statutes is
18 amended to read:

19 **77.981 Rate.** The tax under s. 77.98 is imposed on the sale of taxable products
20 at the rate of 0.25% of the ~~gross receipts~~ sales price, except that the district, by a vote
21 of a majority of the authorized members of its board of directors, may impose the tax
22 at the rate of 0.5% of the ~~gross receipts~~ sales price. A majority of the authorized
23 members of the district's board may vote that, if the balance in a special debt service
24 reserve fund of the district is less than the requirement under s. 229.50 (5), the tax
25 rate under this subchapter is 0.5%. The 0.5% rate shall be effective on the next

1 January 1, April 1, July 1 or October 1, and this tax is irrevocable if any bonds issued
2 by the district and secured by the special debt service reserve fund are outstanding.

3 *-0377/P10.334* *-4294/P1.314* SECTION 539. 77.982 (2) of the statutes is
4 repealed and recreated to read:

5 77.982 (2) Sections 77.51 (12m), (14), (14g), (15a), and (15b), 77.52 (1b), (3), (4),
6 (13), (14), (18), and (19), 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2),
7 (3m), (5), (8), (9), and (12) to (15), and 77.62, as they apply to the taxes under subch.
8 III, apply to the tax under this subchapter. Section 77.73, as it applies to the taxes
9 under subch. V, applies to the tax under this subchapter.

10 *-0377/P10.335* *-4294/P1.315* SECTION 540. 77.99 of the statutes is
11 amended to read:

12 **77.99 Imposition.** A local exposition district under subch. II of ch. 229 may
13 impose a tax at the rate of 3% of the gross receipts sales price on the rental, but not
14 for rental and not for rental as a service or repair replacement vehicle, within the
15 district's jurisdiction under s. 229.43, of Type 1 automobiles, as defined in s. 340.01
16 (4) (a), by establishments primarily engaged in short-term rental of passenger cars
17 without drivers, for a period of 30 days or less, unless the sale is exempt from the sales
18 tax under s. 77.54 (1), (4), (7) (a), (7m), (9) or (9a). If the state makes a payment under
19 s. 229.50 (7) to a district's special debt service reserve fund, a majority of the district's
20 authorized board of directors may vote to increase the tax rate under this subchapter
21 to 4%. A resolution to adopt the taxes imposed under this section, or an increase in
22 the tax rate, shall be effective on the first January 1, April 1, July 1, or October 1
23 following the adoption of the resolution or tax increase.

24 *-0377/P10.336* *-4294/P1.317d* SECTION 541. 77.991 (2) of the statutes is
25 repealed and recreated to read:

1 77.991 (2) Sections 77.51 (12m), (14), (14g), (15a), and (15b), 77.52 (1b), (3), (4),
2 (13), (14), (18), and (19), 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2),
3 (3m), (5), (8), (9), and (12) to (15), and 77.62, as they apply to the taxes under subch.
4 III, apply to the tax under this subchapter. Section 77.73, as it applies to the taxes
5 under subch. V, applies to the tax under this subchapter. The renter shall collect the
6 tax under this subchapter from the person to whom the passenger car is rented.

7 ***-0377/P10.337* *-4294/P1.316* SECTION 542.** 77.994 (1) (intro.) of the
8 statutes is amended to read:

9 77.994 (1) (intro.) Except as provided in sub. (2), a municipality or a county all
10 of which is included in a premier resort area under s. 66.1113 may, by ordinance,
11 impose a tax at a rate of 0.5% of the ~~gross receipts~~ sales price from the sale, license,
12 lease, or rental in the municipality or county of goods or services that are taxable
13 under subch. III made by businesses that are classified in the standard industrial
14 classification manual, 1987 edition, published by the U.S. office of management and
15 budget, under the following industry numbers:

16 ***-0377/P10.338* *-4294/P1.317* SECTION 543.** 77.994 (4) of the statutes is
17 amended to read:

18 77.994 (4) Sections 77.72 (1), ~~(2) (a) and (3) (a)~~, 77.73, 77.74, 77.75, 77.76 (1),
19 ~~(2)~~, and (4), 77.77 (1) ~~and (2)~~, 77.785 (1), and 77.79, as they apply to the taxes under
20 subch. V, apply to the tax under this subchapter.

21 ***-0377/P10.339* *-4294/P1.318* SECTION 544.** 77.995 (2) of the statutes is
22 amended to read:

23 77.995 (2) There is imposed a fee at the rate of 5 percent of the ~~gross receipts~~
24 sales price on the rental, but not for rental and not for rental as a service or repair
25 replacement vehicle of Type 1 automobiles, as defined in s. 340.01 (4) (a); of

1 recreational vehicles, as defined in s. 340.01 (48r); of motor homes, as defined in s.
2 340.01 (33m); and of camping trailers, as defined in s. 340.01 (6m) by establishments
3 primarily engaged in short-term rental of vehicles without drivers, for a period of 30
4 days or less, unless the sale is exempt from the sales tax under s. 77.54 (1), (4), (7)
5 (a), (7m) or (9a). There is also imposed a fee at the rate of 5 percent of the gross
6 receipts sales price on the rental of limousines.

7 ***-0377/P10.340* *-4294/P1.319* SECTION 545.** 77.9951 (2) of the statutes is
8 repealed and recreated to read:

9 77.9951 (2) Sections 77.51 (12m), (14), (14g), (15a), and (15b), 77.52 (1b), (3),
10 (4), (13), (14), (18), and (19), 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61
11 (2), (3m), (5), (8), (9), and (12) to (15), and 77.62, as they apply to the taxes under
12 subch. III, apply to the fee under this subchapter. The renter shall collect the fee
13 under this subchapter from the person to whom the vehicle is rented.

14 ***-0377/P10.341* *-4294/P1.320* SECTION 546.** 77.996 (6) of the statutes is
15 amended to read:

16 77.996 (6) "~~Gross receipts~~" ~~has the meaning given in s. 77.51 (4) (a), (b) 1. and~~
17 ~~5., (c) 1. to 4., and (d) means the sales price, as defined in s. 77.51 (15b), of tangible~~
18 personal property and taxable services sold by a dry cleaning facility. "Gross
19 receipts" does not include the license fee imposed under s. 77.9961 (1m) that is passed
20 on to customers.

21 ***-0377/P10.342* *-4294/P1.321* SECTION 547.** 77.9972 (2) of the statutes is
22 repealed and recreated to read:

23 77.9972 (2) Sections 77.51 (12m), (14), (14g), (15a), and (15b), 77.52 (1b), (3),
24 (4), (13), (14), (18), and (19), 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61
25 (2), (3m), (5), (8), (9), and (12) to (15), and 77.62, as they apply to the taxes under

1 subch. III, apply to the fee under this subchapter. Section 77.73, as it applies to the
2 taxes under subch. V, applies to the fee under this subchapter. The renter shall
3 collect the fee under this subchapter from the person to whom the passenger car is
4 rented.

5 ***-2008/P1.1* SECTION 548.** 84.03 (2) (a) 1. of the statutes is amended to read:

6 84.03 (2) (a) 1. "Amount of federal funds" means the sum of federal revenues
7 received under the federal Intermodal Surface Transportation Efficiency Act of 1991,
8 as amended, or under a substantially similar federal legislative act. "Amount of
9 federal funds" does not include the first \$300,000,000 of federal moneys received by
10 the state, pursuant to federal legislation enacted during the 111th Congress, for the
11 purpose of reviving the economy of the United States, which moneys are intended to
12 be used for transportation purposes.

13 ***-0377/P10.343* *-4294/P1.322* SECTION 549.** 86.195 (3) (b) 3. of the statutes
14 is amended to read:

15 86.195 (3) (b) 3. Fifty percent of the ~~gross receipts~~ sales price, as defined in s.
16 77.51 (15b), of the business are is from meal, food, the sale of food product and
17 beverage sales and food ingredients, as defined in s. 77.51 (3t), that are taxable under
18 s. 77.54 (20) (e) subch. III of ch. 77; and

19 ***-1896/1.6* SECTION 550.** 100.55 (1) (d) 3. of the statutes is amended to read:

20 100.55 (1) (d) 3. A mortgage banker, ~~loan originator,~~ or mortgage broker
21 registered licensed under s. 224.72 or a mortgage loan originator licensed under s.
22 224.725.

23 ***-1152/P8.42* SECTION 551.** 146.99 of the statutes is repealed.

24 ***-1152/P8.43* SECTION 552.** 149.10 (3m) (intro.) of the statutes is amended to
25 read:

1 149.10 (3m) (intro.) "Health care coverage revenue" means any of the
2 following, but does not include payments to health maintenance organizations under
3 s. 49.45 (59) (a):

4 *-1890/1.1* SECTION 553. 165.25 (4) (ar) of the statutes is amended to read:

5 165.25 (4) (ar) The department of justice shall furnish all legal services
6 required by the department of agriculture, trade and consumer protection relating
7 to the enforcement of ss. 100.171, 100.173, 100.174, 100.175, 100.177, 100.18,
8 100.182, 100.195, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42,
9 100.50, and 100.51, and 100.55, and 846.45 and chs. 126, 136, 344, 704, 707, and 779,
10 together with any other services as are necessarily connected to the legal services.

11 *-0377/P10.344* *-4294/P1.323* SECTION 554. 218.0171 (2) (cq) of the
12 statutes is amended to read:

13 218.0171 (2) (cq) Upon payment of a refund to a consumer under par. (b) 2. b.,
14 the manufacturer shall provide to the consumer a written statement that specifies
15 the trade-in amount previously applied under s. 77.51 (4) (b) 3. ~~or 3m. or (15) (b) 4.~~
16 ~~or 4m. (12m) (b) 5. or 6. or (15b) (b) 5. or 6.~~ toward the sales price of the motor vehicle
17 having the nonconformity and the date on which the manufacturer provided the
18 refund.

19 *-1896/1.7* SECTION 555. 220.02 (2) (g) of the statutes is amended to read:

20 220.02 (2) (g) Mortgage bankers, mortgage loan originators, and mortgage
21 brokers under subch. III of ch. 224.

22 *-1896/1.8* SECTION 556. 220.02 (3) of the statutes is amended to read:

23 220.02 (3) It is the intent of sub. (2) to give the division jurisdiction to enforce
24 and carry out all laws relating to banks or banking in this state, including those
25 relating to state banks, savings banks, savings and loan associations, and trust

1 company banks, and also all laws relating to small loan companies or other loan
2 companies or agencies, finance companies, insurance premium finance companies,
3 motor vehicle dealers, adjustment service companies, community currency
4 exchanges, mortgage bankers, mortgage loan originators, mortgage brokers, and
5 collection agencies and those relating to sellers of checks under ch. 217, whether
6 doing business as corporations, individuals, or otherwise, but to exclude laws
7 relating to credit unions.

8 ***-1896/1.9* SECTION 557.** 220.06 (1) of the statutes is amended to read:

9 220.06 (1) In this section, "licensee" means a person licensed by the division
10 under ch. 138, 217 or 218 or under s. 224.72, 224.725, or 224.92 ~~or registered by the~~
11 ~~division under s. 224.72.~~

12 ***-1896/1.10* SECTION 558.** 220.285 (1) of the statutes is amended to read:

13 220.285 (1) Any state bank, trust company bank, licensee under ss. 138.09,
14 138.12, 218.0101 to 218.0163, 218.02, 218.04 ~~or~~, 218.05, 224.72, or 224.725 or ch. 217,
15 ~~or person registered under s. 224.72~~ may cause any or all records kept by such bank,
16 licensee, or registered person to be recorded, copied or reproduced by any photostatic,
17 photographic or miniature photographic process or by optical imaging if the process
18 employed correctly, accurately and permanently copies, reproduces or forms a
19 medium for copying, reproducing or recording the original record on a film or other
20 durable material. A bank, licensee, or registered person may thereafter dispose of
21 the original record after first obtaining the written consent of the division. This
22 section, excepting that part of it which requires written consent of the division, is
23 applicable to national banking associations insofar as it does not contravene federal
24 law.

25 ***-1896/1.11* SECTION 559.** 221.0402 (2) (b) of the statutes is amended to read:

1 221.0402 (2) (b) Mortgage bankers ~~registered~~ licensed under s. 224.72 may use
2 the designation "mortgage banker".

3 *-1896/1.12* SECTION 560. 224.71 (1ag) of the statutes is repealed.

4 *-1896/1.14* SECTION 561. 224.71 (1b) of the statutes is repealed.

5 *-1896/1.15* SECTION 562. 224.71 (1bm) of the statutes is created to read:

6 224.71 (1bm) "Another state" means any state of the United States other than
7 Wisconsin; the District of Columbia; any territory of the United States; Puerto Rico;
8 Guam; American Samoa; the Trust Territory of the Pacific Islands; the Virgin
9 Islands; or the Northern Mariana Islands.

10 *-1896/1.16* SECTION 563. 224.71 (1c) of the statutes is created to read:

11 224.71 (1c) "Branch office" means an office or place of business, other than the
12 principal office, located in this state or another state, where a mortgage banker or
13 mortgage broker conducts business with residents of this state.

14 *-1896/1.17* SECTION 564. 224.71 (1d) of the statutes is repealed.

15 *-1896/1.18* SECTION 565. 224.71 (1dm) of the statutes is created to read:

16 224.71 (1dm) "Depository institution" has the meaning given in 12 USC 1813
17 (c) (1), but also includes any state or federal credit union.

18 *-1896/1.19* SECTION 566. 224.71 (1f) of the statutes is created to read:

19 224.71 (1f) "Dwelling" has the meaning given in 15 USC 1602 (v).

20 *-1896/1.20* SECTION 567. 224.71 (1g) of the statutes is renumbered 224.71
21 (14) and amended to read:

22 224.71 (14) "Loan Residential mortgage loan" means ~~a~~ any loan primarily for
23 personal, family, or household purposes use that is secured by a lien or mortgage, or
24 equivalent security interest, on a dwelling or residential real property located in this
25 state. ~~For purposes of this subsection, a loan secured by real property consisting of~~

1 ~~1 to 4 dwelling units, including individual condominium units, is a loan for household~~
2 ~~purposes, but a loan made by a landlord to a tenant as described in sub. (3) (b) 4. is~~
3 ~~not a loan for household purposes.~~

4 ***-1896/1.21* SECTION 568.** 224.71 (1h) of the statutes is created to read:

5 224.71 (1h) "Federal banking agency" means the board of governors of the
6 federal reserve system, the U.S. office of the comptroller of the currency, the U.S.
7 office of thrift supervision, the national credit union administration, or the federal
8 deposit insurance corporation.

9 ***-1896/1.22* SECTION 569.** 224.71 (1m) of the statutes is created to read:

10 224.71 (1m) "Finds," with respect to a residential mortgage loan, means to
11 assist a residential mortgage loan applicant in locating a lender for the purpose of
12 obtaining a residential mortgage loan and to make arrangements for a residential
13 mortgage loan applicant to obtain a residential mortgage loan, including collecting
14 information on behalf of an applicant and preparing a loan package.

15 ***-1896/1.23* SECTION 570.** 224.71 (1r) of the statutes is renumbered 224.71

16 (6) (a) (intro.) and amended to read:

17 224.71 (6) (a) (intro.) "Loan Mortgage loan originator" means ~~a person who, on~~
18 ~~behalf of a mortgage banker or mortgage broker, finds a loan or negotiates a land~~
19 ~~contract, loan or commitment for a loan. an individual who is not excluded by par.~~
20 ~~(b) and who, for compensation or gain or in the expectation of compensation or gain,~~
21 does any of the following:

22 ***-1896/1.24* SECTION 571.** 224.71 (1u) of the statutes is repealed.

23 ***-1896/1.25* SECTION 572.** 224.71 (2) of the statutes is created to read:

24 224.71 (2) "Loan processor or underwriter" means an individual who, as an
25 employee, performs clerical or support duties at the direction of and subject to the

1 supervision and instruction of a mortgage loan originator licensed under s. 224.725
2 or exempt from licensing under s. 224.726 (1), which clerical or support duties may
3 include any of the following occurring subsequent to the receipt of a residential
4 mortgage loan application:

5 (a) The receipt, collection, distribution, and analysis of information common for
6 the processing or underwriting of a residential mortgage loan.

7 (b) Communicating with a residential mortgage loan applicant to obtain the
8 information necessary for the processing or underwriting of a residential mortgage
9 loan, to the extent that the communication does not include offering or negotiating
10 loan rates or terms or providing counseling related to loan rates or terms.

11 ***-1896/1.26* SECTION 573.** 224.71 (3) (a) 1. to 3. of the statutes are amended
12 to read:

13 224.71 (3) (a) 1. Originates residential mortgage loans for itself, as payee on
14 the note evidencing the residential mortgage loan, or for another person.

15 2. Sells residential mortgage loans or interests in residential mortgage loans
16 to another person.

17 3. Services residential mortgage loans ~~or land contracts~~ or provides escrow
18 services.

19 ***-1896/1.27* SECTION 574.** 224.71 (3) (b) 1. to 7. of the statutes are repealed.

20 ***-1896/1.28* SECTION 575.** 224.71 (3) (b) 8., 9., 10., 11. and 12. of the statutes
21 are created to read:

22 224.71 (3) (b) 8. A depository institution.

23 9. A subsidiary that is owned and controlled by a depository institution and
24 regulated by a federal banking agency.

25 10. An institution regulated by the farm credit administration.

1 11. A person that only performs real estate brokerage activities and is licensed
2 under s. 452.03, unless the person is compensated by a lender, mortgage broker, or
3 mortgage loan originator or by any agent of a lender, mortgage broker, or mortgage
4 loan originator.

5 12. A person solely involved in extensions of credit relating to time-share
6 plans, as defined in 11 USC 101 (53D).

7 *-1896/1.29* SECTION 576. 224.71 (4) (a) of the statutes is amended to read:

8 224.71 (4) (a) "Mortgage broker" means a person who is not excluded by par.
9 (b) and who, on behalf of a residential mortgage loan applicant or an investor and for
10 commission, money, or other thing of value, finds a residential mortgage loan or
11 negotiates a ~~land contract~~, residential mortgage loan or commitment for a
12 residential mortgage loan or engages in table funding.

13 *-1896/1.30* SECTION 577. 224.71 (4) (b) 1. to 3. of the statutes are repealed.

14 *-1896/1.31* SECTION 578. 224.71 (4) (b) 4., 5., 6., 7. and 8. of the statutes are
15 created to read:

16 224.71 (4) (b) 4. A depository institution.

17 5. A subsidiary that is owned and controlled by a depository institution and
18 regulated by a federal banking agency.

19 6. An institution regulated by the farm credit administration.

20 7. A person that performs real estate brokerage activities only and is licensed
21 under s. 452.03, unless the person is compensated by a lender, mortgage broker, or
22 mortgage loan originator or by any agent of a lender, mortgage broker, or mortgage
23 loan originator.

24 8. A person solely involved in extensions of credit relating to time-share plans,
25 as defined in 11 USC 101 (53D).

1 ***-1896/1.32* SECTION 579.** 224.71 (5) of the statutes is renumbered 224.71 (17)
2 and amended to read:

3 224.71 (17) "Table funding" means a transaction in which a person conducts
4 a residential mortgage loan closing in the person's name with funds provided by a 3rd
5 party and the person assigns the residential mortgage loan to the 3rd party within
6 24 hours of the residential mortgage loan closing.

7 ***-1896/1.33* SECTION 580.** 224.71 (6) (a) 1. and 2. and (b) of the statutes are
8 created to read:

9 224.71 (6) (a) 1. Takes a residential mortgage loan application.

10 2. Offers or negotiates terms of a residential mortgage loan.

11 (b) "Mortgage loan originator" does not include any of the following:

12 1. An individual engaged solely as a loan processor or underwriter, unless the
13 individual represents to the public, through advertising or another means of
14 communication such as the use of business cards, stationery, brochures, signs, rate
15 lists, or other promotional items, that the individual can or will perform any of the
16 activities of a mortgage loan originator.

17 2. An individual who performs real estate brokerage activities only and is
18 licensed under s. 452.03, unless the individual is compensated by a lender, mortgage
19 broker, or another mortgage loan originator or by any agent of a lender, mortgage
20 broker, or another mortgage loan originator.

21 3. An individual solely involved in extensions of credit relating to time-share
22 plans, as defined in 11 USC 101 (53D).

23 ***-1896/1.34* SECTION 581.** 224.71 (7) of the statutes is created to read:

24 224.71 (7) "Nationwide mortgage licensing system and registry" means the
25 licensing and registration system developed and maintained by the Conference of

1 State Bank Supervisors and the American Association of Residential Mortgage
2 Regulators for licensed mortgage loan originators and mortgage loan originators
3 exempt from licensing under s. 224.726 (1) or, if this system is no longer maintained,
4 any system established by the secretary of the federal department of housing and
5 urban development under P.L. 110-289, Title V, section 1509.

6 ***-1896/1.35* SECTION 582.** 224.71 (8) of the statutes is created to read:

7 224.71 (8) "Negotiate," with respect to a residential mortgage loan, means to
8 discuss, explain, or present the terms and conditions, including rates, fees, and other
9 costs, of a residential mortgage loan with or to a residential mortgage loan applicant,
10 but does not include making an underwriting decision on a residential mortgage loan
11 or closing a residential mortgage loan.

12 ***-1896/1.36* SECTION 583.** 224.71 (10) of the statutes is created to read:

13 224.71 (10) "Nontraditional mortgage product" means any mortgage product
14 other than a 30-year fixed rate mortgage.

15 ***-1896/1.37* SECTION 584.** 224.71 (11) of the statutes is created to read:

16 224.71 (11) "Originate," with respect to a residential mortgage loan, means to
17 make an underwriting decision on the residential mortgage loan and close the loan.

18 ***-1896/1.38* SECTION 585.** 224.71 (12) of the statutes is created to read:

19 224.71 (12) "Principal office," with respect to a mortgage banker or mortgage
20 broker, means the place of business designated by the mortgage banker or mortgage
21 broker as its principal place of business, as identified in the records of the division.

22 ***-1896/1.39* SECTION 586.** 224.71 (13) of the statutes is created to read:

23 224.71 (13) "Real estate brokerage activity" means any activity that involves
24 offering or providing to the public real estate brokerage services involving
25 residential real property in this state, including all of the following:

1 (a) Acting as a real estate agent or real estate broker for a buyer, seller, lessor,
2 or lessee of real property.

3 (b) Bringing together parties interested in the sale, purchase, lease, rental, or
4 exchange of real property.

5 (c) Negotiating, on behalf of any party, any portion of a contract relating to the
6 sale, purchase, lease, rental, or exchange of real property, other than in connection
7 with providing financing for the transaction.

8 (d) Engaging in any activity for which a person engaged in the activity is
9 required to be licensed under s. 452.03.

10 (e) Offering to engage in any activity, or act in any capacity, described in pars.
11 (a) to (d).

12 ***-1896/1.40* SECTION 587.** 224.71 (15) of the statutes is created to read:

13 224.71 (15) "Residential real property" means real property on which a
14 dwelling is constructed or intended to be constructed.

15 ***-1896/1.41* SECTION 588.** 224.71 (16) of the statutes is created to read:

16 224.71 (16) "Services," with respect to a residential mortgage loan, means to
17 receive payments on a note from the borrower and distribute these payments in
18 accordance with the terms of the note or servicing agreement.

19 ***-1896/1.42* SECTION 589.** 224.71 (18) of the statutes is created to read:

20 224.71 (18) "Unique identifier" means a number or other identifier assigned
21 by protocols established by the nationwide mortgage licensing system and registry.

22 ***-1896/1.43* SECTION 590.** 224.72 (title) of the statutes is amended to read:

23 224.72 (title) **Registration Licensing of mortgage bankers, loan**
24 **originators and mortgage brokers.**

25 ***-1896/1.44* SECTION 591.** 224.72 (1) (intro.) of the statutes is repealed.

1 ***-1896/1.45*** SECTION 592. 224.72 (1) (a) of the statutes is renumbered 224.71
2 (9) and amended to read:

3 224.71 (9) "Net worth" means total tangible assets less total liabilities of a
4 person, or, if the person is ~~a natural person~~ an individual, total tangible assets less
5 total liabilities exclusive of the person's principal residence and its furnishings and
6 personal use vehicles.

7 ***-1896/1.46*** SECTION 593. 224.72 (1) (b) of the statutes is repealed.

8 ***-1896/1.47*** SECTION 594. 224.72 (1m) of the statutes is amended to read:

9 224.72 (1m) ~~REGISTRATION~~ LICENSE REQUIRED. A person may not conduct
10 business or act as a mortgage banker, ~~loan originator~~ or mortgage broker, use the title
11 "mortgage banker", "~~loan originator~~" or "mortgage broker", or advertise or
12 otherwise portray himself ~~or, herself, or itself~~ as a mortgage banker, ~~loan originator~~
13 or mortgage broker, unless the person has been issued a ~~certificate of registration~~
14 from mortgage banker or mortgage broker license by the division.

15 ***-1896/1.48*** SECTION 595. 224.72 (2) (title) of the statutes is repealed and
16 recreated to read:

17 224.72 (2) (title) LICENSE APPLICATIONS.

18 ***-1896/1.49*** SECTION 596. 224.72 (2) (intro.) of the statutes is renumbered
19 224.72 (2) (am) and amended to read:

20 224.72 (2) (am) ~~A person desiring to act as~~ Applicants for a mortgage banker,
21 ~~loan originator~~ or mortgage broker license shall apply for a certificate of registration
22 to the division, on forms and in the manner prescribed by the division, and shall pay
23 the fee specified in rules promulgated under sub. (8). ~~An application shall satisfy all~~
24 of the following: Forms prescribed by the division under this paragraph may contain
25 any content or requirement that the division, in its discretion, determines necessary

1 and these forms may be modified or updated as necessary by the division to carry out
2 the purposes of this subchapter.

3 ***-1896/1.50* SECTION 597.** 224.72 (2) (a) and (b) of the statutes are repealed.

4 ***-1896/1.51* SECTION 598.** 224.72 (2) (c) (title) of the statutes is repealed.

5 ***-1896/1.52* SECTION 599.** 224.72 (2) (d) of the statutes is amended to read:

6 224.72 (2) (d) ~~*Social security number exceptions.*~~ 1. If an applicant who is an
7 individual does not have a social security number, the applicant, as a condition of
8 applying for or applying to renew a registration license under this section, shall
9 submit a statement made or subscribed under oath or affirmation to the division that
10 the applicant does not have a social security number. The form of the statement shall
11 be prescribed by the department of children and families.

12 2. Any ~~certificate of registration~~ license issued or renewed in reliance upon a
13 false statement submitted by an applicant under subd. 1. is invalid.

14 ***-1896/1.53* SECTION 600.** 224.72 (2m) of the statutes is created to read:

15 224.72 (2m) LICENSED OFFICES. Each mortgage banker or mortgage broker shall
16 obtain and maintain a license for its principal office and a separate license for each
17 branch office.

18 ***-1896/1.54* SECTION 601.** 224.72 (3) (title) of the statutes is repealed.

19 ***-1896/1.55* SECTION 602.** 224.72 (3) (a) of the statutes is renumbered 224.725

20 (2) (d) and amended to read:

21 224.725 (2) (d) ~~In addition to the requirements of sub. (2), an~~ Any applicant for
22 ~~registration as a~~ residential mortgage loan originator license shall include in the
23 application the name of the mortgage banker or mortgage broker who will employ
24 the residential mortgage loan originator.

25 ***-1896/1.56* SECTION 603.** 224.72 (3) (b) and (c) of the statutes are repealed.

1 ***-1896/1.57*** SECTION 604. 224.72 (4) (title) of the statutes is amended to read:
2 224.72 (4) (title) ~~ADDITIONAL REQUIREMENT FOR MORTGAGE BANKER APPLICANT~~
3 REQUIREMENTS.

4 ***-1896/1.58*** SECTION 605. 224.72 (4) (a) (intro.) of the statutes is amended to
5 read:

6 224.72 (4) (a) ~~With a bona fide office.~~ (intro.) In addition to the requirements
7 of sub. (2), an applicant for registration as a mortgage banker who maintains a bona
8 fide office or mortgage broker license shall do at least one all of the following:

9 ***-1896/1.59*** SECTION 606. 224.72 (4) (a) 1. of the statutes is repealed.

10 ***-1896/1.60*** SECTION 607. 224.72 (4) (a) 2. of the statutes is amended to read:

11 224.72 (4) (a) 2. ~~'File a bond.'~~ File with the division a commercial surety bond
12 which is in the amount of ~~\$25,000~~ \$300,000 for a mortgage banker or \$120,000 for
13 a mortgage broker, is issued by a surety company authorized to do business in this
14 state, secures the applicant's faithful performance of all duties and obligations of a
15 mortgage banker or mortgage broker, is payable to the division for the benefit of
16 persons to whom the mortgage banker or mortgage broker provided services as a
17 mortgage banker or mortgage broker, is issued on a form that is acceptable to the
18 division and provides that the bond may not be terminated without at least 30 days'
19 written notice to the division.

20 ***-1896/1.61*** SECTION 608. 224.72 (4) (a) 3. of the statutes is repealed.

21 ***-1896/1.62*** SECTION 609. 224.72 (4) (a) 4. of the statutes is amended to read:

22 224.72 (4) (a) 4. ~~'Minimum net worth.'~~ Submit evidence that establishes, to the
23 division's satisfaction, a minimum net worth of ~~\$25,000 and a warehouse line of~~
24 credit of not less than ~~\$250,000 or a minimum net worth of \$100,000~~ \$250,000 for a
25 mortgage banker or \$100,000 for a mortgage broker. Evidence of net worth shall

1 include the submission of a ~~balance sheet that is~~ recent financial statements
2 accompanied by a written statement by an independent certified public accountant
3 attesting that he or she has reviewed the ~~balance sheet~~ financial statements in
4 accordance with generally accepted accounting principles.

5 ***-1896/1.63* SECTION 610.** 224.72 (4) (d) of the statutes is repealed.

6 ***-1896/1.64* SECTION 611.** 224.72 (4m) of the statutes is repealed.

7 ***-1896/1.65* SECTION 612.** 224.72 (4n) (intro.) of the statutes is amended to
8 read:

9 224.72 (4n) SECURITY HELD BY THE DIVISION; RELEASE. (intro.) The division or its
10 agent shall hold security filed under subs. (4) (a) 3. ~~and (4m) (a) 2.~~ s. 224.72 (4) (a)
11 3., 2007 stats., and s. 224.72 (4m) (a) 2., 2007 stats. The security shall remain in
12 effect, and the division may not release it, until all of the following conditions are met:

13 ***-1896/1.66* SECTION 613.** 224.72 (4n) (a) 2. of the statutes is amended to read:

14 224.72 (4n) (a) 2. The date on which the mortgage banker's or mortgage
15 broker's registration license expires or is revoked.

16 ***-1896/1.67* SECTION 614.** 224.72 (4r) of the statutes is repealed.

17 ***-1896/1.68* SECTION 615.** 224.72 (5) (title) of the statutes is renumbered
18 224.72 (5m) (title) and amended to read:

19 224.72 (5m) (title) COMPLETION OF REGISTRATION LICENSING PROCESS.

20 ***-1896/1.69* SECTION 616.** 224.72 (5) (a) of the statutes is renumbered 224.725
21 (3) (intro.) and amended to read:

22 224.725 (3) ~~LOAN ORIGINATOR~~ ISSUANCE OF LICENSE. (intro.) Except as provided
23 in sub. (7m) (6), upon receiving a properly completed the filing of an application for
24 registration as a mortgage loan originator and license and the payment of the fee
25 specified in rules promulgated under sub. (8) ~~and upon an applicant's compliance~~

1 ~~with sub. (3) (a) and, if required, sub. (3) (b), the division may issue to the applicant~~
2 ~~a certificate of registration as a mortgage loan originator. license if the division finds~~
3 ~~that all of the following apply:~~

4 *~~-1896/1.70~~* SECTION 617. 224.72 (5) (b) of the statutes is renumbered 224.72
5 (5m) and amended to read:

6 224.72 (5m) *Mortgage banker and mortgage broker.* Except as provided in sub.
7 (7m), upon ~~receiving a properly completed~~ the filing of an application for registration
8 ~~as a mortgage banker or a mortgage broker, license and the payment of the fee~~
9 ~~specified in rules promulgated under sub. (8) and satisfactory evidence of compliance~~
10 ~~with subs. (4) and (4m), the division may~~ shall make an investigation of the applicant
11 including, if the applicant is a partnership, limited liability company, association, or
12 corporation, the members or officers and directors, respectively, of the applicant. If
13 the division finds that the character, general fitness, and financial responsibility of
14 the applicant, including its members or officers and directors if the applicant is a
15 partnership, limited liability company, association, or corporation, warrant the
16 belief that the business will be operated in compliance with this subchapter, the
17 division shall issue to the applicant a certificate of registration as a mortgage banker
18 or mortgage broker license. A mortgage banker or mortgage broker license is not
19 assignable or transferable.

20 *~~-1896/1.72~~* SECTION 618. 224.72 (7) (title) of the statutes is repealed and
21 recreated to read:

22 224.72 (7) (title) LICENSE RENEWAL.

23 *~~-1896/1.73~~* SECTION 619. 224.72 (7) (a) of the statutes is renumbered 224.72
24 (7) (am) and amended to read:

1 224.72 (7) (am) A ~~loan originator~~, mortgage broker or mortgage banker shall
2 may apply to renew a certificate of registration license issued under this section by
3 timely submitting to, on forms and in the manner prescribed by the division, a
4 completed renewal application and the all required renewal fee specified in rules
5 promulgated under sub. (8) on or before the renewal date specified in rules
6 promulgated under sub. (8) fees. The division may not renew a license issued under
7 this section unless the division finds that the mortgage broker or mortgage banker
8 continues to meet the minimum standards for license issuance under this section.

9 *-1896/1.74* SECTION 620. 224.72 (7) (b) of the statutes is repealed.

10 *-1896/1.75* SECTION 621. 224.72 (7) (bm) of the statutes is created to read:

11 224.72 (7) (bm) The license of a mortgage broker or mortgage banker who fails
12 to satisfy the minimum standards for license renewal shall expire. The division may,
13 by rule, provide for the reinstatement of expired licenses consistent with the
14 standards established by the nationwide mortgage licensing system and registry.

15 *-1896/1.76* SECTION 622. 224.72 (7) (c), (d) and (e) of the statutes are
16 repealed.

17 *-1896/1.77* SECTION 623. 224.72 (7m) (intro.) of the statutes is amended to
18 read:

19 224.72 (7m) DENIAL OF APPLICATION FOR ISSUANCE OR RENEWAL OF REGISTRATION
20 CERTAIN REASONS. (intro.) The division may not issue or renew a certificate of
21 registration license under this section if any of the following applies:

22 *-1896/1.78* SECTION 624. 224.72 (7m) (am) of the statutes is repealed.

23 *-1896/1.79* SECTION 625. 224.72 (7m) (b) of the statutes is amended to read:

24 224.72 (7m) (b) The department of revenue has certified under s. 73.0301 that
25 the applicant is liable for delinquent taxes. An applicant whose application for

1 issuance or renewal of a ~~certificate of registration~~ license is denied under this
2 paragraph for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and
3 hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing
4 under this section.

5 ***-1896/1.80* SECTION 626.** 224.72 (7m) (c) of the statutes is amended to read:

6 224.72 (7m) (c) The applicant for the issuance or renewal is an individual who
7 fails to comply, after appropriate notice, with a subpoena or warrant issued by the
8 department of children and families or a county child support agency under s. 59.53
9 (5) and related to paternity or child support proceedings or who is delinquent in
10 making court-ordered payments of child or family support, maintenance, birth
11 expenses, medical expenses or other expenses related to the support of a child or
12 former spouse, as provided in a memorandum of understanding entered into under
13 s. 49.857. An applicant whose ~~registration~~ license is not issued or renewed under this
14 paragraph for delinquent payments is entitled to a notice and hearing under s.
15 49.857 but is not entitled to any other notice or hearing under this section.

16 ***-1896/1.81* SECTION 627.** 224.72 (7p) of the statutes is repealed.

17 ***-1896/1.82* SECTION 628.** 224.72 (8) of the statutes is amended to read:

18 224.72 (8) REGISTRATION LICENSE PERIOD; FEES. The division shall promulgate
19 rules establishing the ~~registration~~ license period and the ~~registration~~ license fees for
20 ~~loan originators~~, mortgage bankers and mortgage brokers.

21 ***-1896/1.83* SECTION 629.** 224.725 of the statutes is created to read:

22 **224.725 Licensing of mortgage loan originators. (1) LICENSE REQUIRED.**
23 Except as provided in s. 224.726, an individual may not engage in the business of a
24 mortgage loan originator with respect to a residential mortgage loan, or use the title
25 "mortgage loan originator," advertise, or otherwise portray himself or herself as a

1 mortgage loan originator in this state, unless the individual has been issued by the
2 division, and thereafter maintains, a license under this section. Each licensed
3 mortgage loan originator shall register with, and maintain a valid unique identifier
4 issued by, the nationwide mortgage licensing system and registry.

5 (2) LICENSE APPLICATIONS. (a) Applicants for a mortgage loan originator license
6 shall apply to the division, on forms and in the manner prescribed by the division,
7 and shall pay the fee specified in rules promulgated under sub. (8). The division shall
8 require mortgage loan originators to be licensed and registered through the
9 nationwide mortgage licensing system and registry. Forms prescribed by the
10 division under this paragraph may contain any content or requirement that the
11 division, in its discretion, determines necessary and these forms may be modified or
12 updated as necessary by the division to carry out the purposes of this subchapter.

13 (b) 1. Except as provided in subd. 2., an application shall include the
14 individual's social security number. The division may not disclose the individual's
15 social security number to any person except as follows:

16 a. The division may disclose the social security number to the department of
17 revenue for the sole purpose of requesting certifications under s. 73.0301.

18 b. The division may disclose the social security number to the department of
19 children and families in accordance with a memorandum of understanding under s.
20 49.857.

21 2. If an individual does not have a social security number, the individual, as a
22 condition of applying for, or applying to renew, a license under this section, shall
23 submit a statement made or subscribed under oath or affirmation to the division that
24 the individual does not have a social security number. The form of the statement
25 shall be prescribed by the department of children and families. Any license issued

1 or renewed in reliance upon a false statement submitted by an applicant under this
2 subdivision is invalid.

3 (c) Any applicant for a license under this section shall furnish to the nationwide
4 mortgage licensing system and registry information concerning the applicant's
5 identity, including all of the following:

6 1. Fingerprints for submission to the federal bureau of investigation and to any
7 governmental agency or entity authorized to receive this information, for purposes
8 of a state, national, and international criminal history background check.

9 2. Personal history and experience in a form prescribed by the nationwide
10 mortgage licensing system and registry, including the submission of authorization
11 for the nationwide mortgage licensing system and registry and the division to obtain
12 all of the following:

13 a. An independent credit report from a consumer reporting agency, as defined
14 in s. 100.54 (1) (c).

15 b. Any information related to any administrative, civil, or criminal findings by
16 any governmental jurisdiction.

17 (3) (a) The applicant has never had a mortgage loan originator license revoked
18 in any governmental jurisdiction, unless the revocation was subsequently and
19 formally vacated.

20 (b) The applicant has not been convicted of, or pled guilty or no contest to, a
21 felony in a domestic, foreign, or military court during the 7-year period preceding the
22 date of the application or, for a felony involving an act of fraud, dishonesty, breach
23 of trust, or money laundering, at any time preceding the date of the application. This
24 paragraph does not apply with respect to any conviction for which the applicant has
25 received a pardon.

1 (c) The applicant has demonstrated financial responsibility, character, and
2 general fitness such as to command the confidence of the community and to warrant
3 a determination that the mortgage loan originator will operate honestly, fairly, and
4 efficiently within the purposes of this subchapter. For purposes of this paragraph,
5 an individual has shown that he or she is not financially responsible if he or she has
6 shown a disregard in the management of his or her own financial condition, including
7 having current outstanding judgments other than those resulting from medical
8 expenses, having current outstanding tax liens or other government liens and
9 filings, or having, within the past 3 years, foreclosures or any pattern of seriously
10 delinquent accounts.

11 (d) The applicant has satisfied the education requirements under s. 224.755 (1).

12 (e) The applicant has passed a written test that meets the requirements under
13 s. 224.755 (4).

14 (f) The applicant has met the surety bond requirement under sub. (4).

15 **(4) SURETY BOND.** (a) Each mortgage loan originator shall be covered by a surety
16 bond in accordance with this subsection. A surety bond of a mortgage banker or
17 mortgage broker meeting the requirements of par. (b) and s. 224.72 (4) (a) 2. may
18 satisfy the requirement under this paragraph for a mortgage loan originator who,
19 under sub. (2) (d), identifies himself or herself as employed by the mortgage banker
20 or mortgage broker.

21 (b) The penal sum of the surety bond shall provide coverage for each mortgage
22 loan originator in an amount that reflects the dollar amount of residential mortgage
23 loans originated by the mortgage loan originator, as determined by the division.

24 (c) The surety bond shall be in a form prescribed, and satisfy all requirements
25 established, by rule of the division.

1 (d) When an action is commenced on a mortgage loan originator's surety bond,
2 the division may require the filing of a new surety bond. If an action results in
3 recovery on a mortgage loan originator's surety bond, the mortgage loan originator
4 shall immediately file a new surety bond.

5 (5) LICENSE RENEWAL. (a) A mortgage loan originator may apply to renew a
6 license issued under this section by timely submitting, on forms and in the manner
7 prescribed by the division, a completed renewal application and all required renewal
8 fees. The division may not renew a license issued under this section unless the
9 division finds that all of the following apply:

10 1. The mortgage loan originator continues to meet the minimum standards for
11 license issuance under sub. (3).

12 2. The mortgage loan originator has satisfied the annual continuing education
13 requirements under s. 224.755 (2).

14 (b) The license of a mortgage loan originator who fails to satisfy the minimum
15 standards for license renewal shall expire. The division may, by rule, provide for the
16 reinstatement of expired licenses consistent with the standards established by the
17 nationwide mortgage licensing system and registry.

18 (6) DENIAL OF APPLICATION FOR CERTAIN REASONS. The division may not issue or
19 renew a license under this section if any of the following applies:

20 (a) The applicant for the issuance or renewal has failed to provide the
21 information required under sub. (2) (b).

22 (b) The department of revenue has certified under s. 73.0301 that the applicant
23 is liable for delinquent taxes. An applicant whose application for issuance or renewal
24 of a license is denied under this paragraph for delinquent taxes is entitled to a notice

1 under s. 73.0301 (2) (b) 1. b. and hearing under s. 73.0301 (5) (a) but is not entitled
2 to any other notice or hearing under this section.

3 (c) The applicant for the issuance or renewal has failed to comply, after
4 appropriate notice, with a subpoena or warrant issued by the department of children
5 and families or a county child support agency under s. 59.53 (5) and related to
6 paternity or child support proceedings or who is delinquent in making court-ordered
7 payments of child or family support, maintenance, birth expenses, medical expenses
8 or other expenses related to the support of a child or former spouse, as provided in
9 a memorandum of understanding entered into under s. 49.857. An applicant whose
10 license is not issued or renewed under this paragraph for delinquent payments is
11 entitled to a notice and hearing under s. 49.857 but is not entitled to any other notice
12 or hearing under this section.

13 (8) LICENSE PERIOD; FEES. The division shall promulgate rules establishing the
14 license period and the license fees for mortgage loan originators. The fees shall be
15 no less than \$250 annually.

16 *-1896/1.84* SECTION 630. 224.726 of the statutes is created to read:

17 **224.726 Persons exempt from mortgage loan originator provisions.**

18 The provisions of this subchapter relating to mortgage loan originators do not apply
19 to any of the following:

20 (1) Any individual who meets the definition of mortgage loan originator and
21 who is all of the following:

22 (a) An employee of, and acting for, a depository institution, a subsidiary owned
23 and controlled by a depository institution and regulated by a federal banking agency,
24 or an institution regulated by the farm credit administration.

1 (b) Registered with, and who maintains a unique identifier through, the
2 nationwide mortgage licensing system and registry.

3 (2) Any individual who offers or negotiates terms of a residential mortgage loan
4 with or on behalf of the individual's spouse, child, sibling, parent, grandparent, or
5 grandchild, including any stepparent, stepchild, stepsibling, or adoptive
6 relationship.

7 (3) Any person who offers or negotiates terms of a residential mortgage loan
8 secured by a dwelling that served as the individual's residence.

9 (4) A licensed attorney who negotiates the terms of a residential mortgage loan
10 on behalf of a client as an ancillary matter to the attorney's representation of the
11 client, unless the attorney is compensated by a lender, mortgage broker, or mortgage
12 loan originator or by any agent of a lender, mortgage broker, or mortgage loan
13 originator.

14 *-1896/1.85* SECTION 631. 224.728 of the statutes is created to read:

15 **224.728 Nationwide mortgage licensing system and registry and**
16 **cooperative arrangements. (1) PARTICIPATION.** (a) The division shall participate
17 in the nationwide mortgage licensing system and registry. The division may
18 establish relationships or contracts with the nationwide mortgage licensing system
19 and registry or other entities designated by the nationwide mortgage licensing
20 system and registry to collect and maintain records and process transaction fees or
21 other fees related to licensees under this subchapter. With respect to any form, fee,
22 or other information related to the initial issuance or renewal of a mortgage loan
23 originator license under this subchapter, the division may require that any applicant
24 submit such form, fee, or other information directly to the nationwide mortgage
25 licensing system and registry and may authorize the nationwide mortgage licensing

1 system and registry to perform any function under this subchapter related to the
2 licensing of mortgage loan originators in this state.

3 (b) The division may provide to the nationwide mortgage licensing system and
4 registry any information relating to an applicant for initial issuance or renewal of a
5 mortgage loan originator license that the division and the nationwide mortgage
6 licensing system and registry determine to be relevant to the application or to any
7 mortgage loan originator responsibility administered or conducted through the
8 nationwide mortgage licensing system and registry.

9 (c) The division may rely on the nationwide mortgage licensing system and
10 registry to establish any dates relating to application or reporting deadlines for
11 mortgage loan originators, to establish requirements for amending or surrendering
12 mortgage loan originator licenses, or to establish any other requirements applicable
13 to mortgage loan originators licensed under this subchapter to the extent the
14 requirements are a condition of the state's participation in the nationwide mortgage
15 licensing system and registry.

16 (2) CHANNELING INFORMATION. To reduce the points of contact that the division
17 may have to maintain, and to facilitate compliance with the requirements under s.
18 224.725 (2) (c), the division may use the nationwide mortgage licensing system and
19 registry as a channeling agent for requesting and distributing information to and
20 from any source so directed by the division, including the federal bureau of
21 investigation, any state or federal department of justice, or any other governmental
22 agency.

23 (3) CHALLENGE PROCESS. The division shall establish a process whereby
24 mortgage loan originators may challenge information maintained by the nationwide
25 mortgage licensing system and registry on behalf of the division.

1 **(4) CONFIDENTIAL INFORMATION.** (a) If any information or material is considered
2 confidential or privileged under federal or state law before it is provided or disclosed
3 to the nationwide mortgage licensing system and registry, it shall continue to be
4 confidential or privileged after it is provided or disclosed to, and while maintained
5 by, the nationwide mortgage licensing system and registry, except to the extent
6 federal or state law expressly provides otherwise and except as provided in par. (c).
7 Confidential or privileged information or material under this paragraph is not
8 subject to any of the following:

9 1. Disclosure under any federal or state law governing the disclosure to the
10 public of information held by an officer or an agency of federal or state government.

11 2. Subpoena or discovery, or admission into evidence, in any private civil action
12 or administrative proceeding, unless the person to whom the information or material
13 pertains waives any right or protection of confidentiality or privilege in the
14 information or material.

15 (b) Confidential or privileged information or material under par. (a) may be
16 shared with any state or federal regulatory agency having supervisory authority
17 over mortgage lending without losing any right or protection of confidentiality or
18 privilege under federal or state law.

19 (c) This subsection does not prohibit the nationwide mortgage licensing system
20 and registry from providing public access to information or material relating to the
21 employment history of, and publicly adjudicated disciplinary and enforcement
22 actions against, mortgage loan originators.

23 **(5) COOPERATIVE ARRANGEMENTS.** The division may enter into cooperative,
24 coordinating, or information-sharing arrangements or agreements with other
25 governmental agencies or with associations representing other governmental

1 agencies, including the Conference of State Bank Supervisors and the American
2 Association of Residential Mortgage Regulators.

3 *-1896/1.86* SECTION 632. 224.73 (title) of the statutes is amended to read:

4 224.73 (title) Relationship between mortgage loan originator and
5 either a mortgage banker or a mortgage broker.

6 *-1896/1.87* SECTION 633. 224.73 (1) of the statutes is amended to read:

7 224.73 (1) RESPONSIBILITY FOR MORTGAGE LOAN ORIGINATOR. ~~A mortgage banker~~
8 ~~or a mortgage broker is responsible for, and shall supervise the acts of, a loan~~
9 ~~originator who registers under s. 224.72 (3) as an employee of the mortgage banker~~
10 ~~or mortgage broker. A mortgage banker or mortgage broker is also responsible for,~~
11 ~~and shall supervise the acts of, a mortgage loan originator or any other person who~~
12 ~~otherwise acts on behalf of the mortgage banker or the mortgage broker.~~

13 *-1896/1.88* SECTION 634. 224.73 (2) (title) of the statutes is amended to read:

14 224.73 (2) (title) RESTRICTION ON MORTGAGE LOAN ORIGINATOR.

15 *-1896/1.89* SECTION 635. 224.73 (2) of the statutes is renumbered 224.73 (2)

16 (a) and amended to read:

17 224.73 (2) (a) If the division suspends or revokes a mortgage banker's or ~~a~~
18 ~~mortgage broker's certificate of registration license,~~ a mortgage loan originator may
19 not act on behalf of that mortgage banker or mortgage broker during the period of
20 suspension or revocation.

21 *-1896/1.90* SECTION 636. 224.73 (2) (b) of the statutes is created to read:

22 224.73 (2) (b) A mortgage loan originator may act on behalf of only the
23 mortgage banker or mortgage broker with which that mortgage loan originator's
24 license is associated in the records of the division, as designated under s. 224.725 (2)

1 (d). A mortgage loan originator's license may only be associated with one mortgage
2 banker or mortgage broker at a time.

3 *-1896/1.91* SECTION 637. 224.73 (3) (title) of the statutes is amended to read:

4 224.73 (3) (title) TRANSFER BY MORTGAGE LOAN ORIGINATOR.

5 *-1896/1.92* SECTION 638. 224.73 (3) of the statutes is renumbered 224.73 (3)

6 (a) and amended to read:

7 224.73 (3) (a) A ~~registered~~ licensed mortgage loan originator may ~~at any time~~
8 apply, on forms and in the manner prescribed ~~and provided~~ by the division, to
9 transfer ~~employment association~~ to another ~~registered~~ licensed mortgage banker or
10 mortgage broker. The division shall promulgate rules establishing a fee for a
11 transfer application under this subsection.

12 *-1896/1.93* SECTION 639. 224.73 (3) (b) of the statutes is created to read:

13 224.73 (3) (b) A mortgage loan originator may not act on behalf of a mortgage
14 banker or mortgage broker until the mortgage loan originator's license association
15 has been transferred to that mortgage banker or mortgage broker in the records of
16 the division.

17 *-1896/1.94* SECTION 640. 224.73 (4) (title) of the statutes is amended to read:

18 224.73 (4) (title) ~~SIGNATURE BY~~ MORTGAGE LOAN ORIGINATOR SIGNATURES AND
19 UNIQUE IDENTIFIERS.

20 *-1896/1.95* SECTION 641. 224.73 (4) of the statutes is renumbered 224.73 (4)

21 (a) and amended to read:

22 224.73 (4) (a) Every residential mortgage loan application shall be signed by
23 a ~~registered~~ licensed mortgage loan originator or by a mortgage loan originator
24 exempt from licensing under s. 224.726 (1).

25 *-1896/1.96* SECTION 642. 224.73 (4) (b) of the statutes is created to read:

1 224.73 (4) (b) Any person originating a residential mortgage loan shall clearly
2 place the person's unique identifier on all residential mortgage loan application
3 forms, solicitations, and advertisements, including business cards or Web sites, and
4 on all other documents specified by rule of the division.

5 *-1896/1.97* SECTION 643. 224.74 (title) of the statutes is amended to read:

6 **224.74 (title) Division's review of the operations of a mortgage loan**
7 **originator, mortgage broker, or mortgage banker.**

8 *-1896/1.98* SECTION 644. 224.74 (1) of the statutes is amended to read:

9 224.74 (1) ANNUAL CALL REPORTS; AUDITS. (a) *Annual call report.* ~~Except as~~
10 ~~provided in par. (b), each~~ Each year, on a by the date specified by the division and in
11 ~~-a the form required by the division, a nationwide mortgage licensing system and~~
12 ~~registry, each mortgage banker or, mortgage broker, and mortgage loan originator~~
13 ~~licensed under this subchapter shall submit to the division nationwide mortgage~~
14 ~~licensing system and registry an annual report relating to the mortgage banker's or~~
15 ~~mortgage broker's operations during its most recently completed fiscal year of~~
16 ~~condition, which shall contain such information as the nationwide mortgage~~
17 ~~licensing system and registry may require.~~

18 (b) *Audit requirement.* Each year, no later than 6 months following the end of
19 its most recently completed fiscal year, ~~a each mortgage banker or mortgage broker~~
20 ~~that qualified for registration under s. 224.72 (4) (a) 4. or (d) or (4m) (a) 3. or (b), shall~~
21 submit a copy of an audit of the mortgage banker's or mortgage broker's operations
22 during that fiscal year. An audit under this paragraph shall be conducted by an
23 independent certified public accountant in accordance with generally accepted
24 auditing standards. The financial statements in the audit report shall be prepared
25 in accordance with generally accepted accounting principles.

1 (c) *Audits requested by the division.* The division may request that a mortgage
2 banker or mortgage broker obtain an audit of the mortgage banker's or mortgage
3 broker's operations if the division has reason to believe that the mortgage banker or
4 mortgage broker may not have sufficient financial resources to meet its obligations
5 to its clients or investors or to other persons directly affected by the activities
6 conducted by the mortgage banker or mortgage broker under the ~~certificate of~~
7 ~~registration granted~~ license issued by the division. If the division requests an audit
8 under this paragraph, the mortgage banker or mortgage broker shall have the audit
9 completed no later than 90 days after the date of the division's request. The mortgage
10 banker or mortgage broker shall submit the audit report to the division no later than
11 5 days after the date on which the audit is completed. An audit under this paragraph
12 shall be conducted by an independent certified public accountant in accordance with
13 generally accepted auditing standards. The financial statements in the audit report
14 shall be prepared in accordance with generally accepted accounting principles.

15 *~~1896/1.99~~* SECTION 645. 224.74 (2) (title) of the statutes is amended to read:

16 224.74 (2) (title) EXAMINATION AND INVESTIGATION.

17 *~~1896/1.100~~* SECTION 646. 224.74 (2) (a) (title) of the statutes is repealed.

18 *~~1896/1.101~~* SECTION 647. 224.74 (2) (a) of the statutes is renumbered 224.74
19 (2) (ag) (intro.) and amended to read:

20 224.74 (2) (ag) (intro.) The division may at any time, on its own motion or upon
21 complaint, ~~examine the~~ conduct inquiries, investigations, and examinations of
22 licensees under this subchapter, or of persons required to be licensed under or
23 otherwise subject to the provisions of this subchapter, including doing any of the
24 following:

1 1. Examining, accessing, receiving, or using any books of account, accounts,
2 records, files, documents, or other information relating to the condition and or affairs
3 of a mortgage banker, mortgage loan originator, or mortgage broker registered under
4 this subchapter. The division shall prepare a report of each examination conducted
5 under this section. As part of the examination or preparation of the report, the
6 division may examine.

7 2. Interviewing or examining under oath any mortgage banker, mortgage loan
8 originator, or mortgage broker, any of the members, officers, directors, agents,
9 employees, contractors, or customers of the mortgage banker, mortgage loan
10 originator, or mortgage broker. The division may require a mortgage banker, loan
11 originator or mortgage broker who is examined under this paragraph to pay to the
12 division a reasonable fee for the costs of conducting the examination, or any other
13 person whose testimony the division deems to be relevant. The division may direct,
14 subpoena, or order the attendance of a person to provide testimony under this
15 subdivision and may direct, subpoena, or order the person to produce books,
16 accounts, records, files, and any other document the division deems relevant to the
17 inquiry, investigation, or examination.

18 *-1896/1.102* SECTION 648. 224.74 (2) (ag) 3. and 4. of the statutes are created
19 to read:

20 224.74 (2) (ag) 3. Direct or order any licensee under this subchapter to make
21 or compile reports or other information, in a format directed by the division, that the
22 division considers necessary to carry out any investigation or examination under this
23 subchapter, including any accounting compilation or other loan transaction data,
24 list, or information.

1 4. Examine, access, receive, and use any other records, documents, or other
2 information that the division deems relevant to the inquiry, investigation, or
3 examination, regardless of the location, possession, control, or custody of the records,
4 documents, or information, including any of the following:

5 a. Criminal, civil, and administrative history information, including conviction
6 information and nonconviction information to the extent permitted by law.

7 b. Personal history and experience information, including credit reports
8 obtained from a consumer reporting agency, as defined in s. 100.54 (1) (c).

9 *-1896/1.103* SECTION 649. 224.74 (2) (ar) of the statutes is created to read:

10 224.74 (2) (ar) In making any investigation or examination authorized under
11 this subchapter, the division may control access to any documents and records of the
12 licensee or of any other person under investigation or examination. The division may
13 take possession of the documents and records or place a person in exclusive charge
14 of the documents and records in the place where they are usually kept. During the
15 period of control, no person may remove or attempt to remove any of the documents
16 and records except with the consent of the division or by court order. Unless the
17 division has reasonable grounds to believe the documents and records have been or
18 are at risk of being altered or destroyed for purposes of concealing a violation of this
19 subchapter, the licensee or owner or custodian of the documents and records shall
20 have access to the documents and records as necessary to conduct its ordinary
21 business affairs.

22 *-1896/1.104* SECTION 650. 224.74 (2) (b) of the statutes is amended to read:

23 224.74 (2) (b) ~~Confidentiality. Examination~~ The division shall prepare a report
24 for each investigation or examination conducted under this subsection. These
25 reports, and correspondence regarding the these reports, are confidential, except

1 that the division may release ~~examination~~ these reports and correspondence in
2 connection with a disciplinary proceeding conducted by the division, a liquidation
3 proceeding, or a criminal investigation or proceeding. In addition, any information
4 from these reports or correspondence may be provided to the nationwide mortgage
5 licensing system and registry and is not confidential to the extent specified in s.
6 224.728 (4) (b) and (c).

7 ***-1896/1.105* SECTION 651.** 224.74 (2) (c) of the statutes is created to read:

8 224.74 (2) (c) The division may require a mortgage banker, mortgage loan
9 originator, or mortgage broker who is investigated or examined under this subsection
10 to pay to the division a reasonable fee for the costs of conducting the investigation
11 or examination. A mortgage banker, mortgage loan originator, or mortgage broker
12 shall pay these costs to the division within 30 days after the division demands
13 payment of these costs.

14 ***-1896/1.106* SECTION 652.** 224.74 (3) of the statutes is created to read:

15 224.74 (3) ADDITIONAL DIVISION AUTHORITY. To carry out the purposes of this
16 section, the division may do any of the following:

17 (a) Retain attorneys, accountants, and other professionals and specialists as
18 examiners, auditors, or investigators to conduct or assist in the conduct of
19 investigations or examinations.

20 (b) Enter into agreements or relationships with other government officials or
21 regulatory associations to improve efficiencies and reduce regulatory burden by
22 sharing resources, standardized or uniform methods or procedures, and documents,
23 records, or information obtained under this section.

1 (c) Use, hire, contract, or employ public or privately available analytical
2 systems, methods, or software to examine or investigate any licensee or other person
3 subject to investigation or examination.

4 (d) Accept and rely on investigation or examination reports made by other
5 government officials, in this state or elsewhere.

6 (e) Accept audit reports made by an independent certified public accountant for
7 the licensee or another person relevant to the investigation or examination and
8 incorporate any such audit report into any report of the division.

9 *-1896/1.107* SECTION 653. 224.75 (title) of the statutes is amended to read:

10 **224.75 (title) Record-keeping requirements for mortgage bankers and**
11 **mortgage brokers licensees.**

12 *-1896/1.108* SECTION 654. 224.75 (1) (a) of the statutes is amended to read:

13 224.75 (1) (a) *Fee record system.* A mortgage banker or mortgage broker shall
14 establish and maintain a record system which shows all fees which a mortgage
15 banker or mortgage broker charged a residential mortgage loan applicant or a
16 mortgagor in connection with a residential mortgage loan. The record shall show the
17 application or disposition of those fees.

18 *-1896/1.109* SECTION 655. 224.75 (1) (b) (intro.) of the statutes is amended
19 to read:

20 224.75 (1) (b) *Loan application record system.* (intro.) A mortgage banker or
21 mortgage broker shall establish and maintain a record system containing all of the
22 following information for each residential mortgage loan application:

23 *-1896/1.110* SECTION 656. 224.75 (1) (b) 6. and 7. of the statutes are created
24 to read:

25 224.75 (1) (b) 6. The name of the mortgage loan originator.

1 7. The loan amount.

2 *-1896/1.111* SECTION 657. 224.75 (1) (c) (intro.) of the statutes is amended
3 to read:

4 224.75 (1) (c) *Loan application documents.* (intro.) A mortgage banker or
5 mortgage broker shall maintain for each residential mortgage loan application all of
6 the following documents, if used by the mortgage banker or mortgage broker in
7 connection with the residential mortgage loan application file:

8 *-1896/1.114* SECTION 658. 224.75 (1) (d) of the statutes is renumbered 224.75
9 (1) (d) (intro.) and amended to read:

10 224.75 (1) (d) *Loan servicing records and documents.* (intro.) A mortgage
11 banker shall maintain for each residential mortgage loan serviced by the mortgage
12 banker a copy of or a record of all of the following:

13 1. All correspondence relating to the loan.

14 *-1896/1.115* SECTION 659. 224.75 (1) (d) 2., 3., 4. and 5. of the statutes are
15 created to read:

16 224.75 (1) (d) 2. All payments received from the borrower.

17 3. All charges assessed to the borrower's account.

18 4. All payments made by the mortgage banker on behalf of the borrower.

19 5. The unpaid balance on the borrower's account.

20 *-1896/1.116* SECTION 660. 224.75 (2) of the statutes is amended to read:

21 224.75 (2) PERIOD OF RECORD RETENTION. A mortgage banker or mortgage broker
22 shall keep for at least 25 36 months, in an office of the mortgage banker or mortgage
23 broker licensed under this subchapter, all books and records that, in the opinion of
24 the division, will enable the division to determine whether the mortgage banker or
25 mortgage broker is in compliance with the provisions of this subchapter. These books

1 and records include copies of all deposit receipts, canceled checks, trust account
2 records, the records which a mortgage banker or mortgage broker maintains under
3 sub. (1) (c) or (d), and other relevant documents or correspondence received or
4 prepared by the mortgage banker or mortgage broker in connection with a
5 residential mortgage loan or residential mortgage loan application. The retention
6 period begins on the date the residential mortgage loan is closed or, if the loan is not
7 closed, the date of loan application. If the residential mortgage loan is serviced by
8 a mortgage banker, the retention period commences on the date that the loan is paid
9 in full. ~~The mortgage banker or mortgage broker shall make the records available~~
10 ~~for inspection and copying by the division. If the records are not kept within this~~
11 ~~state, the mortgage banker or mortgage broker shall, upon request of the division,~~
12 ~~promptly send exact and complete copies of requested records to the division.~~

13 *~~1896/1.117~~* SECTION 661. 224.75 (3) of the statutes is amended to read:

14 224.75 (3) CONTENTS OF CREDIT AND APPRAISAL REPORTS. (a) *Credit report.* If a
15 mortgage banker or mortgage broker charges a residential mortgage loan applicant
16 a separate fee for a credit report, the credit report shall consist, at a minimum, of a
17 written statement indicating the name of the credit reporting agency which
18 investigated the credit history of the applicant.

19 (b) *Appraisal report.* If a mortgage banker or mortgage broker charges a
20 residential mortgage loan applicant a separate fee for an appraisal report, the
21 appraisal report shall consist, at a minimum, of a written statement indicating the
22 appraiser's opinion of the value of the property appraised for residential mortgage
23 loan purposes, the basis for that opinion and the name of the person who conducted
24 the appraisal. If requested by a residential mortgage loan applicant, a mortgage
25 banker or mortgage broker shall provide the loan applicant with a copy of any written

1 appraisal report held by the mortgage banker or mortgage broker, if the loan
2 applicant paid a fee for the report.

3 ***-1896/1.118* SECTION 662.** 224.75 (4) of the statutes is amended to read:

4 224.75 (4) RESPONSIBILITY FOR FORMS. A mortgage banker or mortgage broker
5 is responsible for the preparation and correctness of all entries on forms, documents
6 and records which are under the mortgage banker's or mortgage broker's control and
7 which are not dependent on information provided by the residential mortgage loan
8 applicant or a 3rd party.

9 ***-1896/1.119* SECTION 663.** 224.75 (6) of the statutes is created to read:

10 224.75 (6) FURNISHING BOOKS AND RECORDS. Upon request by the division, any
11 licensee under this subchapter, and any other person whom the division has
12 authority to investigate and examine under s. 224.74 (2), shall make any books and
13 records requested by the division available for inspection and copying by the division.
14 If any records are kept at a licensed office not located within this state, the mortgage
15 banker or mortgage broker shall, upon request of the division, promptly deliver such
16 documents to any location within this state specified by the division.

17 ***-1896/1.120* SECTION 664.** 224.755 (title) of the statutes is repealed and
18 recreated to read:

19 **224.755 (title) Education and testing requirements for mortgage loan**
20 **originators.**

21 ***-1896/1.121* SECTION 665.** 224.755 of the statutes is renumbered 224.755 (5)
22 and amended to read:

23 224.755 (5) COMPLIANCE RECORDS. A mortgage loan originator shall keep
24 records documenting compliance with s. 224.72 (7) (d) this section for at least 4 years.
25 ~~The technical college system board and any professional trade association or other~~

1 ~~person that administers examinations or provides education under s. 224.72 (7) (d)~~
2 ~~shall maintain records documenting attendance and examination performance for~~
3 ~~at least 4 years.~~

4 ***-1896/1.122* SECTION 666.** 224.755 (1), (2), (3) and (4) of the statutes are
5 created to read:

6 224.755 (1) EDUCATION REQUIREMENTS APPLICABLE PRIOR TO LICENSE ISSUANCE.
7 Subject to sub. (3) (a) and (c), an applicant for a license under s. 224.725 (1), prior to
8 the division's issuance of the license, shall complete at least 20 hours of education,
9 including a minimum of all of the following:

10 (a) Three hours of federal law and regulations.

11 (b) Three hours of ethics, including instruction on fraud, consumer protection,
12 and fair lending issues.

13 (c) Two hours of training related to lending standards for the nontraditional
14 mortgage product marketplace.

15 (2) CONTINUING EDUCATION REQUIREMENTS. Subject to subs. (3) (a), (c), (d), and
16 (f), an applicant for renewal of a license under s. 224.725 (5), prior to the division's
17 renewal of the license, shall annually complete at least 8 hours of education,
18 including a minimum of all of the following:

19 (a) Three hours of federal law and regulations.

20 (b) Two hours of ethics, including instruction on fraud, consumer protection,
21 and fair lending issues.

22 (c) Two hours of training related to lending standards for the nontraditional
23 mortgage product marketplace.

24 (3) EDUCATION APPROVAL. (a) No education course may count toward the
25 requirement under sub. (1) or (2) unless the course has been reviewed and approved

1 by the nationwide mortgage licensing system and registry based upon reasonable
2 standards, including review and approval of the course provider.

3 (b) An education course meeting the standard under par. (a) may count toward
4 the requirements under subs. (1) and (2) even if the course is any of the following:

5 1. Provided by the applicant's or licensee's employer, by an entity affiliated with
6 the applicant or licensee by an agency contract, or by any subsidiary or affiliate of
7 such an employer or affiliated entity.

8 2. Offered through the Internet or another online or electronic medium.

9 3. Taken in another state.

10 (c) Subject to any rule promulgated under s. 224.72 (7) (bm) or 224.725 (5) (b),
11 if an individual was previously registered as a loan originator under s. 224.72, 2007
12 stats., or previously licensed as a mortgage loan originator under s. 224.725, the
13 division may not issue or renew a mortgage loan originator license for the individual
14 under s. 224.725 unless the individual satisfies the requirements under sub. (1) or
15 (2) or demonstrates to the division's satisfaction that the individual has completed
16 all education requirements applicable to the individual in the last year in which the
17 individual's license or registration was valid.

18 (d) Except as provided in any rule promulgated under s. 224.72 (7) (bm), a
19 licensed mortgage loan originator may receive credit for a continuing education
20 course only in the year in which the course is taken and may not take the same
21 approved course in the same or successive years to meet the requirements under sub.
22 (2).

23 (e) A licensed mortgage loan originator who is an approved instructor of an
24 approved continuing education course may receive credit for the licensed mortgage

1 loan originator's own annual continuing education requirement at the rate of 2 hours
2 of credit for every one hour taught.

3 (f) The division may, by rule, allow an applicant for renewal of a license under
4 s. 224.725 (5) to make up any deficiency in meeting the requirements specified in sub.
5 (2).

6 (4) TESTING REQUIREMENTS. (a) An applicant for a license under s. 224.725 (1),
7 prior to the division's issuance of the license, shall pass a written test meeting the
8 standards under par. (b). An individual shall answer at least 75 percent of the test
9 questions correctly to achieve a passing test score.

10 (b) 1. No test may satisfy the requirement under par. (a) unless the test is
11 developed by the nationwide mortgage licensing system and registry and
12 administered by a test provider approved by the nationwide mortgage licensing
13 system and registry based upon reasonable standards.

14 2. A test does not meet the standard under subd. 1. unless the test adequately
15 measures the applicant's knowledge and comprehension in appropriate subject
16 areas, including all of the following:

17 a. Ethics.

18 b. Federal and state law, regulations, and rules pertaining to mortgage
19 origination.

20 c. Federal and state law, regulations, and rules relating to residential mortgage
21 transactions, including instruction on fraud, consumer protection, the
22 nontraditional mortgage product marketplace, and fair lending issues.

23 (c) A written test meeting the standards under par. (b) may satisfy the
24 requirement under par. (a) even if the test is provided at the location of the
25 applicant's employer, any subsidiary or affiliate of the applicant's employer, or any

1 entity with which the applicant holds an exclusive arrangement to conduct the
2 business of a mortgage loan originator.

3 (d) An individual may retake a test 3 consecutive times, with each test retaken
4 no less than 30 days after the preceding test. If the individual fails 3 consecutive
5 tests, the individual may not retake a test again for at least 6 months.

6 (e) If an individual previously licensed as a mortgage loan originator fails to
7 maintain a valid license for a period of 5 years or longer, the individual shall retake
8 the test under par. (a). For purposes of determining the 5-year period, the division
9 shall not consider any period during which the individual is exempt from licensing
10 under s. 224.726 (1).

11 *-1896/1.123* SECTION 667. 224.76 of the statutes is amended to read:

12 **224.76 Mortgage banker, mortgage loan originator, and mortgage**
13 **broker trust accounts.** A mortgage banker, mortgage loan originator, or mortgage
14 broker shall deposit in one or more trust accounts all funds other than nonrefundable
15 fees which it receives on behalf of any person, pending disbursement of the funds in
16 accordance with instructions from the person on whose behalf the funds are
17 deposited. A mortgage banker or mortgage broker shall maintain trust accounts in
18 a bank, savings bank, savings and loan association or credit union which is
19 authorized to do business in this state or whose accounts are insured by the Federal
20 Deposit Insurance Corporation or the National Credit Union Administration
21 depository institution. The mortgage banker or mortgage broker shall notify the
22 division of the location of its trust accounts.

23 *-1896/1.124* SECTION 668. 224.77 (title) of the statutes is amended to read:

24 **224.77 (title) Discipline Prohibited acts and practices, and discipline,**
25 **of mortgage bankers, mortgage loan originators, and mortgage brokers.**

1 *~~1896/1.125~~* SECTION 669. 224.77 (1) (intro.) of the statutes is amended to
2 read:

3 224.77 (1) ~~PROHIBITED CONDUCT ACTS AND PRACTICES.~~ (intro.) ~~The division may~~
4 ~~deny an application submitted to it under s. 224.72, or may revoke, suspend or limit~~
5 ~~the certificate of registration of a mortgage banker, loan originator or mortgage~~
6 ~~broker, or may reprimand a mortgage banker, loan originator or mortgage broker, if~~
7 ~~it finds that the~~ No mortgage banker, mortgage loan originator, or mortgage broker
8 did, and no member, officer, director, principal, partner, trustee, or other agent of a
9 mortgage banker or mortgage broker, may do any of the following:

10 *~~1896/1.126~~* SECTION 670. 224.77 (1) (a) of the statutes is amended to read:

11 224.77 (1) (a) ~~Made~~ Make a material misstatement, or knowingly omit a
12 material fact, in an a license application for registration, or in other information or
13 reports furnished to the division, to the nationwide mortgage licensing system and
14 registry, or to any other governmental agency, including failing to disclose a criminal
15 conviction or any disciplinary action taken by a state or federal regulatory agency.

16 *~~1896/1.127~~* SECTION 671. 224.77 (1) (b) of the statutes is repealed and
17 recreated to read:

18 224.77 (1) (b) Make, in any manner, any materially false or deceptive
19 statement or representation, including engaging in bait and switch advertising or
20 falsely representing residential mortgage loan rates, points, or other financing terms
21 or conditions.

22 *~~1896/1.128~~* SECTION 672. 224.77 (1) (c) and (d) of the statutes are amended
23 to read:

1 224.77 (1) (c) ~~Made~~ Make a false, deceptive, or misleading promise relating to
2 the services being offered or that influences, persuades, or induces a client to act to
3 his or her injury or damage detriment.

4 (d) ~~Pursued~~ Pursue a continued and flagrant course of misrepresentation, or
5 made make false promises, whether directly or through agents or advertising.

6 *-1896/1.130* SECTION 673. 224.77 (1) (e) and (f) of the statutes are amended
7 to read:

8 224.77 (1) (e) ~~Acted~~ Act for more than one party in a transaction without the
9 knowledge and consent of all parties on whose behalf the mortgage banker, mortgage
10 loan originator, or mortgage broker is acting.

11 (f) ~~Accepted~~ Accept a commission, money, or other thing of value for performing
12 an act as a mortgage loan originator unless the payment is from a mortgage banker
13 or mortgage broker ~~who is registered under s. 224.72 (3) as employing the loan~~
14 originator with whom the mortgage loan originator's license is associated, as
15 identified in the records of the division at the time the act is performed.

16 *-1896/1.131* SECTION 674. 224.77 (1) (fg) of the statutes is created to read:

17 224.77 (1) (fg) As a mortgage banker or mortgage broker, pay a commission,
18 money, or other thing of value to any person for performing an act as a mortgage loan
19 originator unless the mortgage loan originator's license is associated with the
20 mortgage banker or mortgage broker in the records of the division at the time the act
21 is performed.

22 *-1896/1.132* SECTION 675. 224.77 (1) (g) of the statutes is amended to read:

23 224.77 (1) (g) As a mortgage loan originator, ~~represented or attempted~~
24 represent or attempt to represent a mortgage banker or mortgage broker other than
25 ~~the mortgage banker who is registered under s. 224.72 (3) as employing the loan~~

1 originator or mortgage broker with whom the mortgage loan originator's license was
2 associated, as identified in the records of the division at the time the representation
3 or attempted representation occurs.

4 ***-1896/1.133*** SECTION 676. 224.77 (1) (gd), (gh) and (gp) of the statutes are
5 created to read:

6 224.77 (1) (gd) As a mortgage banker or mortgage broker, permit a person who
7 is not licensed under this subchapter to act as a mortgage loan originator on behalf
8 of the mortgage banker or mortgage broker.

9 (gh) As a mortgage banker or mortgage broker, permit a person whose
10 mortgage loan originator license is not associated in the records of the division with
11 the mortgage banker or mortgage broker to act as a mortgage loan originator on
12 behalf of the mortgage banker or mortgage broker.

13 (gp) As a mortgage banker or mortgage broker, conduct business at or from a
14 principal office or branch office that is not licensed under this subchapter.

15 ***-1896/1.134*** SECTION 677. 224.77 (1) (h) to (L) of the statutes are amended
16 to read:

17 224.77 (1) (h) ~~Failed~~ Fail, within a reasonable time, to account for or remit any
18 moneys coming into the mortgage banker's, mortgage loan originator's, or mortgage
19 broker's possession ~~which~~ that belong to another person.

20 (i) ~~Demonstrated~~ Demonstrate a lack of competency to act as a mortgage
21 banker, mortgage loan originator, or mortgage broker in a way ~~which~~ that safeguards
22 the interests of the public.

23 (j) ~~Paid or offered~~ Pay or offer to pay a commission, money, or other thing of
24 value to any person for acts or services in violation of this subchapter.

1 (k) ~~Violated~~ Violate any provision of this subchapter, ch. 138, or any federal or
2 state statute, rule, or regulation ~~which~~ that relates to practice as a mortgage banker,
3 mortgage loan originator, or mortgage broker.

4 (L) ~~Engaged~~ Engage in conduct ~~which~~ that violates a standard of professional
5 behavior which, through professional experience, has become established for
6 mortgage bankers, mortgage loan originators, or mortgage brokers.

7 ***-1896/1.136* SECTION 678.** 224.77 (1) (m) of the statutes is amended to read:
8 224.77 (1) (m) ~~Engaged~~ Engage in conduct, whether of the same or a different
9 character than specified elsewhere in this section, ~~which~~ that constitutes improper,
10 fraudulent, or dishonest dealing.

11 ***-1896/1.137* SECTION 679.** 224.77 (1) (o) of the statutes is amended to read:
12 224.77 (1) (o) In the course of practice as a mortgage banker, mortgage loan
13 originator, or mortgage broker, except in relation to housing designed to meet the
14 needs of elderly individuals, ~~treated~~ treat a person unequally solely because of sex,
15 race, color, handicap, sexual orientation, as defined in s. 111.32 (13m), religion,
16 national origin, age, or ancestry, the person's lawful source of income, or the sex or
17 marital status of the person maintaining a household.

18 ***-1896/1.138* SECTION 680.** 224.77 (1) (p) of the statutes is amended to read:
19 224.77 (1) (p) Intentionally ~~encouraged or discouraged~~ encourage or discourage
20 any person from purchasing or renting real estate on the basis of race.

21 ***-1896/1.139* SECTION 681.** 224.77 (1) (q) of the statutes is amended to read:
22 224.77 (1) (q) Because of the age or location of the property or the race of the
23 residential mortgage loan applicant, rather than because of the credit worthiness of
24 the applicant and the condition of the property securing the loan: