

**RESIDENTIAL MORTGAGE REGULATORY
COMMISSION**

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Gordon E. Snow

This act modifies the Utah Residential Mortgage Practices Act. This act provides that three members of the Residential Mortgage Regulatory Commission shall have at least three years of experience in transacting the business of residential mortgage loans, and one member of the commission shall be from the general public. This act takes effect on July 1, 2004.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

61-2c-104, as last amended by Chapter 204, Laws of Utah 2002

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **61-2c-104** is amended to read:

61-2c-104. Residential Mortgage Regulatory Commission.

(1) There is created within the division the Residential Mortgage Regulatory Commission consisting of:

(a) the following members appointed by the executive director with the approval of the governor:

(i) [~~two~~] three members having at least three years of experience in transacting the business of residential mortgage loans and are currently registered as a mortgage lender with the division; and

(ii) [~~two members~~] one member from the general public; and

(b) the commissioner of the Department of Financial Institutions or the commissioner's designee.

(2) (a) Except as required by Subsection (2)(b), the executive director shall appoint each new member or reappointed member subject to appointment by the executive director to a four-year term ending June 30.

(b) Notwithstanding the requirements of Subsection (2)(a), the executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission is appointed every two years.

(c) If a vacancy occurs in the membership of the commission for any reason, the replacement shall be appointed for the unexpired term.

(3) Members of the commission shall annually select one member to serve as chair.

(4) (a) The commission shall meet at least quarterly.

(b) The director may call a meeting in addition to the meetings required by Subsection (4)(a):

(i) at the discretion of the director;

(ii) at the request of the chair of the commission; or

(iii) at the written request of three or more commission members.

(5) (a) Three members of the commission constitute a quorum for the transaction of business.

(b) The action of a majority of a quorum present is an action of the commission.

(6) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members who are not government employees may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the commission at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(7) The commission shall:

(a) concur in the registration or denial of registration of individuals and entities under this chapter in accordance with Part 2, Registration;

(b) take disciplinary action with the concurrence of the director in accordance with Part 4, Enforcement; and

(c) advise the division concerning matters related to the administration and enforcement of this chapter.

Section 2. Effective date.

This act takes effect on July 1, 2004.