

1                                   **RESIDENTIAL MORTGAGE REGULATORY**

2   **COMMISSION**

3   2003 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: Gordon E. Snow**

6 **This act modifies Utah Residential Mortgage Practices Act. This act provides that three**  
7 **members of the Residential Mortgage Regulatory Commission shall have at least three**  
8 **years of experience in transacting the business of residential mortgage loans, and one**  
9 **member of the commission shall be from the general public. This act takes effect on July**  
10 **1, 2004.**

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

12 AMENDS:

13                   **61-2c-104**, as last amended by Chapter 204, Laws of Utah 2002

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

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

16                   **61-2c-104. Residential Mortgage Regulatory Commission.**

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

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

21                   (i) [~~two~~] three members having at least three years of experience in transacting the  
22 business of residential mortgage loans **§ AND ARE CURRENTLY REGISTERED AS A MORTGAGE**  
22a **LENDER WITH THE DIVISION §** ; and

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

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

26                   (2) (a) Except as required by Subsection (2)(b), the executive director shall appoint  
27 each new member or reappointed member subject to appointment by the executive director to a



28 four-year term ending June 30.

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

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

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

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

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

39 (i) at the discretion of the director;

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

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

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

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

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

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

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

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

57 (7) The commission shall:

58 (a) concur in the registration or denial of registration of individuals and entities under

59 this chapter in accordance with Part 2, Registration;

60 (b) take disciplinary action with the concurrence of the director in accordance with Part  
61 4, Enforcement; and

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

64 Section 2. **Effective date.**

65 This act takes effect on July 1, 2004.

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**Legislative Review Note**  
**as of 12-9-02 10:45 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0203**

**Residential Mortgage Regulatory Commission**

*23-Jan-03*

*3:49 PM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**