

SENATE BILL No. 1395

September 15, 2004, Introduced by Senators SCOTT, BRATER, OLSHOVE, JACOBS, CLARKE, BASHAM, SCHAUER, LELAND, CHERRY, EMERSON, PRUSI and BARCIA and referred to the Committee on Banking and Financial Institutions.

A bill to amend 1988 PA 161, entitled
"Consumer financial services act,"
by amending section 2 (MCL 487.2052), as amended by 2002 PA 390.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Applicant" means a person that has applied to the
3 commissioner to be licensed under this act.

4 (b) "Bureau" means the office of financial and insurance
5 services of the department of ~~consumer and industry services~~
6 **labor and economic growth.**

7 (c) "Business activity" means any activity regulated by any
8 of the financial licensing acts. ~~identified under subdivision~~
9 ~~(d).~~

10 (d) "Class I license" means a license issued under this act
11 that authorizes the licensee to engage in all of the activities

1 permitted under ~~the regulatory loan act of 1963, 1939 PA 21, MCL~~
2 ~~493.1 to 493.25, the secondary mortgage loan act, 1981 PA 125,~~
3 ~~MCL 493.51 to 493.81, the motor vehicle sales finance act, 1950~~
4 ~~(Ex Sess) PA 27, MCL 492.101 to 492.141, 1984 PA 379, MCL 493.101~~
5 ~~to 493.114, the sale of checks act, 1960 PA 136, MCL 487.901 to~~
6 ~~487.916, or the mortgage brokers, lenders, and servicers~~
7 ~~licensing act, 1987 PA 173, MCL 445.1651 to 445.1684~~ **any of the**
8 **financial licensing acts.**

9 (e) "Class II license" means a license issued under this act
10 that authorizes all of the activities permitted under a class I
11 license except for activities permitted under the sale of checks
12 act, 1960 PA 136, MCL 487.901 to 487.916, loan servicing
13 activities under the secondary mortgage loan act, 1981 PA 125,
14 MCL 493.51 to 493.81, or the mortgage brokers, lenders, and
15 servicers licensing act, 1987 PA 173, MCL 445.1651 to 445.1684.

16 (f) "Commissioner" means the commissioner of the office of
17 financial and insurance services or an authorized representative
18 of the commissioner.

19 (g) "Control person" means a director or executive officer of
20 a licensee or a person who has the authority to participate in
21 the direction, directly or indirectly through 1 or more other
22 persons, of the management or policies of a licensee.

23 (h) "Depository financial institution" means a bank, savings
24 and loan association, savings bank, or credit union organized
25 under the laws of this state, another state, the District of
26 Columbia, the United States, or a territory or protectorate of
27 the United States, whose deposits are insured by an agency of the

1 federal government.

2 (i) "Executive officer" means an officer, member, or partner
3 of a licensee, including chief executive officer, president, vice
4 president, chief financial officer, controller, compliance
5 officer, or any other similar position.

6 (j) "Financial licensing acts" means ~~the acts listed in~~
7 ~~subdivision (d)~~ **this act; the regulatory loan act, 1939 PA 21,**
8 **MCL 493.1 to 493.24; the secondary mortgage loan act, 1981 PA**
9 **125, MCL 493.51 to 493.81; the motor vehicle sales finance act,**
10 **1950 (Ex Sess) PA 27, MCL 492.101 to 492.141; 1984 PA 379, MCL**
11 **493.101 to 493.114; the sale of checks act, 1960 PA 136, MCL**
12 **487.901 to 487.916; the money transmission services act, MCL**
13 **487.1001 to 487.1048; and the mortgage brokers, lenders, and**
14 **servicers licensing act, 1987 PA 173, MCL 445.1651 to 445.1684.**

15 (k) "Licensee" means a person that is licensed under this
16 act.

17 (l) "Loan servicing activities" means the collection or
18 remittance for a lender, noteowner, noteholder, or the licensee's
19 own account of 4 or more installment payments of the principal,
20 interest, or an amount placed in escrow under a mortgage
21 servicing agreement or a mortgage loan subject to the mortgage
22 brokers, lenders, and servicers licensing act, 1987 PA 173, MCL
23 445.1651 to 445.1684, or a mortgage servicing agreement or
24 secondary mortgage loan subject to the secondary mortgage loan
25 act, 1981 PA 125, MCL 493.51 to 493.81, or an agreement with the
26 mortgagor.

27 (m) "Person" means an individual, corporation, partnership,

1 association, limited liability company, or any other legal
2 entity.

3 Enacting section 1. This amendatory act does not take
4 effect unless Senate Bill No. 1393
5 of the 92nd Legislature is enacted into
6 law.