

SENATE BILL No. 177

February 9, 2005, Introduced by Senator SCOTT 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 of
8 the financial licensing acts. ~~identified under subdivision (d).~~

1 (d) "Class I license" means a license issued under this act
2 that authorizes the licensee to engage in all of the activities
3 permitted under ~~the regulatory loan act of 1963, 1939 PA 21, MCL~~
4 ~~493.1 to 493.25, the secondary mortgage loan act, 1981 PA 125, MCL~~
5 ~~493.51 to 493.81, the motor vehicle sales finance act, 1950 (Ex~~
6 ~~Sess) PA 27, MCL 492.101 to 492.141, 1984 PA 379, MCL 493.101 to~~
7 ~~493.114, the sale of checks act, 1960 PA 136, MCL 487.901 to~~
8 ~~487.916, or the mortgage brokers, lenders, and servicers licensing~~
9 ~~act, 1987 PA 173, MCL 445.1651 to 445.1684~~ **ANY OF THE FINANCIAL**
10 **LICENSING ACTS.**

11 (e) "Class II license" means a license issued under this act
12 that authorizes all of the activities permitted under a class I
13 license except for activities permitted under the sale of checks
14 act, 1960 PA 136, MCL 487.901 to 487.916, loan servicing activities
15 under the secondary mortgage loan act, 1981 PA 125, MCL 493.51 to
16 493.81, or the mortgage brokers, lenders, and servicers licensing
17 act, 1987 PA 173, MCL 445.1651 to 445.1684.

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

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

25 (h) "Depository financial institution" means a bank, savings
26 and loan association, savings bank, or credit union organized under
27 the laws of this state, another state, the District of Columbia,

1 the United States, or a territory or protectorate of the United
2 States, whose deposits are insured by an agency of the federal
3 government.

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

8 (j) "Financial licensing acts" means ~~the acts listed in~~
9 ~~subdivision (d)~~ **THIS ACT; THE REGULATORY LOAN ACT, 1939 PA 21, MCL**
10 **493.1 TO 493.24; THE SECONDARY MORTGAGE LOAN ACT, 1981 PA 125, MCL**
11 **493.51 TO 493.81; THE MOTOR VEHICLE SALES FINANCE ACT, 1950 (EX**
12 **SESS) PA 27, MCL 492.101 TO 492.141; 1984 PA 379, MCL 493.101 TO**
13 **493.114; THE SALE OF CHECKS ACT, 1960 PA 136, MCL 487.901 TO**
14 **487.916; THE MONEY TRANSMISSION SERVICES ACT, MCL 487.1001 TO**
15 **487.1048; AND THE MORTGAGE BROKERS, LENDERS, AND SERVICERS**
16 **LICENSING ACT, 1987 PA 173, MCL 445.1651 TO 445.1684.**

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

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

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

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

2 Enacting section 1. This amendatory act does not take effect

3 unless Senate Bill No. 176

4 of the 93rd Legislature is enacted into law.