



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Financial Institutions, Consumer Services

Permanent Rule Only

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: Amending the rules in chapter 208-660 to implement the Mortgage Broker Practices Act, chapter 19.146 RCW, as amended by chapter 35, Laws of 2010 and to generally amend the rules for clarity and consistency.

Citation of existing rules affected by this order:

Repealed: None
 Amended: 208-600-006, 155, 175, 350, 430, 500,
 Suspended: None

Statutory authority for adoption: RCW 43.320.040

Other authority : RCW 19.146.223; chapter 35, Laws of 2010

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR **10-16-134** on August 4, 2010 (date).
 Describe any changes other than editing from proposed to adopted version:

See Attachment 1.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone _____
 Address: _____ fax _____
 e-mail _____

Date adopted: October 5, 2010

NAME (TYPE OR PRINT)
Deborah Bortner

SIGNATURE

TITLE
Director, Division of Consumer Services

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 05, 2010
TIME: 9:23 AM

WSR 10-20-125

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>2</u>	Amended	<u>6</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

	New	<u>2</u>	Amended	<u>6</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	<u>2</u>	Amended	<u>6</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>2</u>	Amended	<u>6</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

Attachment 1 to CR-103p

Describe differences between the text of the proposed rules as published in the Washington State Register and the text of the rules as adopted, other than editing changes, stating the reasons for differences. (RCW 34.05.325(6)(a) (ii))

1. 208-660-006. The definition of loan originator is amended to clarify that the definition does apply in short sale transactions.
2. 208-660-006. The definition of loan originator is amended to clarify that individuals (not persons) who hold themselves out as being able to provide the services are not excluded by also providing administrative or clerical duties.
3. 208-660-175(f) and (g). These bonding sections for loan modification service providers are amended to reflect the final determination that the initial and subsequent bonding amount for these persons is \$20,000.
4. 208-660-350(g). This section is added to provide additional guidance to licensees.
5. 208-660-350(15)(ii). This section is added to provide additional guidance to licensees.
6. 208-660-430(9). This section is added to provide additional guidance to licensees.
7. 208-660-500(3)(bb). The language in this section is amended to further clarify the prohibited practice.
8. 208-660-500(3)(cc). This section is added to provide additional guidance to licensees about their existing requirement to maintain records.