

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**

# **A Bill**

**ACT 437 OF 1993**  
**HOUSE BILL 1291**

4 **By: Representatives D. Wood and Riable**

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## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE 23-39-102 (5) CONCERNING

9 MORTGAGE LOAN COMPANIES; AND FOR OTHER PURPOSES."

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## **Subtitle**

12 "AN ACT CONCERNING MORTGAGE LOAN COMPANIES."

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14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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16 SECTION 1. Arkansas Code 23-39-102 (5) is amended to read as follows:

17 "(5) (A) Mortgage loan company means any person who directly or  
18 indirectly:

19 (i) Holds himself out for hire to serve as an agent for any  
20 person in an attempt to obtain a loan which will be secured by a lien or  
21 mortgage on real property;

22 (ii) Holds himself out for hire to serve as an agent for  
23 any person who has money to loan, which loan is or will be secured by a lien  
24 or mortgage on real property;

25 (iii) Holds himself out as being able to make, purchase,  
26 place, sell, or exchange loans secured by liens or mortgages on real property;

27 (iv) Holds himself out as being able to service loans  
28 secured by liens or mortgages on real property; or

29 (v) Holds himself out to be a loan broker;

30 (B) Mortgage loan company shall not mean any person who  
31 obtains, makes, purchases, places, sells, exchanges, or services, in the  
32 aggregate, fewer than six (6) loans secured by liens or mortgages on real  
33 property within any ten-year (10) period."

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35 SECTION 2. All provisions of this act of a general and permanent nature  
36 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

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3 SECTION 3. If any provision of this act or the application thereof to  
4 any person or circumstance is held invalid, such invalidity shall not affect  
5 other provisions or applications of the act which can be given effect without  
6 the invalid provision or application, and to this end the provisions of this  
7 act are declared to be severable.

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9 SECTION 4. All laws and parts of laws in conflict with this act are  
10 hereby repealed.

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12 SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the  
13 General Assembly of the State of Arkansas that the present law concerning  
14 mortgage loan companies is unclear and it is difficult to determine whether  
15 certain practices are subject to regulation; and that this act is immediately  
16 necessary to avoid any undue hardship on persons whose activities fall within  
17 an area where the law is uncertain. Therefore, an emergency is hereby  
18 declared to exist and this act being necessary for the immediate preservation  
19 of the public peace, health and safety shall be in full force and effect from  
20 and after its passage and approval.

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24 /s/D. Wood, et al

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26 APPROVED: 03/10/93

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