

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

A Bill

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

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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

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
2 Revision Commission shall incorporate the same in the Code.

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

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11 hereby repealed.

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

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25 /s/D. Wood, et al

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