

BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF AMENDMENT
ARM 2.59.1716 pertaining to recovery)	
of the costs in bringing an)	
administrative action; ARM 2.59.1741)	
pertaining to treatment of initial license)	
applications submitted near year-end;)	
and ARM 2.59.1753 pertaining to)	
abandonment of initial license)	
applications, all related to mortgage)	
licensees)	

TO: All Concerned Persons

1. On May 14, 2015, the Department of Administration published MAR Notice No. 2-59-523 pertaining to the proposed amendment of the above-stated rules at page 499 of the 2015 Montana Administrative Register, Issue Number 9.

2. The department has amended ARM 2.59.1716 and 2.59.1741 exactly as proposed.

3. After further consideration of its proposed amendments to ARM 2.59.1753(3)(b), (4), (4)(a), (4)(b), and (5) concerning the 30-day extension of time for submitting records requested by the department, the department decided that the benefits of the extension would be outweighed by its administrative burden: NMLS license application forms would need to be revised adding further complexity to the form; more department staff time would be needed to track the status of applications; and evenhanded implementation would be difficult because an applicant's diligence during the initial 60-day period for submitting documents requested by the department is wholly subjective.

The department has amended the following rule as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

2.59.1753 APPLICATIONS FOR INITIAL LICENSE NEAR YEAR-END;
WHEN APPLICATION FOR INITIAL LICENSE MAY BE DEEMED ABANDONED

(1) through (2) remain as proposed.

(3) An application for initial license ~~may~~ shall be deemed abandoned if the applicant fails to provide the documents or information requested by the department within 60 days of notification to the applicant of the deficiencies.

(a) remains as proposed.

(b) ~~Except as provided in (4), the~~ The application ~~may~~ shall be deemed abandoned if the requested documents or information ~~have not been~~ are not provided within the remainder of the 60-day period in the new year.

(c) Upon abandonment, the licensing process may be started anew with the submission of a new license application and fee.

~~(4) The department may grant a 30-day extension of the 60-day period included in (3) if requested by the applicant in writing before the lapse of the 60-day period and if the department determines that the applicant is diligently attempting to obtain the documents or information, or that the applicant has produced satisfactory evidence that the documents or information do not exist.~~

~~(a) When the 30-day extension period expires, the application is deemed abandoned if the applicant has not produced the documents or information or satisfactory evidence that the documents or information do not exist.~~

~~(b) The licensing process may be started anew with the submission of a new license application and fee.~~

~~(5)(4) The 60-day period for providing documents or information requested by the department and any 30-day extension granted by the department under (3) and (4) are applicable only applies to persons applying for initial licensure and not to renewal applicants. These time periods do not apply to renewal applicants.~~

AUTH: 32-9-120, 32-9-130, MCA

IMP: 32-9-120, 32-9-134, MCA

4. No comments were received.

By: Sheila Hogan
Sheila Hogan, Director
Department of Administration

By: Michael P. Manion
Michael P. Manion, Rule Reviewer
Department of Administration

Certified to the Secretary of State July 6, 2015