

The Division Report

SC-Board of Financial Institutions – Consumer Finance Division

November 2018



From the Commissioner of Consumer Finance

Ronald R Bodvake

As we make our way through the end of another calendar year, I wanted to thank all of our licensees for their continued support. The Division has had many changes in the last couple of years. We are looking forward to growing and continuing to support our licensees. The Division takes pride in having an open door policy for all. With the renewal period coming up please keep in mind the requirements that have to be met. Mortgage Loan Originators must complete Continuing Education (South Carolina requires one hour) through NMLS. Mortgage Loan Originators must satisfy all requirements listed in NMLS in order to renew.



The Division constantly reviews forms, applications and checklists to be as current as possible. We also include helpful resources from law codes/interpretations, examples for completing forms and commonly found examination citations. I encourage all of our licensees to go to our website www.consumerfinance.sc.gov and take advantage of the resources available. I also encourage all licensees to reach out to us and let us know what else we can do to make the licensing and examination process more efficient. Please send any questions, concerns or suggestions to cfd@bofi.sc.gov.

Important Deadlines and Updates

- November 1, 2018 – December 31, 2018 – Mortgage Lender, Branch and Loan Originator renewal period.
- December 31, 2018 – February 1, 2019 Supervised and Restricted renewal period.
- Supervised and Restricted Renewal Forms will be available on the Division's website in December.
- Supervised and Restricted Annual Report will be available on the Division's website in January.

How to Cancel Restricted and Supervised Licenses:

Cancelling a license: Return the original Supervised Lender's License and submit in writing on company letterhead the following:

1. Reason for surrender/cancellation.
2. Location of books and records.
3. Submit effective date of cancellation.
4. If original license is lost/destroyed; state that it is lost/destroyed.
5. If license has a dba name containing a URL address (i.e. www._____com) submit a written statement that the license posted on the website has been removed.
6. Submit a list of accounts (include account number, outstanding balance and the consumer's name) sold and/or transferred.



For more information go to our website at www.consumerfinance.sc.gov and please keep in mind the original license has the South Carolina state seal in the middle that can be seen when held to light.

****NOTE: Per South Carolina Law Code 37-3-502 No servicing activity may be conducted without an active Supervised license.****

South Carolina Department of Consumer Affairs - Maximum Rate Filing

The Consumer Protection Code requires all creditors who wish to charge an Annual Percentage Rate (APR) in excess of 18% to file a Maximum Rate Schedule (MRS) with the Department. Supervised and restricted lenders wanting to charge in excess of 18% APR on motor vehicle sales should make sure the motor vehicle dealer has filed a MRS with the Department if: (1) the lender takes assignment from the dealer; or (2) the dealer completes the lender's paperwork during the sale of the vehicle. A Maximum Rate Schedule must also be posted in the creditor's place of business, which includes any website where applications are taken.

Filings can be made online. Visit www.consumer.sc.gov and click on "Online Licensing" at the top of the page. The filing fee is \$40.00 per location and can be paid by credit card with no convenience fees.

- Renewal period: November 1, 2018 – January 31, 2019.
- Filings expire: January 31, 2019.
- Late penalties apply after: January 31, 2019.
- Visit [Consumer Affairs website](http://www.consumer.sc.gov) for more information



SCDMV Transporter License Plate

All Supervised Lenders can apply to the Department of Motor Vehicles for a Transporter License Plate. Please see Section 56-3-2350 (B) for further details. The plate can be used temporarily on any vehicle the lender has repossessed. The tags may be used when the lender is in the process of selling a repossessed vehicle. The annual fee is \$50.00 dollars and \$10.00 dollars for each license plate. A lender must submit to the SCDMV applicable liability insurance as prescribed by statute. The form required to obtain the Transporter Tag is DLA-3 and can be found on the SCDMV site at <http://scdmvonline.com/>.



Have You Checked for Unclaimed Property?

Did you know the State Treasurer's Office has more than \$550 million in unclaimed property available to give back to South Carolina citizens, businesses and organizations? Examples of the types of property covered by the program include dormant bank accounts, uncashed checks, unclaimed insurance proceeds and forgotten utility deposits. The Treasurer's Office acts as custodian of these funds until they are claimed by their rightful owners.

"It's your money and I want to give it back to you," Treasurer Loftis said. "It only takes a minute to check to see if you have any unclaimed property. It's free and easy to do, so there's no excuse not to check our [website](http://treasurer.sc.gov) for your name."

Since 2011, Treasurer Loftis has returned more than \$158 million in unclaimed property, more than all previous state treasurers combined.

You can visit the www.treasurer.sc.gov to see if there is unclaimed property for you or your family.



Above photo check was presented last spring to the Richland County School District 2 at an Unclaimed Property Phone bank at WIS TV.

Mortgage Loan Originators – Education Requirements



With the adoption of the UST, South Carolina has added Prelicensing Education (PE) as well as additional Continuing Education (CE) requirements.

- **PE Requirements = 3 Hours**
- **CE Requirements = 1 Hour**



Current MLO's will have until license renewal in November of 2018 to satisfy the CE Requirement. MLO's will not be able to request renewal until CE is complete. Be sure to see the education page <https://mortgage.nationwidelicensingsystem.org/profreq/education/Pages/default.aspx> on the NMLS Resource Center for complete details. Contact NMLS for any assistance regarding course providers or for helping navigating the NMLS Resource Center at 1-855-NMLS-123 (1-855-665-7123).

Display of Mortgage Licenses

Starting November 1, 2018 The Division will be issuing licenses in an electronic format. The licenses will be sent to the email address listed in NMLS to mortgage loan originators. Lender and branch licenses will be sent to the primary contact listed in NMLS. A mortgage lender licensed pursuant to this chapter shall display in plain view in its principal office and in each branch the license issued by the Commissioner. A loan originator licensed pursuant to this chapter shall display in each branch office in which mortgage loans are originated a copy of the license issued by the commissioner.

Online Tools

- Visit our website www.consumerfinance.sc.gov.
- Submit feedback to the Division at cfd@bofi.sc.gov.
- FAQ's see: <http://www.consumerfinance.sc.gov/faqs/>.
- To file complaints (Consumer Loan, Payday Loan or Mortgage) see <http://www.consumerfinance.sc.gov/complaints/>.
- Unclaimed Property search <https://treasurer.sc.gov/unclaimedproperty>.
- Most Common Exam Findings/Citations: Mortgage, Supervised and Deferred Presentment <http://www.consumerfinance.sc.gov/content/?page=resourcecenter>.

