



Description



NEVADA MORTGAGE AGENT LICENSE

Who is required to have this license?

Chapter 645B.0125 (1) of the Nevada Revised Statutes (NRS) defines a “mortgage agent” as a natural person, including the designated qualified employee, who is authorized by the mortgage broker or mortgage banker to conduct any activity on behalf of the company that would trigger licensure as a mortgage broker or mortgage banker. Persons conducting these activities are required to be associated with and be employees of the mortgage broker or mortgage banker.

For employees of mortgage brokers, these activities include a person who:

- Holds himself or herself out for hire to serve as an agent for any person in an attempt to obtain a loan which will be secured by a lien on real property;
- Holds himself or herself out for hire to serve as an agent for any person who has money to lend, if the loan is or will be secured by a lien on real property;
- Holds himself or herself out as being able to make loans secured by liens on real property;
- Holds himself or herself out as being able to buy or sell notes secured by liens on real property;
- Offers for sale in Nevada any security which is exempt from registration under state or federal law and purports to make investments in promissory notes secured by liens on real property.
- A loan processor who is an independent contractor and who is associated with a mortgage broker, mortgage banker or person who holds a certificate of exemption pursuant to NRS 645B.016.

For employees of mortgage bankers, these activities include a person who:

- Holds himself or herself out as being able to make loans secured by liens on real property using his or her own money;
- Holds himself or herself out as being able to buy or sell notes secured by liens on real property;
- Negotiates, originates or makes, or offers to negotiate, originate or make, commercial mortgage loans as an agent for or on behalf of an institutional investor;
- A loan processor who is an independent contractor and who is associated with a mortgage banker.

Additionally, the term “mortgage agent” includes a residential mortgage loan originator. A residential mortgage loan originator is any natural person who takes a residential mortgage loan application or offers or negotiates terms of a residential mortgage loan for compensation or other pecuniary gain. “Residential mortgage loan” means any loan primarily for personal, family or household use that is secured by a mortgage, deed of trust or other equivalent consensual security interest on a dwelling, as defined in the federal Truth in Lending Act, or residential real estate upon which is constructed or intended to be constructed a dwelling, including a mobile home.

The term further requires a mortgage broker or mortgage banker, licensed as a sole proprietorship, who conducts residential mortgage loan origination activities to be licensed as a mortgage agent.

Regulations further require the qualified employee of either a mortgage broker or mortgage banker to be licensed as a mortgage agent.

Who does not need this license?

The term “mortgage agent” does not include a person who:

- Is an owner, general partner, officer or director of a mortgage broker or mortgage banker, unless the person is conducting licensable activity on behalf of the company in Nevada, or serves as the designated qualified employee;
- Performs only clerical or ministerial tasks for a mortgage broker or mortgage banker;
- Collects payments and performs related services, including, without limitation, the modification of an existing loan, in connection with a loan secured by a lien on real property (Conducting third party loan modification for compensation is subject to licensing pursuant to NRS chapter 645F);
- Only performs clerical or support loan processing or underwriter duties as an employee of the company and operates at the direction of and subject to the supervision and instruction of a licensed person; or
- Only performs real estate brokerage activities and is licensed or registered in accordance with Nevada law, unless the person or entity is compensated by a lender, a mortgage broker, a mortgage banker or other residential mortgage loan originator or by any agent of such lender, mortgage broker, a mortgage banker or other residential mortgage loan originator.

NRS 645B.015 and NRS 645E.150 list other persons exempt from licensing under these chapters.

Pre-requisites for license applications and issuance

- **Pre-Licensure Education:** Completion of 30 hours of pre-licensing education which must include:
 1. 3 hours of ethics, which shall include instruction on fraud, consumer protection and fair lending issues;
 2. 3 hours of federal law and regulations;
 3. 2 hours of training related to subprime lending and other non-traditional mortgage products;
 4. 4 hours of Nevada law; and
 5. 18 hours of electives.
- **Testing:** Must satisfy one of the following three conditions:
 1. Passing score on both the National and Nevada State components of the SAFE Test, or
 2. Passing score on the National Test Component with Uniform State Content NMLS must indicate the applicant is compliant with this requirement, or
 3. Passing score on both the National and Stand-alone UST components of the SAFE Test.
- Completion of the applicant’s criminal background investigation to ensure compliance with NRS 645B.410;
- A review of the applicant’s personal credit history to ensure the applicant has demonstrated financial responsibility. Pursuant to Nevada regulation, a person has not demonstrated “financial responsibility” if the person’s personal credit history indicates any liens, judgments or disciplinary action which result from fraud, misrepresentation, dishonest business practices or the mishandling of trust funds;
- A review of the applicant’s compliance with any court ordered child support payments. Pursuant to NRS 645B.420, a person may not hold a license if he or she is not in compliance;
- Payment of the \$185 Nevada application fee and the \$25 Attorney General assessment;
- Applicant must be sponsored by a Nevada licensed mortgage broker, mortgage banker or otherwise exempt entity;
- Applicant may only be associated with one mortgage broker or mortgage banker;
- Applicant must be included on the Surety Bond held by the sponsoring company; and
- Applicant must be 18 years of age.

The following conditions will preclude an applicant from obtaining a license as a mortgage agent or from annually renewing a license:

- The applicant:
 - (1) Has been convicted of, or entered a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, or money laundering;
 - (2) Has had a license or registration as a mortgage agent, mortgage banker, mortgage broker or residential mortgage loan originator revoked in this State or any other jurisdiction, or had a financial services license suspended or revoked within the immediately preceding 10 years;
 - (3) Has made a false statement of material fact on his or her application;
 - (4) Has violated any provision of chapter 645B or chapter 645E of NRS, a regulation adopted pursuant thereto or an order of the Commissioner; and
 - (5) Has not demonstrated financial responsibility, character and general fitness so as to command the confidence of the community and warrant a determination that the applicant will operate honestly, fairly and efficiently for the purposes of NRS chapter 645B.
- The applicant has failed to remit any monies owed the Division, NMLS, and/or The State of Nevada;
- The applicant fails to comply with any Nevada or NMLS application or renewal requirements, including but not limited to Nevada's 10 hours of continuing education; or
- The applicant is not sponsored.

WHO TO CONTACT – Contact the Division of Mortgage Lending licensing staff by phone at (775) 684-7060 or send questions via e-mail to mldinfo@mld.nv.gov for additional assistance.

THE APPLICANT IS FULLY RESPONSIBLE FOR ALL OF THE REQUIREMENTS OF THE LICENSE FOR WHICH HE OR SHE IS APPLYING. THE JURISDICTION SPECIFIC REQUIREMENTS CONTAINED HEREIN ARE FOR GUIDANCE ONLY TO FACILITATE APPLICATION THROUGH THE NMLS. SHOULD THERE BE ANY QUESTIONS, PLEASE CONSULT LEGAL COUNSEL.