TEXAS SML INDEPENDENT CONTRACTOR LOAN PROCESSOR / UNDERWRITER COMPANY LICENSE

Who is required to have this license?

Any corporation, company, partnership, or sole proprietor that receives compensation for an individual performing clerical or support duties as an independent contractor loan processor or underwriter at the direction of a licensed as a residential mortgage loan originator.

The Texas Secure and Fair Enforcement for Mortgage Licensing Act of 2009 states that a loan processor or underwriter who is an independent contractor may not engage in the activities of a loan processor or underwriter unless the independent contractor loan processor or underwriter obtains and maintains the appropriate residential mortgage loan originator license and complies with the requirements of the Act. (Refer to Finance Code Chapter 180.051(b).)

Who does not need this license?

- A depository institution; a subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency; or an institution regulated by the Farm Credit Administration that is registered with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.
- A company or sole proprietor who, in addition to performing clerical or support duties as an independent contracted loan processor or underwriter, conducts residential mortgage loan origination and is licensed with, and maintains a unique identifier through the Nationwide Mortgage Licensing System and Registry (NMLS).

Pre-requisites for license applications?

- Any company name or assumed name must be properly filed with either the Texas Secretary of State or with the appropriate County Clerk’s office.

WHO TO CONTACT – Contact Division of Licensing staff by phone at 512-475-1350 or toll free at 877-276-5550 or send your questions via e-mail to nmls@sml.texas.gov.us for additional assistance.

THE APPLICANT/LICENSEE IS FULLY RESPONSIBLE FOR ALL OF THE REQUIREMENTS OF THE LICENSE FOR WHICH THEY ARE APPLYING. THE JURISDICTION SPECIFIC REQUIREMENTS CONTAINED HEREIN ARE FOR GUIDANCE ONLY TO FACILITATE APPLICATION THROUGH THE NMLS. SHOULD YOU HAVE QUESTIONS, PLEASE CONSULT LEGAL COUNSEL.