

BULLETIN: CRIMINAL BACKGROUND CHECKS AND FINGERPRINTS NOW AVAILABLE THROUGH THE NMLS

NH House Bill 610 was enacted into law on July 31st, 2009 in order to bring the mortgage licensing laws of the State of New Hampshire into compliance with the federal *Secure and Fair Enforcement for Mortgage Licensing Act of 2008* ("SAFE Act"). The SAFE Act requires all individuals acting as mortgage loan originators to submit fingerprints to NMLS for a federal criminal history background check with the Federal Bureau of Investigation and to meet certain minimum criminal history standards.

On Monday, January 25th, NMLS added functionality to the MU4 filing process that allows mortgage loan originators and sponsoring companies to authorize, request, and pay for a federal criminal background check within the system. This means that all new mortgage loan originator applications submitted on or after January 25, 2010 will require the individual to request and pay for a federal criminal background check and provide fingerprints to NMLS to process this background check. NMLS has established a complete process, from request to fingerprint capture to delivery of the federal criminal background check response through NMLS for \$39.00, charged to the MLO at the time of the request.

What you need to know:

In fulfillment of SAFE Act requirements, all mortgage loan originators must use NMLS functionality to submit fingerprints for a federal criminal background check.

New applicants, starting January 25, 2010, applying for a mortgage loan originator license in the state of New Hampshire must have fingerprints on file with NMLS and request a federal criminal background check to be processed by NMLS. The New Hampshire Banking Department will not grant a license until results from the federal criminal background check have been received and reviewed against state criminal standards.

Existing mortgage loan originators in the state of New Hampshire must provide fingerprints to NMLS and request a new criminal background check **prior to May 31, 2010** in order for the Department to review the criminal history response from the FBI to ensure compliance with state and federal law.

What you need to do:

You can access this functionality by logging into your account on NMLS.

After submitting a filing with a federal criminal background check request, mortgage loan originators can schedule an appointment to have their fingerprints electronically captured at one of over 700 sites nationwide. Mortgage loan originators not located within a reasonable commuting distance of an NMLS approved capture site will be afforded an opportunity to submit paper fingerprint cards through the NMLS approved vendor.

The cost of the federal criminal history background check collected through NMLS is \$39.00. This fee includes electronic print capture at an NMLS approved site and is regardless of the number of states in which a mortgage loan originator is applying for licensure at one time. Additional fees apply if a mortgage loan originator chooses to submit a paper fingerprint card.

Where you can find out more information:

Full information concerning federal criminal background check processing can be found in NMLS and at the [NMLS Resource Center](#) under "Professional Requirements."

Should you have any questions, please contact the New Hampshire Banking Department Licensing Division at 603-271-8675.