

LEGISLATIVE BILL 272

Approved by the Governor May 25, 1989

Introduced by Barrett, 39

AN ACT relating to banking; to amend sections 45-101.04 and 45-190, Reissue Revised Statutes of Nebraska, 1943, and section 8-157, Revised Statutes Supplement, 1988; to authorize acquisition of detached auxiliary offices of banks as prescribed; to change provisions relating to exceptions to the maximum interest rate; to redefine a term; to adopt the Mortgage Bankers Registration and Licensing Act; to provide penalties; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 8-157, Revised Statutes Supplement, 1988, be amended to read as follows:

8-157. (1) No bank shall maintain any branch bank, and except as provided in subsections (2) ~~to~~ through (6) of this section and section 8-122.01, the general business of every bank shall be transacted at the place of business specified in its charter.

(2) With the approval of the director (a) any bank may maintain an attached auxiliary office if such office is physically connected by a pneumatic tube or tubes or a walkway, tunnel, or any other electronic, mechanical, or structural connection or attachment for the public use of the bank and is within two hundred feet of the building containing the premises specified as its place of business in its charter or any adjacent connected building housing a continuation of the operations of the bank's main office and (b) any bank may establish and maintain not more than five detached auxiliary offices at which all banking transactions allowed by law may be made. Such auxiliary offices shall be within the corporate limits of the city in which such bank is located, or if the bank is located within the zoning jurisdiction of a city of the primary class, such auxiliary offices may also be within the corporate limits of such city. Any detached auxiliary office established and maintained by a bank pursuant to

the acquisition or merger of an institution under sections 8-1506 to 8-1510 shall not count against the number or location of detached auxiliary offices permitted under this section.

(3) With the approval of the director, a bank may acquire another bank in Nebraska as the result of a purchase or merger so long as the acquired bank has been chartered for more than eighteen months and the acquired institution and its detached auxiliary offices are converted to auxiliary offices of the acquiring bank. Such auxiliary offices shall not count against the number of locations of detached auxiliary offices permitted under subsections (1) and (2) of this section.

(4) With the approval of the director, a bank may acquire the assets and assume the deposits of a detached auxiliary office of another bank in Nebraska if: (a) The acquired detached auxiliary office has been approved for more than eighteen months; (b) the acquired detached auxiliary office is converted to an auxiliary office of the acquiring bank; and (c) the bank from which the detached auxiliary office is acquired and the acquiring bank are subsidiaries of the same bank holding company or the detached auxiliary office to be acquired was chartered as a bank prior to becoming a detached auxiliary office. All banking transactions allowed by law may be made at a detached auxiliary office acquired pursuant to this subsection. Such auxiliary office shall not count against the number of locations of detached auxiliary offices permitted under subsections (1) and (2) of this section. The restrictions contained in this subsection shall not limit the authority of a bank to acquire another bank and to continue to operate all of the detached auxiliary offices of the acquired bank as auxiliary offices of the acquiring bank.

(5) ~~(4)~~ With the approval of the director and subject to the limitations specified in this subsection, a single bank may establish one detached auxiliary office within the corporate limits of any municipality in which a financial institution has closed and ceased doing business within the preceding two years if no other financial institution operates an office within such municipality. If thirty days or less have elapsed since the financial institution ceased operation, the director shall only approve the establishment of a detached auxiliary office by a bank which has its place of business, as specified in its charter, in the same county as or in a contiguous county to the county in which such municipality is located. If more than thirty days have elapsed since the financial institution ceased

operation, the director may approve the establishment of a detached auxiliary office by any bank located within Nebraska.

For the purposes of this subsection:

(a) An unmanned electronic terminal shall not be deemed to be an office operated by a financial institution; and

(b) Financial institution shall mean a bank, savings bank, building and loan association, savings and loan association, industrial loan and investment company, credit union, or other institution offering electronic terminal transactions.

~~(6)~~ ~~(5)~~ The name given to any detached bank or branch bank established and maintained pursuant to this section shall not be substantially similar to the name of any existing bank or branch bank which is unaffiliated with the newly created bank or branch bank and is located in the same municipality. The name of such newly created bank or branch bank shall be approved by the director.

Sec. 2. That section 45-101.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

45-101.04. The limitation on the rate of interest provided in section 45-101.03 shall not apply to:

(1) Other rates of interest authorized for loans made by any licensee or permittee operating under a license or permit duly issued by the Department of Banking and Finance pursuant to the Credit Union Act, subsection (4) of section 8-319, or sections 8-401 to 8-417, 8-815 to 8-823; 8-826 ~~to~~ 8-829, or 45-114; 45-~~116~~ ~~to~~ 45-140; ~~or~~ 45-142 to 45-155;

(2) Loans made to any corporation, partnership, or trust;

(3) The guarantor or surety of any loan to a corporation, partnership, or trust;

(4) Loans made when the aggregate principal amount of the indebtedness is twenty-five thousand dollars or more of the borrower to any one financial institution, licensee, or permittee;

(5) Loans insured, guaranteed, sponsored, or participated in, either in whole or part, by any agency, department, or program of the United States or state government;

(6) Loans or advances of money, repayable on demand, which are made solely upon securities, as defined in subdivision (12) of section 8-1101, pledged as collateral for such repayment and in which such loans

or advances are used by the borrower only for the purchase of securities as so defined. It shall be lawful to contract for and receive any rate of interest on such transaction as the parties thereto may expressly agree;

(7) Interest charges made on open credit accounts by a person who sells goods or services on credit when the interest charges do not exceed one and one-third percent per month for any charges which remain unpaid for more than thirty days following rendition of the statement of account;

(8) A minimum charge of ten dollars per loan which may be charged by the lender in lieu of all interest charges;

(9) Loans described in subsection (4) of section 8-319 made by a state or federal savings and loan association at a rate not to exceed nineteen percent per annum;

(10) Loans made primarily for business or agricultural purposes or loans secured by real estate when such loans are made (a) by a licensee, registrant, or permittee operating under a license, registration, or permit duly issued by the Department of Banking and Finance, (b) by any bank or savings and loan association chartered by the United States, or (c) by any insurance company organized under the laws of this state and subject to regulation by the Department of Insurance; or lender approved by the Federal Housing Administration or Veterans' Administration; or

(11) Interest charges made on any goods or services sold under an installment contract pursuant to the Nebraska Installment Sales Act. Subject to section 45-338, it shall be lawful to contract for and receive any rate of interest on such contract as the parties may expressly agree to in writing.

Sec. 3. That section 45-190, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

45-190. As used in For purposes of sections 45-189 to 45-193, unless the context otherwise requires:

(1) Advance fee shall mean any fee, deposit, or consideration which is assessed or collected, prior to the closing of a loan, by a loan broker and shall include, but not be limited to, any money assessed or collected for processing, appraisals, credit checks, consultations, or expenses;

(2) Borrower shall mean a person obtaining or desiring to obtain a loan of money;

(3) Department shall mean the Department of

Banking and Finance;

(4) Loan broker shall mean any person, except any bank, trust company, savings and loan association or subsidiary of a savings and loan association, building and loan association, credit union, industrial loan company, securities broker-dealer, licensed or registered mortgage banker, real estate broker or salesperson, attorney, Federal Housing Administration or Veterans Administration United States Department of Veterans Affairs approved lender as long as the loan of money made by the Federal Housing Administration or the United States Department of Veterans Affairs approved lender is secured or covered by guarantees or commitments or agreements to purchase or take over the same by the Federal Housing Administration or the United States Department of Veterans Affairs, credit card company, installment loan licensee, or insurance company which is subject to regulation or supervision under the laws of the United States or this state, who:

(a) For or in expectation of consideration, procures, attempts to procure, arranges, or attempts to arrange a loan of money for a borrower;

(b) For or in expectation of consideration, assists, consults, or advises a borrower in obtaining or attempting to obtain a loan of money;

(c) Is employed as an agent for the purpose of soliciting borrowers as clients of the employer; or

(d) Holds himself or herself out, through advertising, signs, or other means, as a loan broker; and

(5) Person shall mean natural persons, corporations, trusts, unincorporated associations, joint ventures, and partnerships.

Sec. 4. Sections 4 to 24 of this act shall be known and may be cited as the Mortgage Bankers Registration and Licensing Act.

Sec. 5. For purposes of the Mortgage Bankers Registration and Licensing Act:

(1) Borrower shall mean the mortgagor or mortgagors under a real estate mortgage or the trustor or trustors under a deed of trust;

(2) Department shall mean the Department of Banking and Finance;

(3) Director shall mean the Director of Banking and Finance;

(4) Financial institution shall mean any person organized or chartered under the laws of this state, any other state, or the United States relating to banks, savings institutions, trust companies, savings

and loan associations, credit unions, industrial loan and investment companies, installment loan licensees, or similar associations organized under the laws of this state and subject to supervision by the department;

(5) Licensee shall mean any person licensed under the act;

(6) Mortgage banker shall mean any person not exempt under section 6 of this act who, for compensation or gain or in the expectation of compensation or gain, directly or indirectly makes, originates, services, negotiates, acquires, sells, arranges for, or offers to make, originate, service, negotiate, acquire, sell, or arrange for ten or more mortgage loans in a calendar year;

(7) Mortgage banking business shall mean any person who employs a mortgage banker or mortgage bankers or who directly or indirectly makes, negotiates, acquires, sells, arranges for, or offers to make, originate, service, negotiate, acquire, sell, or arrange for ten or more mortgage loans in a calendar year for compensation or gain or in the expectation of compensation or gain;

(8) Mortgage loan shall mean any loan or extension of credit secured by a lien on real property, including a refinancing of a contract of sale or an assumption or refinancing of a prior loan or extension of credit;

(9) Person shall mean an association, joint venture, joint-stock company, partnership, limited partnership, business corporation, nonprofit corporation, individual, or any group of individuals however organized;

(10) Real property shall mean an owner-occupied single-family, two-family, three-family, or four-family dwelling which is located in this state and is occupied, used, or intended to be occupied or used for residential purposes;

(11) Registered bank holding company shall mean any (a) one bank holding company registered with the department pursuant to section 8-1202 or 8-1203, (b) bank holding company as defined in section 8-902, or (c) regional out-of-state bank holding company as defined in section 8-902 and on and after January 1, 1991, any bank holding company authorized by section 8-902.02 to own or control banks in this state acting pursuant to the Bank Holding Company Act of 1963;

(12) Registrant shall mean a person registered pursuant to section 7 of this act; and

(13) Service shall mean accepting payments and

maintenance of escrow accounts in the regular course of business in connection with a mortgage loan.

Sec. 6. (1) Except as provided in section 7 of this act, the following shall be exempt from the Mortgage Bankers Registration and Licensing Act:

(a) Any financial institution which maintains a place of business within this state;

(b) Any registered bank holding company;

(c) Any insurance company organized under the laws of this state and subject to regulation by the Department of Insurance;

(d) Any person licensed to practice law in this state who is not actively and principally engaged in the business of negotiating mortgage loans when such person renders services in the regular course of his or her practice as an attorney at law;

(e) Any person licensed in this state as a real estate broker or real estate salesperson pursuant to section 81-885.02 who is not actively and principally engaged in the business of negotiating mortgage loans when such person renders services as a real estate broker or real estate salesperson;

(f) Any individual acting solely as an employee or agent of a mortgage banker licensed pursuant to the act;

(g) Any holding company of a financial institution other than a registered bank holding company;

(h) Any financial institution which does not maintain a place of business within this state;

(i) Any wholly owned subsidiary of an organization listed in subdivisions (a) through (c) of this subsection if the listed organization maintains a place of business in Nebraska; and

(j) Any insurance company organized or chartered under the laws of any other state if the insurance company has a place of business in Nebraska.

(2) It shall not be necessary to negate any of the exemptions provided in this section in any complaint, information, indictment, or other writ or proceedings brought under the act, and the burden of establishing the right to any exemption shall be upon the person claiming the benefit of such exemption.

Sec. 7. (1) Notwithstanding any other provision of the Mortgage Bankers Registration and Licensing Act, no person exempt from licensing under subdivisions (1)(g) through (1)(j) of section 6 of this act shall act as a mortgage banker or engage in the mortgage banking business until such person has

registered with the department.

(2) Any person required to register pursuant to subsection (1) of this section shall submit to the department a registration statement on forms provided by the department. The forms shall contain such information as the department may prescribe as necessary or appropriate, including, but not limited to, (a) all addresses at which business is to be conducted, (b) the names and titles of each director and principal officer of the business, and (c) a description of the activities of the applicant in such detail as the department may require.

(3) The registration statement required in subsection (2) of this section shall be accompanied by a registration fee of fifty dollars.

(4) The department shall acknowledge the registration by issuing to the registrant a receipt or other form of acknowledgement.

(5) A registration under this section shall not be assignable.

Sec. 8. (1) No person shall act as a mortgage banker or use the title mortgage banker in this state unless he, she, or it is licensed or has registered with the department as provided in the Mortgage Bankers Registration and Licensing Act.

(2) Applicants for a license shall submit to the department an application on forms provided by the department. The application shall include, but not be limited to, (a) all addresses at which business is to be conducted, (b) the names and titles of each director and principal officer of the applicant, and (c) a description of the activities of the applicant in such detail as the department may require.

(3) The application required by this section shall be accompanied by an application fee of three hundred dollars.

(4) A license granted under the act shall not be assignable.

Sec. 9. (1) Upon the filing of an application for a license, if the director finds that the character and general fitness of the applicant, the members thereof if the applicant is a partnership, association, or other organization, and the officers, directors, and principal employees if the applicant is a corporation are such that the business will be operated honestly, soundly, and efficiently in the public interest consistent with the purposes of the Mortgage Bankers Registration and Licensing Act, the director shall issue a license as a mortgage banker to the applicant. The

director shall approve or deny an application for a license within ninety days after the filing of the application and payment of the required fee.

(2) If the director determines that the license should be denied, the director shall notify the applicant in writing of the denial and of the reasons for the denial. The director shall not deny an application for a license because of the failure to submit information required under the act or rules and regulations adopted and promulgated under the act without first giving the applicant an opportunity to correct the deficiency by supplying the missing information. A decision of the director denying a license pursuant to the act may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act.

(3) Upon the filing of an application, delivery of the bond required under section 12 of this act, and payment of the required fee, the director may issue the applicant a temporary license pending a final determination by the director granting or denying a license. The director shall issue a temporary license to any applicant that files an affidavit stating that the applicant was doing business in this state as a mortgage banker on or before January 1, 1989. The temporary license shall be for an initial period of ninety days and may be extended in the director's discretion beyond ninety days upon the request of the applicant or upon the director's request.

(4) All licenses issued pursuant to subsection (1) of this section shall remain in full force and effect until the next succeeding March 1. Thereafter licenses shall be renewed annually. For the annual renewal of an original license to conduct mortgage banking business under the Mortgage Bankers Registration and Licensing Act, the fee shall be one hundred dollars.

Sec. 10. (1) The director may, following a hearing under the Administrative Procedure Act, suspend or revoke any license issued pursuant to the Mortgage Bankers Registration and Licensing Act if the director finds any of the following:

(a) The licensee has materially violated or demonstrated a continuing pattern of violating the Mortgage Bankers Registration and Licensing Act or rules and regulations adopted and promulgated under the act or any other state or federal law applicable to the conduct of its business; or

(b) A fact or condition exists which, if it had existed at the time of the original application for

the license, would have warranted the director to deny the application.

(2) Except as provided in this section, a license shall not be revoked or suspended except after notice and a hearing in accordance with the Administrative Procedure Act.

(3) A licensee may voluntarily surrender a license by delivering to the director written notice of the surrender, but a surrender shall not affect civil or criminal liability for acts committed before the surrender.

(4) Revocation, suspension, or surrender of a license shall not impair or affect the obligation of a preexisting lawful contract between the licensee and any person, including a borrower.

Sec. 11. Any person required to be licensed or registered under the Mortgage Bankers Registration and Licensing Act who, without first obtaining a license or registration under the act or while such license is suspended or revoked by the director, engages in the business of or occupation of, advertises or holds himself or herself out as, claims to be, or temporarily acts as a mortgage banker in this state shall be guilty of a Class II misdemeanor.

Sec. 12. An applicant for a license shall file with the department a fidelity bond in the amount of fifty thousand dollars, furnished by a surety company authorized to do business in the State of Nebraska. The bond shall be for the use of the State of Nebraska and any Nebraska resident who may have claims or causes of action against the applicant. Submission of a rider to an existing bond indicating that the required coverage is outstanding and evidencing the beneficiaries required in this section shall satisfy the requirements of this section. The bond or a substitute bond shall remain in effect during all periods of licensing.

Sec. 13. (1) The director may examine or investigate complaints about or reports of alleged violations by a licensee made to the director. Such investigation or examination by the director shall be restricted to acquiring information from the books, accounts, records, and files maintained by the licensee relevant to the alleged violation or complaint.

(2) In conducting an examination under this section, the director may rely on reports made by the licensee which have been prepared within the preceding twelve months for the following federal agencies or federally related entities:

(a) The United States Department of Housing

and Urban Development;

(b) The Federal Housing Administration;

(c) The Federal National Mortgage Association;

(d) The Government National Mortgage Association;

(e) The Federal Home Loan Mortgage Corporation; or

(f) The United States Department of Veterans Affairs.

(3) If the director receives a complaint or other information concerning noncompliance with the Mortgage Bankers Registration and Licensing Act by an exempt person, the director shall inform the agency having supervisory authority over the exempt person of the complaint.

(4) The total charge for an examination or investigation shall be paid by the licensee to the director within thirty days after the director has requested payment. The amount of the fee shall be based on the actual cost of the examination, including travel expenses, as determined by the director. The director may adopt and promulgate rules and regulations which provide for a charge for late payment of the fee not to exceed fifty dollars per day.

(5) Examination reports and complaint files shall not be deemed public records and may be withheld from the public pursuant to section 84-712.05.

Sec. 14. A licensee shall:

(1) Disburse required funds paid by the borrower and held in escrow for the payment of insurance payments no later than the date upon which the premium is due under the insurance policy;

(2) Disburse funds paid by the borrower and held in escrow for the payment of real estate taxes prior to the time such real estate taxes become delinquent;

(3) Pay any penalty incurred by the borrower because of the failure of the licensee to make the payments required in subdivisions (1) and (2) of this section unless the licensee establishes that the failure to timely make the payments was due solely to the fact that the borrower was sent a written notice of the amount due more than fifteen calendar days before the due date to the borrower's last-known address and failed to timely remit the amount due to the licensee;

(4) At least annually perform a complete escrow analysis. If there is a change in the amount of the periodic payments, the licensee shall mail written notice of such change to the borrower at least twenty

calendar days before the effective date of the change in payment. The following information shall be provided to the borrower, in one or more reports, at least annually:

- (a) The name and address of the licensee;
- (b) The name and address of the borrower;
- (c) A summary of the escrow account activity

during the year which includes all of the following:

(i) The balance of the escrow account at the beginning of the year;

(ii) The aggregate amount of deposits to the escrow account during the year; and

(iii) The aggregate amount of withdrawals from the escrow account for each of the following categories:

- (A) Payments applied to loan principal;
- (B) Payments applied to interest;
- (C) Payments applied to real estate taxes;
- (D) Payments for real property insurance

premiums; and

(E) All other withdrawals; and

(d) A summary of loan principal for the year as follows:

(i) The amount of principal outstanding at the beginning of the year;

(ii) The aggregate amount of payments applied to principal during the year; and

(iii) The amount of principal outstanding at the end of the year;

(5) Answer in writing, within ten business days of receipt, any written request for payoff information received from a borrower or a borrower's designated representative; and

(6) Execute and deliver a release of mortgage or, in the case of a trust deed, execute and deliver to the trustee under a trust deed a request for the reconveyance of the real property after payoff and within twenty business days after the receipt of correct payment in good funds.

Sec. 15. If a licensee in connection with a mortgage loan has possession of an abstract of title and fails to deliver the abstract to the borrower within twenty business days of the borrower's request made by certified mail, return receipt requested, in connection with a proposed sale of the real property, the borrower may authorize the preparation of a new abstract of title to the real property and the person failing to deliver the original abstract shall pay the borrower the reasonable costs of the preparation of the new abstract of title. If a borrower brings an action against the person failing to deliver an abstract of title to

recover the payment made, the borrower shall also be entitled to recover reasonable attorney's fees and court costs incurred in the action.

Sec. 16. Within ten business days after the transfer of servicing rights involving any mortgage loan, the licensee transferring the servicing rights shall send a written notice of transfer to each borrower which shall include:

(1) The effective date of the transfer;

(2) The name, address, and telephone number of the transferee and the name of a referral person or department of the transferee;

(3) Instructions concerning payments made before the effective date of the transfer; and

(4) Instructions concerning payments made after the effective date of the transfer.

Sec. 17. A licensee shall not assess a late charge if all payments due are received before the date upon which late charges are authorized in the underlying mortgage or deed of trust or other loan documents.

Sec. 18. (1) The department shall be responsible for the administration and enforcement of the Mortgage Bankers Registration and Licensing Act.

(2) The department may adopt and promulgate such rules and regulations as it may deem necessary in the administration of the act and not inconsistent with the act. The department shall make a good faith effort to provide a copy of the notice of hearing as required by section 84-907 in a timely manner to all licensees.

Sec. 19. The Mortgage Bankers Cash Fund is hereby created. All fees, charges, and fines collected by the department pursuant to the Mortgage Bankers Registration and Licensing Act shall be remitted to the State Treasurer for credit to the fund. The fund shall be used for the purpose of administering and enforcing the act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 20. (1) The department may order a licensee to cease and desist whenever the department determines that the licensee has violated any provision of the Mortgage Bankers Registration and Licensing Act. Upon entry of a cease and desist order, the director shall promptly notify the licensee that such order has been entered, of the reasons for such order, and that upon receipt of written request from the licensee a hearing will be scheduled within ten business days after the date of the written request unless the licensee consents to a later date. If a hearing is not requested

and none is ordered by the director, the order shall remain in effect until it is modified or vacated.

(2) The director may vacate or modify a cease and desist order if he or she finds that the conditions which caused its entry have changed or that it is otherwise in the public interest to do so.

(3) For the purpose of any investigation or proceeding under the act, the director or any officer designated by him or her may administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the director deems relevant or material to the inquiry. If any person refuses to comply with a subpoena issued under this section or to testify with respect to any matter relevant to the proceeding, the district court of Lancaster County may, on application of the director, issue an order requiring the person to comply with the subpoena and to testify. Failure to obey an order of the court to comply with the subpoena may be punished by the court as a civil contempt.

(4) A person aggrieved by a cease and desist order of the director may obtain judicial review of the order in the manner prescribed in the Administrative Procedure Act. The director may obtain an order from the district court of Lancaster County for the enforcement of the cease and desist order.

(5) A person who violates a cease and desist order of the director may, after notice and hearing and upon further order of the director, be subject to a penalty of not more than five thousand dollars for each act in violation of the cease and desist order.

(6) The director may request the Attorney General to enforce the Mortgage Bankers Registration and Licensing Act. A civil enforcement action by the Attorney General may be filed in Lancaster County. A civil enforcement action by the Attorney General may seek temporary and permanent injunctive relief, restitution for a borrower aggrieved by a violation of the act, and costs for the investigation and prosecution of the enforcement action.

(7) Except when expressly authorized, there shall be no private cause of action for any violation of the act.

(8) No violation of the act shall constitute a defense for nonpayment or other breach by the borrower under the documents evidencing the mortgage loan.

(9) Nothing in the act shall limit any

statutory or common law right of any person to bring any action in any court for any act involved in the mortgage banking business or the right of the state to punish any person for any violation of law.

Sec. 21. In addition to any other remedy a licensee may have, any licensee or any person considering himself or herself aggrieved by any action of the department under the Mortgage Bankers Registration and Licensing Act may appeal the action, and the appeal shall be in accordance with the Administrative Procedure Act.

Sec. 22. The Mortgage Bankers Registration and Licensing Act shall be construed liberally so as to effectuate its purposes.

Sec. 23. Application for a license as a mortgage banker or for registration as a mortgage banker or mortgage banking business pursuant to the Mortgage Bankers Registration and Licensing Act shall constitute sufficient contact with this state for the exercise of personal jurisdiction in any action arising under the act.

Sec. 24. Any mortgage loan made with respect to real property located in this state shall be subject to the Mortgage Bankers Registration and Licensing Act and all other applicable laws of this state, notwithstanding the place of execution, either nominal or real, of such mortgage loan.

Sec. 25. Sections 2 to 24 and 27 of this act shall become operative on March 1, 1990. The other sections of this act shall become operative on their effective date.

Sec. 26. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 27. That original sections 45-101.04 and 45-190, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 28. That original section 8-157, Revised Statutes Supplement, 1988, is repealed.

Sec. 29. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.