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HOUSE BILL NO. 1487

Offered January 17, 2008

A BILL to amend and reenact §§ 6.1-409, 6.1-411, 6.1-414, 6.1-425, 6.1-428, 19.2-389, 30-261, and 38.2-220 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 6.1-423.1, 6.1-423.2, and 6.1-423.3, relating to the Mortgage Lender and Broker Act; the owner-occupancy requirement in the definition of a mortgage loan; failure to pay appraisal fee as grounds for license suspension or revocation; background investigations; employee education; prepayment penalties; the power of the State Corporation Commission to enforce certain laws; and the duties of the Virginia Housing Commission; penalties; all pertaining to home ownership protection.

Patron—Suit

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That §§ 6.1-409, 6.1-411, 6.1-414, 6.1-425, 6.1-428, 19.2-389, 30-261, and 38.2-220 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 6.1-423.1, 6.1-423.2, and 6.1-423.3 as follows:

§ 6.1-409. Definitions.

As used in this chapter, the following words and terms shall have the following meanings unless the context requires a different meaning:

"Affiliate" means an individual or business that controls, is controlled by, or is under common control with another individual or business. A person controls an entity if the person owns, directly or indirectly, more than 10 percent of the voting securities of the entity. For the purposes of this definition "voting security" means a security that (i) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (ii) is convertible into, or entitles the holder to receive, upon its exercise, a security that confers such a right to vote. A general partnership interest shall be deemed to be a voting security.

~~"Commission" means the State Corporation Commission.~~

"Commissioner" means the Commissioner of the Bureau of Financial Institutions.

"Mortgage broker" means any person who directly or indirectly negotiates, places or finds mortgage loans for others, or offers to negotiate, place or find mortgage loans for others. Any licensed mortgage lender that, pursuant to an executed originating agreement with the Virginia Housing Development Authority, acts or offers to act as an originating agent of the Virginia Housing Development Authority in connection with a mortgage loan shall not be deemed to be acting as a mortgage broker with respect to such mortgage loan but shall be deemed to be acting as a mortgage lender with respect to such mortgage loan, notwithstanding that the Virginia Housing Development Authority is or would be the payee on the note evidencing such mortgage loan and that the Virginia Housing Development Authority provides or would provide the funding of such mortgage loan prior to or at the settlement thereof.

"Mortgage lender" means any person who directly or indirectly originates or makes mortgage loans.

"Mortgage loan" means a loan made to an individual, the proceeds of which are to be used primarily for personal, family or household purposes, which loan is secured by a mortgage or deed of trust upon any interest in one- to four-family residential ~~owner-occupied~~ property located in the Commonwealth, regardless of where made, including the renewal or refinancing of any such loan, but excluding (i) loans or extensions of credit to buyers of real property for any part of the purchase price of such property by persons selling such property owned by them, (ii) loans to persons related to the lender by blood or marriage, and (iii) loans to persons who are bona fide employees of the lender. "Mortgage loan" shall not include any loan that is made primarily for a business, secured by a mortgage or deed of trust upon any interest in a more than four-family residential property or property used for a commercial, or agricultural purpose.

"Person" means any individual, firm, corporation, partnership, association, trust, or legal or commercial entity or group of individuals however organized.

"Principal" means any person who, directly or indirectly, owns or controls (i) ten percent or more of the outstanding stock of a stock corporation or (ii) a ten percent or greater interest in a nonstock corporation or a limited liability company.

"Residential property" means improved real property used or occupied, or intended to be used or occupied, for residential purposes.

§ 6.1-411. Persons exempt from chapter.

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HB1487

59 The following shall be exempt from the licensing and other provisions, *except* § 6.1-423.3, of this
60 chapter:

61 1. Lenders making three or fewer mortgage loans in any period of 12 consecutive months;

62 2. Any person subject to the general supervision of or subject to examination by the Commissioner
63 pursuant to Chapter 2 (§ 6.1-3 et seq.), Chapter 3.01 (§ 6.1-194.1 et seq.), Chapter 4.01 (§ 6.1-225.1 et
64 seq.), Chapter 5 (§ 6.1-227 et seq.) or Chapter 13 (§ 6.1-381 et seq.) of this title;

65 3. Any lender authorized to engage in business as a bank, savings institution or credit union under
66 the laws of the United States, any state or territory of the United States, or the District of Columbia, and
67 subsidiaries and affiliates of such entities which lender, subsidiary or affiliate is subject to the general
68 supervision or regulation of or subject to audit or examination by a regulatory body or agency of the
69 United States, any state or territory of the United States, or the District of Columbia;

70 4. Nonprofit corporations making mortgage loans to promote home ownership or improvements for
71 the disadvantaged;

72 5. Agencies of the federal government, or any state or municipal government, or any
73 quasi-governmental agency making or brokering mortgage loans under the specific authority of the laws
74 of any state or the United States;

75 6. Persons acting as fiduciaries with respect to any employee pension benefit plan qualified under the
76 Internal Revenue Code who make mortgage loans solely to plan participants from plan assets;

77 7. Any insurance company;

78 8. Persons licensed by the Commonwealth as attorneys, real estate brokers, or real estate salesmen,
79 not actively and principally engaged in negotiating, placing or finding mortgage loans, when rendering
80 services as an attorney, real estate broker or real estate salesman; however, a real estate broker or real
81 estate salesman who receives any fee, commission, kickback, rebate or other payment for directly or
82 indirectly negotiating, placing or finding a mortgage loan for others shall not be exempt from the
83 provisions of this chapter;

84 9. Persons acting in a fiduciary capacity conferred by authority of any court;

85 10. Persons licensed as small business investment companies by the Small Business Administration;
86 and

87 11. The Virginia Housing Development Authority and persons who (i) are approved by the Virginia
88 Housing Development Authority pursuant to its rules and regulations to act as field originators with
89 respect to mortgage loans made under its programs and (ii) are not engaged in any other activities for
90 which a license is required to be obtained under this chapter.

91 § 6.1-414. Investigation of applications.

92 The Commissioner may make such investigations as he deems necessary to determine if the applicant
93 has complied with all applicable provisions of law and regulations promulgated thereunder; *however, the*
94 *Commissioner shall complete an investigation, including a criminal records check as provided in*
95 *subdivision A 37 of § 19.2-389, of each member, senior officer, director, and principal of the applicant.*

96 § 6.1-423.1. Employee background checks.

97 A licensee shall not employ an individual who may have access to or process personal identifying or
98 financial information from a member of the public unless the licensee has found, upon completion of an
99 investigation of the individual, including a criminal records check as provided in subdivision A 37 of
100 § 19.2-389, that the individual has not been convicted in any court of any felony, or any misdemeanor
101 involving fraud, misrepresentation or deceit, under the laws of any state or of the United States. The
102 licensee may seek approval from the Commission to permit an exception from such prohibition, by filing
103 a petition pursuant to the Commission's Rules of Practice and Procedure. The Commission shall adopt
104 regulations specifying the requirements for a licensee's investigation of an individual pursuant to this
105 section.

106 § 6.1-423.2. Employee education programs.

107 Each licensee shall ensure that employees are properly trained in applicable state and federal laws
108 and regulations applicable to mortgage lending. The Commission shall adopt regulations prescribing the
109 scope of such proper employee training.

110 § 6.1-423.3. Homeownership education program.

111 A. As used in this section, "high-risk mortgage loan" means a mortgage loan secured by a first lien
112 on residential property that:

113 1. Is an adjustable or fixed-rate mortgage loan that bears interest at an initial rate four or more
114 percentage points greater than the Federal National Mortgage Association required net yield for
115 30-year fixed rate mortgages 60-day delivery as of the date of interest rate lock-in; or

116 2. Is an adjustable rate mortgage loan that has an initial fixed interest rate period of three years or
117 less and has a prepayment penalty, and the borrower is a first-time home buyer.

118 B. No licensed mortgage lender or mortgage broker, no person required to be licensed under this
119 chapter, and no person exempt from the licensing requirements of this chapter to the extent the
120 application of this section to such person is not preempted by applicable federal law, shall originate a

high-risk mortgage loan unless, prior to settlement thereof, the borrower has completed a homeownership education course, providing information on such topics as credit, obtaining the mortgage loan, working with the lender, preparing to close on the mortgage loan, the differences between types of loans, an explanation of such terms as points, fees, and APR, and what a monthly payment does and does not include, and owning and keeping the home. The course shall be:

1. Approved by the Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, the Commission's Bureau of Financial Institutions, or the Virginia Housing Development Authority; and

2. Conducted by a person not affiliated with the originating mortgage lender or mortgage broker.

§ 6.1-425. Suspension or revocation of license.

A. The Commission may suspend or revoke any lender's or broker's license issued under this chapter upon any of the following grounds:

1. Any ground for denial of a license under this chapter;

2. Any violation of the provisions of this chapter or regulations promulgated by the Commission pursuant thereto, or a violation of any other law or regulation applicable to the conduct of the lender's or broker's business;

3. A course of conduct consisting of the failure to perform written agreements with borrowers;

4. Failure to account for funds received or disbursed to the satisfaction of the person supplying or receiving such funds;

5. Failure to pay when due reasonable fees to a licensed appraiser for appraisal services that are (i) requested from the appraiser in writing by the mortgage broker or mortgage lender or an employee of the mortgage broker or mortgage lender and (ii) performed by the appraiser in connection with the origination or closing of a mortgage loan for a customer of the mortgage broker or mortgage lender.

6. Failure to disburse funds in accordance with any agreement connected with, and promptly upon closing of, a mortgage loan, taking into account any applicable right of rescission;

7. Conviction of a felony or misdemeanor involving fraud, misrepresentation or deceit;

8. Entry of a judgment against such lender or broker involving fraud, misrepresentation or deceit;

9. Entry of a federal or state administrative order against such lender or broker for violation of any law or any regulation applicable to the conduct of his business;

10. Refusal to permit an investigation or examination by the Commission;

11. Failure to pay any fee or assessment imposed by this chapter; or

12. Failure to comply with any order of the Commission.

B. For the purposes of this section, acts of any officer, director, member, partner or principal shall be deemed acts of the lender or broker.

§ 6.1-428. Fines for violations.

In addition to the authority conferred under §§ 6.1-425 and 6.1-426, the Commission may impose a fine or penalty not exceeding \$2,500 upon any lender or broker required to be licensed under this chapter who it determines, in proceedings commenced in accordance with the Rules of Practice and Procedure of the Commission, has violated any of the provisions of this chapter, or any other law or regulation applicable to the conduct of the lender's or broker's business. For the purposes of this section, each separate violation shall be subject to the fine or penalty herein prescribed, and each day after the date of notification, excluding Sundays and holidays, as prescribed in § 2.2-3300, that an unlicensed person engages in the business or holds himself out to the general public as a mortgage lender or mortgage broker shall constitute a separate violation.

§ 19.2-389. Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide

182 services required for the administration of criminal justice pursuant to that agreement which shall
183 specifically authorize access to data, limit the use of data to purposes for which given, and ensure the
184 security and confidentiality of the data;

185 4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities
186 pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data,
187 limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and
188 security of the data;

189 5. Agencies of state or federal government that are authorized by state or federal statute or executive
190 order of the President of the United States or Governor to conduct investigations determining
191 employment suitability or eligibility for security clearances allowing access to classified information;

192 6. Individuals and agencies where authorized by court order or court rule;

193 7. Agencies of any political subdivision of the Commonwealth for the conduct of investigations of
194 applicants for public employment, permit, or license whenever, in the interest of public welfare or
195 safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a
196 person with a conviction record would be compatible with the nature of the employment, permit, or
197 license under consideration;

198 8. Public or private agencies when authorized or required by federal or state law or interstate
199 compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the
200 adult members of that individual's household, with whom the agency is considering placing a child or
201 from whom the agency is considering removing a child due to abuse or neglect, on an emergency,
202 temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that
203 the data shall not be further disseminated to any party other than a federal or state authority or court as
204 may be required to comply with an express requirement of law;

205 9. To the extent permitted by federal law or regulation, public service companies as defined in
206 § 56-1, for the conduct of investigations of applicants for employment when such employment involves
207 personal contact with the public or when past criminal conduct of an applicant would be incompatible
208 with the nature of the employment under consideration;

209 10. The appropriate authority for purposes of granting citizenship and for purposes of international
210 travel, including but not limited to, issuing visas and passports;

211 11. A person requesting a copy of his own criminal history record information as defined in
212 § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a
213 person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of
214 America; (ii) a volunteer fire company or volunteer rescue squad; (iii) the Volunteer Emergency
215 Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of
216 Compeer; or (vi) any board member or any individual who has been offered membership on the board
217 of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

218 12. Administrators and board presidents of and applicants for licensure or registration as a child
219 welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services'
220 representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and
221 volunteers at such facilities, caretakers, and other adults living in family day-care homes or homes
222 approved by family day-care systems, and foster and adoptive parent applicants of private child-placing
223 agencies, pursuant to §§ 63.2-1719 through 63.2-1721, subject to the restriction that the data shall not be
224 further disseminated by the facility or agency to any party other than the data subject, the Commissioner
225 of Social Services' representative or a federal or state authority or court as may be required to comply
226 with an express requirement of law for such further dissemination;

227 13. The school boards of the Commonwealth for the purpose of screening individuals who are
228 offered or who accept public school employment and those current school board employees for whom a
229 report of arrest has been made pursuant to § 19.2-83.1;

230 14. The State Lottery Department for the conduct of investigations as set forth in the State Lottery
231 Law (§ 58.1-4000 et seq.), and the Department of Charitable Gaming for the conduct of investigations as
232 set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

233 15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations
234 of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital
235 pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to
236 the limitations set out in subsection E;

237 16. Licensed homes for adults, licensed district homes for adults, and licensed adult day-care centers
238 for the conduct of investigations of applicants for compensated employment in licensed homes for adults
239 pursuant to § 63.2-1720, in licensed district homes for adults pursuant to § 63.1-189.1, and in licensed
240 adult day-care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

241 17. The Alcoholic Beverage Control Board for the conduct of investigations as set forth in
242 § 4.1-103.1;

243 18. The State Board of Elections and authorized officers and employees thereof in the course of

conducting necessary investigations with respect to registered voters, limited to any record of felony convictions;

19. The Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-176, 19.2-177.1, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Mental Health, Mental Retardation and Substance Abuse Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Mental Health, Mental Retardation and Substance Abuse Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private or religious elementary or secondary schools which are accredited by a statewide accrediting organization recognized, prior to January 1, 1996, by the State Board of Education or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public and nonprofit private colleges and universities for the purpose of screening individuals who are offered or accept employment;

25. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment pursuant to §§ 37.2-506 and 37.2-607;

26. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment pursuant to §§ 37.2-506 and 37.2-607;

27. The Commissioner of the Department of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

28. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Mental Health, Mental Retardation and Substance Abuse Services for the purpose of determining if any applicant who accepts employment in any direct consumer care position has been convicted of a crime that affects their fitness to have responsibility for the safety and well-being of persons with mental illness, mental retardation and substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

29. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

30. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

31. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1. Dissemination of criminal history record information to the agencies shall be limited to those positions generally described as directly responsible for the health, safety and welfare of the general populace or protection of critical infrastructures;

32. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

33. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

34. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

35. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is

305 considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1,
306 subject to the restriction that the data shall not be further disseminated by the agency to any party other
307 than a federal or state authority or court as may be required to comply with an express requirement of
308 law for such further dissemination, subject to limitations set out in subsection G;

309 36. The Department of Medical Assistance Services, or its designee, for the purpose of screening
310 individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered,
311 or have accepted a position related to the provision of transportation services to enrollees in the
312 Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other
313 program administered by the Department of Medical Assistance Services; ~~and~~

314 37. *The State Corporation Commission for the purpose of investigating individuals who are members,*
315 *senior officers, directors, and principals of an applicant for licensure as a mortgage lender or mortgage*
316 *broker, or a licensed mortgage lender or mortgage broker for the purpose of investigating individuals*
317 *applying for a position of employment in which the individual may have access to or process personal*
318 *identifying or financial information from a member of the public, pursuant to Chapter 16 (§ 6.1-408 et*
319 *seq.) of Title 6.1; and*

320 38. Other entities as otherwise provided by law.

321 Upon an ex parte motion of a defendant in a felony case and upon the showing that the records
322 requested may be relevant to such case, the court shall enter an order requiring the Central Criminal
323 Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons
324 designated in the order on whom a report has been made under the provisions of this chapter.

325 Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to
326 before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the
327 criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a
328 copy of conviction data covering the person named in the request to the person making the request;
329 however, such person on whom the data is being obtained shall consent in writing, under oath, to the
330 making of such request. A person receiving a copy of his own conviction data may utilize or further
331 disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data
332 subject, the person making the request shall be furnished at his cost a certification to that effect.

333 B. Use of criminal history record information disseminated to noncriminal justice agencies under this
334 section shall be limited to the purposes for which it was given and may not be disseminated further.

335 C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal
336 history record information for employment or licensing inquiries except as provided by law.

337 D. Criminal justice agencies shall establish procedures to query the Central Criminal Records
338 Exchange prior to dissemination of any criminal history record information on offenses required to be
339 reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is
340 being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases
341 where time is of the essence and the normal response time of the Exchange would exceed the necessary
342 time period. A criminal justice agency to whom a request has been made for the dissemination of
343 criminal history record information that is required to be reported to the Central Criminal Records
344 Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination.
345 Dissemination of information regarding offenses not required to be reported to the Exchange shall be
346 made by the criminal justice agency maintaining the record as required by § 15.2-1722.

347 E. Criminal history information provided to licensed nursing homes, hospitals and to home care
348 organizations pursuant to subdivision 15 of subsection A shall be limited to the convictions on file with
349 the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02 and 32.1-162.9:1.

350 F. Criminal history information provided to licensed assisted living facilities, licensed district homes
351 for adults, and licensed adult day-care centers pursuant to subdivision 16 of subsection A shall be
352 limited to the convictions on file with the Exchange for any offense specified in § 63.1-189.1 or
353 63.2-1720.

354 G. Criminal history information provided to public agencies pursuant to subdivision 35 of subsection
355 A shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1719.

356 H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal
357 Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the
358 Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in
359 the request to the employer or prospective employer making the request; provided that the person on
360 whom the data is being obtained has consented in writing to the making of such request and has
361 presented a photo-identification to the employer or prospective employer. In the event no conviction data
362 is maintained on the person named in the request, the requesting employer or prospective employer shall
363 be furnished at his cost a certification to that effect. The criminal history record search shall be
364 conducted on forms provided by the Exchange.

365 § 30-261. Powers and duties.

366 A. The Commission shall have the following powers and duties:

367 1. Undertake studies, gather information and data, and pursue such other activities as may be
368 desirable to accomplish its purposes as set forth in § 30-257; ~~and~~

369 2. Report annually on its activities during the preceding year and include a discussion of studies
370 made and recommendations for administrative or legislative action; *and*

371 3. *Review newly enacted federal legislation pertaining to mortgage lending and brokering and*
372 *determine if such federal legislation necessitates amendments to the laws of the Commonwealth.*

373 B. The chairman shall submit to the General Assembly and the Governor an annual executive
374 summary of the interim activity and work of the Commission no later than the first day of each regular
375 session of the General Assembly. The executive summary shall be submitted as provided in the
376 procedures of the Division of Legislative Automated Systems for the processing of legislative documents
377 and reports and shall be posted on the General Assembly's website.

378 § 38.2-220. Injunctions.

379 A. The Commission shall have the jurisdiction and powers of a court of equity to issue temporary
380 and permanent injunctions restraining acts which violate or attempt to violate provisions of this title and
381 to enforce the injunctions by civil penalty or imprisonment.

382 B. *The Commission, acting through the Commissioner of Insurance, shall be authorized to bring an*
383 *action to enjoin any violation of § 6, 8, or 9 of the Real Estate Settlement Procedures Act of 1974*
384 *(RESPA), 12 U.S.C. § 2601 et seq., to the extent authorized by § 16 of RESPA, 12 U.S.C. § 2614.*