535C.2 Definitions.

1. "Advance fee" means consideration of any type including a payment, fee, pay-per-call charge, or deposit, which is assessed or collected prior to the closing of a loan or the issuing of a credit card.

2. "Borrower" means a person who seeks the services of a loan broker.

3. *"Loan"* means an agreement to advance property, including but not limited to money, in return for the promise that payment will be made for the use of the property.

4. "Loan broker" or "broker" means a person who promises to obtain a loan or credit card or assist in obtaining a loan for another from a third person, or who promises to consider making a loan or offering to issue a credit card to a person. A loan broker does not include any of the following:

a. An attorney licensed to practice in this state while engaged in the practice of law.

b. A certified public accountant licensed to practice in this state while engaged in practice as a certified public accountant.

c. An accounting practitioner, while engaged as an accounting practitioner, who procures loans as an incidental part of the accountant's practice.

d. A governmental body or employee acting in an official capacity.

e. A financial institution, to the extent the institution's activities or arrangements are expressly approved or regulated by a regulatory body or officer acting under authority of the United States.

f. An insurance company subject to regulation by the commissioner of insurance.

- g. A bank incorporated under chapter 524.
- h. A credit union incorporated under chapter 533.
- i. A mortgage broker or mortgage banker licensed or registered under chapter 535B.
- *j*. A regulated loan company licensed under chapter 536.
- k. An industrial loan company licensed under chapter 536A.

5. "Loan brokerage agreement" or "agreement" means an agreement between a loan broker and a borrower in which the loan broker promises to do any of the following:

- a. Obtain a loan or credit card for a borrower.
- b. Assist the borrower in obtaining a loan or credit card.

c. Consider making a loan or issuing a credit card to the borrower.

6. "*Records*" means books, papers, documents, accounts, agreements, memoranda, electronic records of accounts, or correspondence relating to a matter regulated under this chapter.

7. "Successful procurement of a loan" means the receipt by a borrower of the loan proceeds.

83 Acts, ch 146, §2; 91 Acts, ch 205, §19; 93 Acts, ch 60, §13, 14; 2012 Acts, ch 1017, §136 Referred to in §714.16