

**State of California
Office of Administrative Law**

In re:
Department of Justice

Regulatory Action:

Title 11, California Code of Regulations

Adopt sections:

Amend sections: 31.27

Repeal sections:

NOTICE OF FILING AND PRINTING ONLY

Government Code Section 11343.8

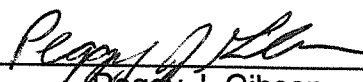
OAL Matter Number: 2020-1116-03

OAL Matter Type: File and Print Only (FP)

This action by Department of Justice amends section 31.27, Student Loan Servicing Act Licensee Bond, in the title 11 listing of approved surety bonds for the Department of Financial Protection and Innovation.

OAL filed this regulation with the Secretary of State, and will publish the regulation in the California Code of Regulations.

Date: December 29, 2020


Peggy J. Gibson
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Xavier Becerra, Attorney
General

Copy: Sarah L. Fabian

FILE PRINT

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2020-1116-03 FP	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only		2020 NOV 16 P 3:46 OFFICE OF ADMINISTRATIVE LAW	
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Department of Justice, for the Department of Financial Protection and Innovation			AGENCY FILE NUMBER (if any)

ENDORSED - FILED
 in the office of the Secretary of State
 of the State of California

DEC 29 2020

1:24 PM

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Department of Financial Protection and Innovation bond form	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION Article 6 Dept. of Business Oversight, section 31.27 Surety Bond - Student Loan Servicing Act License
	REPEAL
TITLE(S) 11, Div. 1, Chapter 2	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Reread (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input checked="" type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) Amendment of surety bond form	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))

Effective on filing with Secretary of State

\$100 Changes Without Regulatory Effect

Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660)

Fair Political Practices Commission

State Fire Marshal

Other (Specify)

7. CONTACT PERSON: Sarah L. Fabian
 TELEPHONE NUMBER: 510-879-0272
 FAX NUMBER (Optional):
 E-MAIL ADDRESS (Optional):

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE: Sarah L. Fabian
 DATE: November 9, 2020
 TYPED NAME AND TITLE OF SIGNATORY: Sarah L. Fabian - Deputy Attorney General

For use by Office of Administrative Law (OAL) only

AUTHORIZED FOR FILING AND PRINTING

DEC 29 2020

Office of Administrative Law

SURETY BOND
STUDENT LOAN SERVICING ACT LICENSEE BOND
(California Financial Code Section 28100, et seq.)

Bond No. **[Bond Number]**
Bond Amount: **[Bond Amount]**
Effective Date: **[Bond Effective Date]**

KNOW ALL PERSONS BY THESE PRESENTS:

That we, **[Principal (Applicant or Licensee) Name]** including any and all trade names, NMLS # **[Principal (Applicant or Licensee) NMLS ID]**, whose address for service is c/o the Commissioner of Financial Protection and Innovation of the State of California, 2101 Arena Blvd., Sacramento, CA 95834, as Principal, and **[Surety Name]**, NAIC # **[Surety NAIC]**, whose address for service is **[Surety Main Address]**, **[Surety City]**, **[Surety State]**, **[Surety Zip Code]**, duly licensed to do surety business in the State of California as Surety (Principal and Surety together are hereinafter collectively referred to as "Obligors"), are held and firmly bound unto the Commissioner of Financial Protection and Innovation of the State of California ("Commissioner") for use by the Commissioner, for its own benefit, and for the benefit of any person or persons who may have a cause of action against us as the Obligors of this instrument under the provisions of the Student Loan Servicing Act, California Financial Code Section 28100, et seq. ("Student Loan Servicing Act") or Title 1.6C.10 of the California Civil Code, Section 1788.100, et seq., hereafter described in the penal sum of **[Bond Amount]**, lawful money of the United States of America, to be paid to the Commissioner for which payment well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents:

Whereas, the above bound Principal has applied to the Commissioner for a license to engage in the business of student loan servicing, as provided by law under the Student Loan Servicing Act.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Principal and any employee or agent representing the Principal, working at any location, faithfully conform to and abide by each and every provision of the Student Loan Servicing Act and Title 1.6C.10 of the California Civil Code, and all amendments thereto, and of all rules and regulations and orders lawfully made by the Commissioner, and pay to the Commissioner, and to any such person or persons having a right of action against the Obligors any and all monies that may become due or owing to the Commissioner, and to such person or persons from said Obligors under and by virtue of the provisions of the Student Loan Servicing Act or Title 1.6C.10 of the California Civil Code, then this obligation to be void; otherwise to remain in full force and effect until the Surety is released from liability by the Commissioner, subject, however, to the following conditions:

1. The Surety may reduce coverage by amending the effective date or the bond amount, or may cancel this bond sixty days from date of receipt of notice delivered electronically through NMLS to the Principal and the Commissioner, but no such amendment or cancellation shall affect any liability which arises from acts or omissions which occur prior to the termination of such sixty-day period.
2. In no event shall the aggregate liability of the Surety for any and all claims exceed the penal sum of this Bond stated herein.
3. The Commissioner has the exclusive right to proceed on this bond against the Principal or Surety hereon or both to recover any and all moneys that may become due or owing.

In Witness Whereof, The said Principal has hereto set his hand and seal and the said Surety has caused this obligation to be duly executed by its duly authorized agent to be hereunto affixed on this **[Day of Signatory Date]** day of **[Month of Signatory Date]**, **[Signatory Year]**.

By: **[Principal Signee]**
Principal

I certify under penalty of perjury under the laws of the State of California that I have executed the foregoing bond under an unrevoked power of attorney.

By: **[Surety Signee]**
Surety