



# State of New Hampshire

## Banking Department

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## SMALL LOAN LENDER FORM 399-A-AR

### 2023 NH ANNUAL REPORT

#### GENERAL INSTRUCTIONS

1. Information provided in this form is aggregated with similar license types and an analysis is published by the New Hampshire Bank Commissioner in the Annual Report to the Governor and Executive Council. The accuracy of the information is also important because it will be used by the New Hampshire Banking Department ("the department") if assessment calculations are needed.
2. A Small Loan Lender who surrenders its license during the 2023 calendar year must file this annual report form, along with a NH License Surrender Form, within 15 calendar days from the date the company ceases business in New Hampshire.
3. All Small Loan Lenders licensed in accordance with NH RSA 399-A during any period of time during the preceding calendar year must complete and file this report with the department on or before March 31<sup>st</sup> of the ensuing year.
4. All items on the form must be completed; do not leave any blanks. Reports with blanks are incomplete and will be deemed as "not filed" for purposes of any penalty. If an item is not applicable to the type of business conducted by the licensee, enter "N/A", "none", "O", or "zero".
5. **SAVE YOUR CALCULATIONS.** Work papers used to calculate and compile the information required by this form must be retained and made available when the licensee is examined by the department. It is not sufficient to try to re-create the work papers at examination.
6. This report must be filed if a license was held for a portion of the reporting year and must be filed even if no loans were originated, brokered, or made. **The report, signed under penalty of unsworn falsification pursuant to NH RSA 641:3, must be uploaded to the NMLS document upload section and filed under Additional Documents no later than March 31, 2024.** Failure to file the annual report or late filing of the annual report results in a statutory penalty of \$25 per day for each day the report is overdue.
7. No fee is required to file this annual report.
8. Round dollar amounts to the nearest whole number.
9. If any information reported on the annual report is discovered to be inaccurate, the entity must file an amended report immediately. Amended annual reports must be uploaded to the NMLS document upload section and filed under Additional Documents.
10. Definitions:
  - "**Gross Revenue**" means all revenue from whatever source received by the licensee on NH loans before any expenses are deducted. This does not include repayment of principal.
  - "**NH Loans**" means loans made by the licensee from all business locations in New Hampshire and from any other location or method, including the Internet, with consumers located in New Hampshire. "Made" includes when the licensee is acting as an intermediary, finder, or agent of a lender or borrower for the purpose of negotiating, arranging, finding, or procuring loans, or commitments for loans or performs services or any of the business functions auxiliary or supplemental to the production or distribution of loans.
  - "**Payday Loan**" means a short term, secured or unsecured loan, other than a title loan. A payday loan is a type of small loan.
  - "**Small Loan**" means an open or closed end loan of \$10,000 or less that has an annual percentage rate of 10 percent or more, and is for personal, family, or household use. The term does not include a loan for the purpose of financing the purchase of a motor vehicle or any loan for real estate.
  - "**Title Loan**" means a loan, other than a purchase money loan, that is secured by the title to a motor vehicle that is to be paid back in a single payment, and that is made by a lender in the business of making title loans. A title loan can also be any loan that is secured, substantially equivalent to a title loan, and designated as a title loan by rule or order of the commissioner. A title loan is a type of small loan.

## SPECIFIC SCHEDULE INSTRUCTIONS

### SCHEDULE 1:

1. Complete Schedule 1 for all new contracts entered into during 2023.
2. Include small loans made by the licensee from all business locations in New Hampshire regardless of where the consumer is located.
3. Include small loans made from any location or method, including the Internet, with consumers located in New Hampshire.
4. Identify loans as either title loans, payday loans, or other small loans. Do not double count the same loan in multiple categories.
5. Do not include any renewals of a title loan as a new loan. A renewal is based off the original contract, so identify the loan only once as of when the initial contract was written.
6. The refinance of a motor vehicle loan secured by a title that does not meet the definition of a title loan but meets the definition of a small loan would be categorized under “all other types of small loans”.
7. The participation in the origination of a small loan such as lead generation would be under “small loans where another entity funded the loan.”
8. For an open-ended loan, the maximum credit line of each loan should be used to determine the “Total Dollar Amount of NH Loans”.
9. A loan that does not meet the definition of a small loan should not be included on the annual report.
10. See “Applicable for Schedule 1 and 2” for gross revenue instructions.

### SCHEDULE 2:

1. Complete Schedule 2 for all loans serviced in 2023.
2. Small Loans of all types serviced during 2023 includes both loans that are on the licensee’s books or servicing for another entity.
3. Loans that are sub-serviced should be recorded in the following manner:
  - a. The entity that held the servicing rights but did not actively engage in the taking of payments should report those loans revenues under “Gross revenue from any other direct or indirect servicing activity in NH” but not the other aspects of the schedule.
  - b. The entity that does not hold the servicing rights but is contracted to perform the actual servicing activity should report those loans as “Small loans of all types that were serviced”
4. Serviced loans can include all loans originated in 2023, those still outstanding as of December 31<sup>st</sup> of the previous year, and any new loans transferred during the year.
5. The total dollar amount of loans serviced during the year should be the sum of the outstanding amount as of December 31<sup>st</sup> of the previous year, the principal amount of all loans originated in the current year, and the highest outstanding principal of any loan that was transferred during the year.
6. Outstanding loans should include ANY loan that remains unpaid, not just loans initiated in 2023.
7. Title loans that are not yet paid in full and in renewal status would be included in the outstanding loan data.
8. The “Small Loans of all types outstanding” should reflect only what is actually outstanding (for all types of loans) that the licensee is servicing on December 31<sup>st</sup>.
9. The dollar amount of outstanding loans should be reported as the principal amount of the loan(s) that remains outstanding as of December 31.
10. A loan that does not meet the definition of a small loan should not be included on the annual report.
11. See “Applicable for Schedule 1 and 2” for gross revenue instructions.

### APPLICABLE FOR SCHEDULE 1 AND 2:

1. Gross revenue should be identified accordingly:
  - a. Revenue received from Origination goes in Schedule 1: Next to each categorized small loan (i.e. title loan, payday loan, or other small loan), include gross revenue from the origination of such loan, but do not include any interest or other servicing revenue.
  - b. Any gross revenue earned from the servicing of loans should be identified as Total Gross Revenue from NH Loans next to Small Loans of all types serviced during 2023.
  - c. Interest earned on loans that are serviced by other entity should be identified as **“Gross Revenue from any other source earned in connection with NH small loan activity”**
  - d. **Any other** gross revenue that is not included in Schedule 1 or the top part of Schedule 2 should be identified as **“Gross Revenue from any other source earned in connection with NH small loan activity”**.
  - e. Do not double count revenue. The sum of revenue in Schedule 1 and Schedule 2 should equal all gross revenue.

### SCHEDULE 3:

1. Complete Schedule 3 if you offer any small loans secured by a motor vehicle title.
2. A repossession (or impoundment) is reported once a vehicle is physically removed from the consumer’s possession (i.e. not just when paperwork is filed or sent).

**SMALL LOAN LENDER**  
**2023 NH ANNUAL REPORT FORM 399-A-AR Reporting**  
**Period: January 1, 2023 through December 31, 2023**

Legal name of licensee:

Trade name (if applicable):

Licensee's federal tax ID number:

2023 NH principal office license number:

Contact person regarding this report (this must be the company's authorized person who affirms the accuracy, signs and files this report)

Name:

Title:

Communications:

(Tel. no.)

(Fax no.)

(Cell)

(E-mail Address)

**SCHEDULE 1: 2023 SMALL LOANS MADE IN 2023: (Round dollar amounts to the nearest whole number)**

Category	SMALL LOANS WHERE ANOTHER ENTITY FUNDED THE LOAN			SMALL LOANS WHERE THE LICENSEE FUNDED THE LOAN		
	Total Number of NH Loans	Total Dollar Amount of NH Loans	Total Gross Revenue from NH Loans	Total Number of NH Loans	Total Dollar Amount of NH Loans	Total Gross Revenue from NH Loans
Title loans made during 2023		\$	\$		\$	\$
Payday loans made during 2023		\$	\$		\$	\$
All other types of small loans made during 2023		\$	\$		\$	\$
<b>Total (of above) all types of small loans made during 2023</b>		\$	\$		\$	\$

**SCHEDULE 2: SERVICED LOANS DURING 2023 , OUTSTANDING AS OF DECEMBER 31, 2023, AND ANY OTHER GROSS REVENUE: (Round dollar amounts to the nearest whole number)**

	<b>SMALL LOANS SERVICED</b>		
<b>Category</b>	<b>Total Number of NH Loans</b>	<b>Total Dollar Amount of NH Loans</b>	<b>Total Gross Revenue from NH Loans</b>
Small Loans of all types serviced during 2023		\$	\$
Small Loans of all types outstanding at December 31, 2023		\$	
Gross Revenue from any other source earned in connection with NH small loan activity			\$

**SCHEDULE 3: REPOSSESSION ACTIVITY DURING 2023:**

Enter the number of NH automobile repossessions and/or impoundments for reporting period: \_\_\_\_\_

**AFFIRMATION**

The information provided in this report reflects the total amount of small loan business conducted by the licensee during 2023 from all business locations in New Hampshire and from any other location or method, including the Internet, with consumers located in New Hampshire.

I subscribe and affirm, under penalty of perjury and under penalty of Unsworn Falsification pursuant to NH RSA 641:3, that the statements made in this report have been examined by me and to the best of my knowledge and belief are true, correct and complete, and that I am duly authorized to submit this report and to execute this affirmation. I understand that any misrepresentation made to the department may result in denial or revocation of the license to which this form relates.

I acknowledge on behalf of the licensee that the licensee will retain work papers and other documents used in the preparation of this report and that the licensee will make such records available to the department upon request or examination.

Date:

For  
(Print or type Licensee’s name)

By  
(Print or type name of the authorized signatory)  
Title

Signature

(Signed under penalty of Unsworn Falsification pursuant to NH RSA 641:3)