

HOUSE AMENDMENTS TO HOUSE BILL 3482

By COMMITTEE ON HUMAN SERVICES AND HOUSING

April 19

1 On page 3 of the printed bill, line 2, after “arborist” insert “licensed as a landscape construction
2 professional pursuant to ORS 671.560 and”.

3 On page 8, line 3, delete “a certified arborist” and insert “an arborist licensed as a landscape
4 construction professional pursuant to ORS 671.560 and certified by the International Society of
5 Arboriculture”.

6 In line 10, delete “maintaining” and insert “removing or trimming”.

7 In line 11, delete “maintain” and insert “remove or trim”.

8 On page 9, line 36, delete “for the purpose” and insert “to inspect the tree”.

9 On page 10, line 2, after “arborist” insert “licensed as a landscape construction professional
10 pursuant to ORS 671.560 and”.

11 On page 12, delete line 14 and insert:

12 “(b) Actions taken pursuant to ORS 90.530, 90.533, 90.537, 90.543 (3), 90.600 or 90.725 (3)(f) and
13 (7) or section 5 of this 2013 Act; or”.

14 On page 21, line 29, after “utility” insert “or service”.

15 Delete lines 34 and 35 and insert “utility or service charge sooner than the eighth day, including
16 the first day the utility or service charge is due, after the landlord gives the tenant the written
17 notice stating the amount of the utility or service charge.”.

18 On page 22, delete lines 12 through 45.

19 On page 23, delete lines 1 through 28 and insert:

20 “**SECTION 15.** ORS 86A.203 is amended to read:

21 “86A.203. (1) Except as provided in subsection (2) of this section, an individual may not engage
22 in business as a mortgage loan originator in this state without first:

23 “(a) Obtaining and maintaining a mortgage loan originator’s license under ORS 86A.212 or re-
24 newing a mortgage loan originator’s license under ORS 86A.218; and

25 “(b) Obtaining a unique identifier from the Nationwide Mortgage Licensing System and Registry.

26 “(2) Subsection (1) of this section does not apply to:

27 “(a) A registered mortgage loan originator who acts within the scope of the registered mortgage
28 loan originator’s employment;

29 “(b) An individual who offers or negotiates terms of a residential mortgage loan with or on be-
30 half of the individual’s spouse, child, sibling, parent, grandparent, grandchild or a relative in a sim-
31 ilar relationship with the individual that is created by law, marriage or adoption;

32 “(c) An individual who offers or negotiates terms of a residential mortgage loan that is secured
33 by a dwelling that served as the individual’s residence; [or]

34 “(d) An attorney licensed or otherwise authorized to practice law in this state if the attorney:

35 “(A) Negotiates the terms of a residential mortgage loan as an ancillary matter in the attorney’s

1 representation of a client; and

2 “(B) Does not receive compensation from a mortgage banker, mortgage broker, mortgage loan
3 originator or lender or an agent of the mortgage banker, mortgage broker, mortgage loan originator
4 or lender[.];

5 “(e) **An individual who, as a seller during any 12-month period, offers or negotiates terms**
6 **for not more than three residential mortgage loans that are secured by a dwelling unit that**
7 **did not serve as the individual’s residence, unless the United States Consumer Financial**
8 **Protection Bureau expressly determines, on or after the effective date of this 2013 Act, that**
9 **the definition of loan originator in section 1503 of Title V of the Housing and Economic Re-**
10 **covery Act of 2008, P.L. 110-289, includes an individual whose activities are described in this**
11 **paragraph;**

12 “(f) **An individual who is licensed as a manufactured structure dealer under ORS 446.691**
13 **and who:**

14 “(A) **Offers or negotiates terms of a residential mortgage loan related to a sale for oc-**
15 **cupancy of a previously owned manufactured dwelling in a manufactured dwelling park three**
16 **or fewer times in any 12-month period; and**

17 “(B) **Uses a written sale agreement form with the purchaser that complies with the re-**
18 **quirements of ORS 646A.050, 646A.052 and 646A.054, with any rules adopted under ORS**
19 **646A.050, 646A.052 and 646A.054 and with any other applicable requirements for residential**
20 **mortgages for manufactured dwellings; or**

21 “(g) **An individual who is licensed as a limited manufactured structure dealer under ORS**
22 **446.706 and who:**

23 “(A) **Has an ownership interest in a manufactured dwelling park;**

24 “(B) **Offers or negotiates terms of a residential mortgage loan related to a sale for oc-**
25 **cupancy of a previously owned manufactured dwelling in any manufactured dwelling park in**
26 **which the individual has an ownership interest, five or fewer times in any 12-month period;**
27 **and**

28 “(C) **Uses a written sale agreement form with the purchaser that complies with the re-**
29 **quirements of ORS 646A.050, 646A.052 and 646A.054, with any rules adopted under ORS**
30 **646A.050, 646A.052 and 646A.054 and with any other applicable requirements for residential**
31 **mortgages for manufactured dwellings.**

32 “(3) **An individual who offers or negotiates terms for a residential mortgage loan, and**
33 **who claims an exemption under subsection (2)(c), (e) or (f) of this section from the require-**
34 **ments set forth in subsection (1) of this section, may not at any time hold more than eight**
35 **residential mortgage loans without meeting the requirements set forth in subsection (1) of**
36 **this section.**

37 “(4) **An individual who offers or negotiates terms for a residential mortgage loan, and**
38 **who claims an exemption under subsection (2)(g) of this section from the requirements set**
39 **forth in subsection (1) of this section, may not at any time hold more than twelve residential**
40 **mortgage loans without meeting the requirements set forth in subsection (1) of this section.**

41 “[3] (5) **The Director of the Department of Consumer and Business Services by rule may**
42 **exempt [a person] an individual from the requirement to obtain a mortgage loan originator’s license**
43 **under ORS 86A.200 to 86A.239 if the United States [Department of Housing and Urban**
44 **Development] Consumer Financial Protection Bureau requires or permits the exemption under 12**
45 **U.S.C. 5101 et seq.**

1 “(6) Notwithstanding the exemption from licensing for an individual described in sub-
2 section (2)(f) or (g) of this section, subsection (1) of this section applies to the individual if
3 the United States Consumer Financial Protection Bureau determines, in a guideline, rule,
4 regulation or interpretive letter, that the exemption is inconsistent with requirements set
5 forth in 12 U.S.C. 5101 et seq.

6 “[(4)(a)] (7)(a) Except as provided in paragraph (b) of this subsection, an employee of a [*dealer,*
7 *as defined in ORS 446.003,*] **manufactured structure dealer licensed under ORS 446.691** is not
8 subject to the provisions of ORS 86A.200 to 86A.239 if the employee:

9 “(A) Performs only administrative or clerical tasks; and

10 “(B) Receives in connection with a sale or other transaction related to a manufactured struc-
11 ture, as defined in ORS 446.003, only a salary or commission that is customary among dealers and
12 employees of dealers.

13 “(b) An employee of a dealer is subject to the provisions of ORS 86A.200 to 86A.239 if the United
14 States [*Department of Housing and Urban Development*] **Consumer Financial Protection Bureau**
15 **determines**, in a guideline, rule, regulation or interpretive letter, [*determines*] that the exemption
16 granted in paragraph (a) of this subsection is inconsistent with requirements set forth in 12 U.S.C.
17 5101 et seq.”.

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