

**PROPOSED AMENDMENTS TO
HOUSE BILL 3482**

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

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

10 On page 10, line 2, after “arborist” insert “licensed as a landscape con-
11 struction professional pursuant to ORS 671.560 and”.

12 On page 12, delete line 14 and insert:

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

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

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

20 On page 22, delete lines 12 through 45.

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

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

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

4 “(a) Obtaining and maintaining a mortgage loan originator’s license under
5 ORS 86A.212 or renewing a mortgage loan originator’s license under ORS
6 86A.218; and

7 “(b) Obtaining a unique identifier from the Nationwide Mortgage Licens-
8 ing System and Registry.

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

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

12 “(b) An individual who offers or negotiates terms of a residential mort-
13 gage loan with or on behalf of the individual’s spouse, child, sibling, parent,
14 grandparent, grandchild or a relative in a similar relationship with the in-
15 dividual that is created by law, marriage or adoption;

16 “(c) An individual who offers or negotiates terms of a residential mort-
17 gage loan that is secured by a dwelling that served as the individual’s resi-
18 dence; [or]

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

21 “(A) Negotiates the terms of a residential mortgage loan as an ancillary
22 matter in the attorney’s representation of a client; and

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

26 **“(e) An individual who, as a seller during any 12-month period, of-**
27 **fers or negotiates terms for not more than three residential mortgage**
28 **loans that are secured by a dwelling unit that did not serve as the**
29 **individual’s residence, unless the United States Consumer Financial**
30 **Protection Bureau expressly determines, on or after the effective date**

1 of this 2013 Act, that the definition of loan originator in section 1503
2 of Title V of the Housing and Economic Recovery Act of 2008, P.L.
3 110-289, includes an individual whose activities are described in this
4 paragraph;

5 “(f) An individual who is licensed as a manufactured structure
6 dealer under ORS 446.691 and who:

7 “(A) Offers or negotiates terms of a residential mortgage loan re-
8 lated to a sale for occupancy of a previously owned manufactured
9 dwelling in a manufactured dwelling park three or fewer times in any
10 12-month period; and

11 “(B) Uses a written sale agreement form with the purchaser that
12 complies with the requirements of ORS 646A.050, 646A.052 and 646A.054,
13 with any rules adopted under ORS 646A.050, 646A.052 and 646A.054 and
14 with any other applicable requirements for residential mortgages for
15 manufactured dwellings; or

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

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

19 “(B) Offers or negotiates terms of a residential mortgage loan re-
20 lated to a sale for occupancy of a previously owned manufactured
21 dwelling in any manufactured dwelling park in which the individual
22 has an ownership interest, five or fewer times in any 12-month period;
23 and

24 “(C) Uses a written sale agreement form with the purchaser that
25 complies with the requirements of ORS 646A.050, 646A.052 and 646A.054,
26 with any rules adopted under ORS 646A.050, 646A.052 and 646A.054 and
27 with any other applicable requirements for residential mortgages for
28 manufactured dwellings.

29 “(3) An individual who offers or negotiates terms for a residential
30 mortgage loan, and who claims an exemption under subsection (2)(c),

1 (e) or (f) of this section from the requirements set forth in subsection
2 (1) of this section, may not at any time hold more than eight resi-
3 dential mortgage loans without meeting the requirements set forth in
4 subsection (1) of this section.

5 “(4) An individual who offers or negotiates terms for a residential
6 mortgage loan, and who claims an exemption under subsection (2)(g)
7 of this section from the requirements set forth in subsection (1) of this
8 section, may not at any time hold more than twelve residential mort-
9 gage loans without meeting the requirements set forth in subsection
10 (1) of this section.

11 “[3] (5) The Director of the Department of Consumer and Business
12 Services by rule may exempt [*a person*] an individual from the requirement
13 to obtain a mortgage loan originator’s license under ORS 86A.200 to 86A.239
14 if the United States [*Department of Housing and Urban Development*] Con-
15 sumer Financial Protection Bureau requires or permits the exemption
16 under 12 U.S.C. 5101 et seq.

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

23 “[4)(a)] (7)(a) Except as provided in paragraph (b) of this subsection, an
24 employee of a [*dealer, as defined in ORS 446.003,*] **manufactured structure**
25 **dealer licensed under ORS 446.691** is not subject to the provisions of ORS
26 86A.200 to 86A.239 if the employee:

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

28 “(B) Receives in connection with a sale or other transaction related to a
29 manufactured structure, as defined in ORS 446.003, only a salary or com-
30 mission that is customary among dealers and employees of dealers.

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

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