

**PROPOSED AMENDMENTS TO  
SENATE BILL 879**

1 On page 1 of the printed bill, line 2, delete “86A.200 and”.

2 Delete lines 4 through 30 and delete pages 2 through 4 and insert:

3 **“SECTION 1.** ORS 86A.203 is amended to read:

4 “86A.203. (1) Except as provided in subsection (2) of this section, an in-  
5 dividual may not engage in business as a mortgage loan originator in this  
6 state without first:

7 “(a) Obtaining and maintaining a mortgage loan originator’s license under  
8 ORS 86A.212 or renewing a mortgage loan originator’s license under ORS  
9 86A.218; and

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

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

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

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

19 “(c) An individual who offers or negotiates terms of a residential mort-  
20 gage loan that is secured by a dwelling that served as the individual’s resi-  
21 dence;

22 “(d) An individual who, as a seller during any 12-month period, offers or

1 negotiates terms for not more than three residential mortgage loans that are  
2 secured by a dwelling unit that did not serve as the individual's residence,  
3 unless the United States Consumer Financial Protection Bureau expressly  
4 determines, on or after June 4, 2013, that the definition of loan originator  
5 in section 1503 of Title V of the Housing and Economic Recovery Act of 2008,  
6 P.L. 110-289, includes an individual whose activities are described in this  
7 paragraph;

8 “(e) An attorney licensed or otherwise authorized to practice law in this  
9 state if the attorney:

10 “(A) Negotiates the terms of a residential mortgage loan [*as an ancillary*  
11 *matter*] in the attorney's representation of a client **that buys or sells a**  
12 **dwelling unit**; and

13 “(B) Does not receive compensation from a mortgage banker, mortgage  
14 broker, mortgage loan originator or lender or an agent of the mortgage  
15 banker, mortgage broker, mortgage loan originator or lender;

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

18 “(A) Offers or negotiates terms of a residential mortgage loan related to  
19 a sale for occupancy of a previously owned manufactured dwelling in a  
20 manufactured dwelling park three or fewer times in any 12-month period; and

21 “(B) Uses a written sale agreement form with the purchaser that complies  
22 with the requirements of ORS 646A.050, 646A.052 and 646A.054, with any  
23 rules adopted under ORS 646A.050, 646A.052 and 646A.054 and with any other  
24 applicable requirements for residential mortgages for manufactured  
25 dwellings; or

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

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

29 “(B) Offers or negotiates terms of a residential mortgage loan related to  
30 a sale for occupancy of a previously owned manufactured dwelling in any

1 manufactured dwelling park in which the individual has an ownership in-  
2 terest, five or fewer times in any 12-month period; and

3 “(C) Uses a written sale agreement form with the purchaser that complies  
4 with the requirements of ORS 646A.050, 646A.052 and 646A.054, with any  
5 rules adopted under ORS 646A.050, 646A.052 and 646A.054 and with any other  
6 applicable requirements for residential mortgages for manufactured  
7 dwellings.

8 “(3) An individual who offers or negotiates terms for a residential mort-  
9 gage loan, and who claims an exemption under subsection (2)(c), (d) or (f)  
10 of this section from the requirements set forth in subsection (1) of this sec-  
11 tion, may not at any time hold more than eight residential mortgage loans  
12 without meeting the requirements set forth in subsection (1) of this section.

13 “(4) An individual who offers or negotiates terms for a residential mort-  
14 gage loan, and who claims an exemption under subsection (2)(g) of this sec-  
15 tion from the requirements set forth in subsection (1) of this section, may  
16 not at any time hold more than 12 residential mortgage loans without meet-  
17 ing the requirements set forth in subsection (1) of this section.

18 “(5) The Director of the Department of Consumer and Business Services  
19 by rule may exempt an individual from the requirement to obtain a mortgage  
20 loan originator’s license under ORS 86A.200 to 86A.239 if the United States  
21 Consumer Financial Protection Bureau requires or permits the exemption  
22 under 12 U.S.C. 5101 et seq.

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

29 “(7)(a) Except as provided in paragraph (b) of this subsection, an employee  
30 of a manufactured structure dealer licensed under ORS 446.691 is not subject

1 to the provisions of ORS 86A.200 to 86A.239 if the employee:

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

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

6 “(b) An employee of a dealer is subject to the provisions of ORS 86A.200  
7 to 86A.239 if the United States Consumer Financial Protection Bureau de-  
8 termines, in a guideline, rule, regulation or interpretive letter, that the ex-  
9 emption granted in paragraph (a) of this subsection is inconsistent with  
10 requirements set forth in 12 U.S.C. 5101 et seq.”.

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