

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**S. B. No. 264**

**Senator Brenner  
Cosponsor: Senator Maharath**



**A BILL**

To amend section 1322.43 of the Revised Code to regulate remote work by mortgage loan originators and other persons working for entities subject to the Residential Mortgage Lending Act.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 1322.43 of the Revised Code be amended to read as follows:

**Sec. 1322.43.** (A) No registrant and entity holding a valid letter of exemption under this chapter, through its operations manager or otherwise, shall fail to do either of the following:

(1) Reasonably supervise a mortgage loan originator or any other person associated with the registrant or entity;

(2) Establish reasonable procedures designed to avoid violations of any provision of this chapter or the rules adopted under this chapter, or violations of applicable state and federal consumer and lending laws or rules, by mortgage loan originators or any other person associated with the registrant or entity.

(B) No registrant or entity holding a letter of exemption 19  
issued under this chapter shall: 20

(1) Receive, directly or indirectly, a premium on the fees 21  
charged for services performed by a bona fide third party; 22

(2) Pay or receive, directly or indirectly, a referral fee 23  
or kickback of any kind to or from a bona fide third party or 24  
other party with a related interest in the transaction, 25  
including a home improvement builder, real estate developer, or 26  
real estate broker or agent, for the referral of business. 27

(C) Notwithstanding any provision of this chapter to the 28  
contrary, a registrant or entity holding a letter of exemption 29  
under this chapter may allow a mortgage loan originator or any 30  
other person associated with the registrant or entity to 31  
transact business on behalf of the registrant or entity from a 32  
location other than the registrant's or entity's principal 33  
office or a branch office if all of the following apply: 34

(1) The registrant or entity has a written policy 35  
governing the supervision of the mortgage loan originator or 36  
other person associated with the registrant or entity while the 37  
originator or person transacts business on behalf of the 38  
registrant or entity from a location other than the registrant's 39  
or entity's principal office or branch office. 40

(2) Access to the registrant's or entity's platform and 41  
customer information is in accordance with the registrant's or 42  
entity's written information security plan. 43

(3) The mortgage loan originator or other person 44  
associated with the registrant or entity does not interact with 45  
a customer at the originator's or person's residence, unless the 46  
residence is the registrant's or entity's principal office or a 47

branch office. 48

(4) Physical records are not maintained at the location 49

from which the mortgage loan originator or other person 50

associated with the registrant or entity is transacting business 51

on behalf of the registrant or entity. 52

**Section 2.** That existing section 1322.43 of the Revised 53

Code is hereby repealed. 54