134th General Assembly

Regular Session   **Am. S. B. No. 264**

2021-2022

Senator Brenner

Cosponsors: Senators Maharath, Hackett

A BILL

To amend section 1322.43 of the Revised Code to	1
regulate remote work by mortgage loan	2
originators and other persons working for	3
entities subject to the Residential Mortgage	4
Lending Act.	5

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

Section 1. That section 1322.43 of the Revised Code be	6
amended to read as follows:	7
Sec. 1322.43. (A) No registrant and entity holding a valid	8
letter of exemption under this chapter, through its operations	9
manager or otherwise, shall fail to do either of the following:	10
(1) Reasonably supervise a mortgage loan originator or any	11
other person associated with the registrant or entity;	12
(2) Establish reasonable procedures designed to avoid	13
violations of any provision of this chapter or the rules adopted	14
under this chapter, or violations of applicable state and	15
federal consumer and lending laws or rules, by mortgage loan	16
originators or any other person associated with the registrant	17

or entity. 18

(B) No registrant or entity holding a letter of exemption issued under this chapter shall: 19
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(1) Receive, directly or indirectly, a premium on the fees charged for services performed by a bona fide third party; 21
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(2) Pay or receive, directly or indirectly, a referral fee or kickback of any kind to or from a bona fide third party or other party with a related interest in the transaction, including a home improvement builder, real estate developer, or real estate broker or agent, for the referral of business. 23
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(C)(1) Notwithstanding any provision of this chapter to the contrary, a registrant or entity holding a letter of exemption under this chapter may allow a mortgage loan originator or any other person associated with the registrant or entity to transact business on behalf of the registrant or entity from a location other than the registrant's or entity's principal office or a branch office if all of the following apply: 28
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(a) The registrant or entity has a written policy governing the supervision of the mortgage loan originator or other person associated with the registrant or entity while the originator or person transacts business on behalf of the registrant or entity from such a location. 36
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(b) Access to the registrant's or entity's platform and customer information is in accordance with the registrant's or entity's written information security plan. 41
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(c) The mortgage loan originator or other person associated with the registrant or entity does not interact with a customer at the originator's or person's residence, unless the 44
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residence is the registrant's or entity's principal office or a   47

branch office.   48

    (d) Physical records are not maintained at such a   49

location.   50

    (2) The superintendent of financial institutions may   51

charge a registrant or entity an annual fee to cover the costs   52

associated with administering division (C)(1) of this section.   53

The fee shall not exceed twenty-five dollars for each location   54

at which a mortgage loan originator or any other person   55

associated with the registrant or entity transacts business on   56

behalf of the registrant or entity other than the registrant's   57

or entity's principal office or a branch office.   58

    Section 2. That existing section 1322.43 of the Revised   59

Code is hereby repealed.   60