

As Passed by the Senate

134th General Assembly

Regular Session

2021-2022

Am. S. B. No. 264

Senator Brenner

**Cosponsors: Senators Maharath, Hackett, Blessing, Cirino, Craig, Johnson,
Reineke, Thomas, Williams, Yuko**

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. 18

(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) (1) Notwithstanding any provision of this chapter to 28
the contrary, a registrant or entity holding a letter of 29
exemption under this chapter may allow a mortgage loan 30
originator or any other person associated with the registrant or 31
entity to transact business on behalf of the registrant or 32
entity from a location other than the registrant's or entity's 33
principal office or a branch office if all of the following 34
apply: 35

(a) The registrant or entity has a written policy 36
governing the supervision of the mortgage loan originator or 37
other person associated with the registrant or entity while the 38
originator or person transacts business on behalf of the 39
registrant or entity from such a location. 40

(b) 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

(c) 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

(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