

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 643

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after “basis” insert “or receiving a certain finder’s fee”; in lines 13 and 14, strike “with a certain exception;” and substitute “; prohibiting a sole proprietor who is licensed under this Act from referring a borrower to another licensee;”; and in line 15, after the semicolon insert “allowing a sole proprietor who is licensed under this Act to forward a certain check to a certain financial institution;”.

AMENDMENT NO. 2

On page 2, after line 16, insert:

“(I) THE APPLICANT:

1. IS A LICENSED INSURANCE PRODUCER IN GOOD STANDING UNDER § 10-103 OF THE INSURANCE ARTICLE; AND

2. HOLDS AN APPOINTMENT AS AN INSURANCE PRODUCER FOR AN INSURER THAT CONTROLS, IS CONTROLLED BY, OR IS UNDER COMMON CONTROL WITH A FINANCIAL INSTITUTION DESCRIBED IN § 11-502(B)(1) OF THIS SUBTITLE;”;

in line 18, strike “A” and substitute “THE”; in line 19, strike “§ 11-502(B)(1) OF THIS SUBTITLE” and substitute “ITEM (I)2 OF THIS PARAGRAPH”; in line 20, after “INSTITUTION” insert “AND AFFILIATED INSURER WITH WHICH THE APPLICANT HOLDS A CURRENT APPOINTMENT”; in the same line, strike “IS” and substitute “ARE”; in lines 28 and 29, in each instance, after “INSTITUTION” insert “IDENTIFIED UNDER ITEM (I)2 OF THIS PARAGRAPH”; in lines 17, 20, 22, 24, 27, and 29, strike “(I)”, “(II)”, “(III)”, “(IV)”, “(V)”, and “(VI)”, respectively, and substitute “(II)”, “(III)”, “(V)”, “(VI)”, “(VII)”, and “(VIII)”, respectively;

(Over)

after line 21, insert:

“(IV) THE COMMISSIONER APPROVES THE SELECTION OF THE FINANCIAL INSTITUTION BASED ON THE FOLLOWING CRITERIA:

1. THE FINANCIAL INSTITUTION IS IN GOOD STANDING WITH ITS PRIMARY STATE OR FEDERAL REGULATOR; AND

2. THE FINANCIAL INSTITUTION IS IN MATERIAL COMPLIANCE WITH APPLICABLE STATE OR FEDERAL LAW;”;

in line 26, after “COMMISSIONER” insert “AND ACHIEVED A PASSING GRADE ON A WRITTEN EXAM DEVELOPED AND ADMINISTERED BY THE PERSON THAT CONDUCTS THE CLASSROOM EDUCATION COURSE”; in lines 30 and 31, strike “AS REQUIRED BY THIS SUBTITLE” and substitute “, INCLUDING PROVIDING DIRECTION THROUGH WRITTEN INSTRUCTIONS OR ELECTRONIC MEANS AND BY PERIODICALLY EXAMINING THE APPLICANT’S BOOKS, RECORDS, AND OTHER ASPECTS OF THE BUSINESS”; and in line 35, before “A” insert “EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,”.

### AMENDMENT NO. 3

On page 3, in line 4, after “(II)” insert “1.”; in the same line, after “COMPENSATED” insert “BY ANY PERSON”; in line 6, after the semicolon insert “OR

2. RECEIVE A FINDER’S FEE, AS DEFINED UNDER TITLE 12, SUBTITLE 8 OF THE COMMERCIAL LAW ARTICLE;”;

strike beginning with the comma in line 8 down through “OR” in line 11 and substitute a semicolon; after line 11, insert:

“(IV) REFER A BORROWER TO ANY OTHER LICENSEE UNDER THIS SUBTITLE; OR”;

in line 12, strike “(IV)” and substitute “(V)”; and after line 12, insert:

“(3) A SOLE PROPRIETOR WHO IS ISSUED A LICENSE UNDER THIS SUBSECTION MAY FORWARD A CHECK TO THE FINANCIAL INSTITUTION IDENTIFIED UNDER PARAGRAPH (1)(I)2 OF THIS SUBSECTION IF:

(I) THE CHECK IS MADE PAYABLE TO THE FINANCIAL INSTITUTION FROM A BORROWER; AND

(II) THE CHECK IS IN CONNECTION WITH AN APPLICATION FOR A MORTGAGE LOAN TO COVER COSTS FOR:

1. AN APPRAISAL;
2. A CREDIT REPORT; OR
3. PROCESSING AN APPLICATION.”.