

## H.B. 93

# MORTGAGE AND REAL ESTATE LICENSURE EXEMPTIONS FOR ATTORNEYS

HOUSE COMMITTEE AMENDMENTS

AMENDMENT 1

FEBRUARY 9, 2011 1:14 PM

Representative **LaVar Christensen** proposes the following amendments:

1. *Page 4, Lines 94 through 113:*

94 (m) an attorney admitted to practice law in this state~~[-(i) if the attorney is not~~  
95 ~~principally engaged in the business of negotiating residential mortgage loans; and (ii)]~~ when  
96 the attorney ~~{renders services}~~ engages in loan modification assistance in the course of the  
attorney's practice as an attorney.

97 (3) An individual who will engage in an activity as a mortgage loan originator is  
98 exempt from this chapter only if the individual is an employee or agent exempt under  
99 Subsection (2)(g).

100 [~~(4) (a) Notwithstanding Subsection (2)(m)(i), an attorney exempt from this chapter~~  
101 ~~may not engage in conduct described in Section 61-2c-301 when transacting business of~~  
102 ~~residential mortgage loans.]~~

103 [~~(b) If an attorney exempt from this chapter violates Subsection (4)(a), the attorney:]~~

104 [~~(i) is not subject to enforcement by the division under Part 4, Enforcement; and]~~

105 [~~(ii) is subject to disciplinary action generally applicable to an attorney admitted to~~  
106 ~~practice law in this state.]~~

107 {+} {-(c)} (4) If the division receives a complaint ~~{alleging}~~ regarding an  
attorney exempt from this chapter

108 ~~{is in violation of Subsection (4)(a)}~~ , the division shall forward the complaint to the Utah State  
109 Bar for disciplinary action. {+}

110 {+} (5) {+} ~~{(4)}~~ (a) An individual who is exempt under Subsection (2) or (3) may  
voluntarily

111 obtain a license under this chapter by complying with Part 2, Licensure.

112 (b) An individual who voluntarily obtains a license pursuant to this Subsection {+} (5) {+}  
~~{(4)}~~

113 shall comply with all the provisions of this chapter.