

- 491 (ii) (A) inscribed on a tangible medium; or
- 492 (B) (I) stored in an electronic or other medium; and
- 493 (II) in a perceivable and reproducible form.
- 493a ~~§~~ → ~~[(h)]~~ → ~~(oo)~~ "Referral" means the same as that term is described in 12 C.F.R. Sec.
- 493b 1024.14(f). ~~←~~ ~~h~~
- 494 ~~—~~ ~~h~~ → ~~[(oo)]~~ ~~(pp)~~ ~~←~~ ~~h~~ "Referral fee":
- 495 ~~—~~ (i) means any fee, kickback, other compensation, or thing of value tendered for a
- 496 referral of business or a service incident to or part of a residential mortgage loan transaction;
- 497 and
- 498 ~~—~~ (ii) does not include:
- 499 ~~—~~ (A) a payment made by a licensed entity to an individual employed by the entity under
- 500 a contractual incentive program according to rules made by the division in accordance with
- 501 Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
- 502 ~~—~~ (B) a payment made for reasonable promotional and educational activities that is not
- 503 conditioned on the referral of business and is not used to pay expenses that a person in a
- 504 position to refer settlement services or business related to the settlement services would
- 505 otherwise incur:
- 506 ~~—~~ ~~h~~ → ~~[(pp)]~~ ~~(qq)~~ ~~←~~ ~~h~~ ~~(oo)~~ ~~←~~ ~~§~~ "Residential mortgage loan" means an extension of credit, if:
- 507 (i) the loan or extension of credit is secured by a:
- 508 (A) mortgage;
- 509 (B) deed of trust; or
- 510 (C) consensual security interest; and
- 511 (ii) the mortgage, deed of trust, or consensual security interest described in Subsection
- 512 (1) ~~§~~ → ~~[(h)]~~ → ~~[(pp)]~~ ~~(qq)~~ ~~←~~ ~~h~~ ~~(oo)~~ ~~←~~ ~~§~~ (i):
- 513 (A) is on a dwelling located in the state; and
- 514 (B) is created with the consent of the owner of the residential real property.
- 514a ~~§~~ → ~~(pp)~~ "Section 8 of RESPA" means 12 U.S.C. Sec. 2607 and any rules made thereunder.
- 514b ~~←~~ ~~§~~
- 515 ~~h~~ → ~~§~~ → ~~[f]~~ ~~←~~ ~~§~~ ~~(qq)~~ ~~§~~ → ~~[(rrr)]~~ ~~←~~ ~~§~~ ~~←~~ ~~h~~ "Settlement" means the time at which each of the
- 515a following is complete:
- 516 (i) the borrower and, if applicable, the seller sign and deliver to each other or to the
- 517 escrow or closing office each document required by:
- 518 (A) the real estate purchase contract;
- 519 (B) the lender;
- 520 (C) the title insurance company;
- 521 (D) the escrow or closing office;

522 (E) the written escrow instructions; or

523 (F) applicable law;

524 (ii) the borrower delivers to the seller, if applicable, or to the escrow or closing office
525 any money, except for the proceeds of any new loan, that the borrower is required to pay; and

526 (iii) if applicable, the seller delivers to the buyer or to the escrow or closing office any
527 money that the seller is required to pay.

528 ~~H~~→ ~~S~~→ [f] ←~~S~~ (rr) ~~S~~→ [f(~~ss~~)] ←~~S~~ ←~~H~~ "Settlement services" means a service provided in
528a1 connection with a real

528a estate

529 settlement, including a title search, a title examination, the provision of a title certificate,
530 services related to title insurance, services rendered by an attorney, preparing documents, a
531 property survey, rendering a credit report or appraisal, a pest or fungus inspection, services
532 rendered by a real estate agent or broker, the origination of a federally related mortgage loan,
533 and the processing of a federally related mortgage.

534 ~~H~~→ ~~S~~→ [f] ←~~S~~ (ss) ~~S~~→ [f(~~tt~~)] ←~~S~~ ←~~H~~ "Sponsorship" means an association in accordance
534a with Section 61-2c-209

535 between an individual licensed under this chapter and an entity licensed under this chapter.

536 ~~H~~→ ~~S~~→ [f] ←~~S~~ (tt) ~~S~~→ [f(~~uu~~)] ←~~S~~ ←~~H~~ "State" means:

537 (i) a state, territory, or possession of the United States;

538 (ii) the District of Columbia; or

539 (iii) the Commonwealth of Puerto Rico.

540 ~~H~~→ ~~S~~→ [f] ←~~S~~ (uu) ~~S~~→ [f(~~vv~~)] ←~~S~~ ←~~H~~ "Uniform state test" means the uniform state
540a1 content section of the

540a qualified

541 written test developed by the nationwide database.

542 ~~H~~→ ~~S~~→ [f] ←~~S~~ (vv) ~~S~~→ [f(~~ww~~)] ←~~S~~ ←~~H~~ "Unique identifier" means the same as that term
542a1 is defined in 12 U.S.C.

542a Sec. 5102.

543 ~~H~~→ ~~S~~→ [f] ←~~S~~ (ww) ~~S~~→ [f(~~xx~~)] ←~~S~~ ←~~H~~ "Utah-specific" means an educational
543a1 requirement under this chapter

543a that relates

544 specifically to Utah.

545 (2) (a) If a term not defined in this section is defined by rule, the term shall have the
546 meaning established by the division by rule made in accordance with Title 63G, Chapter 3,

708 one or more distance education methods approved by the commission and division.

709 (6) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
710 the commission, with the concurrence of the division, shall make rules establishing procedures
711 under which a licensee may be exempted from a Utah-specific continuing education
712 requirement:

713 (i) for a period not to exceed four years; and

714 (ii) upon a finding of reasonable cause.

715 (b) An individual who engages in an activity as a mortgage loan originator may not
716 under this Subsection (6) be exempted from the minimum continuing education required under
717 federal licensing regulations for an individual who engages in an activity as a mortgage loan
718 originator.

719 Section 7. Section **61-2c-301** is amended to read:

720 **61-2c-301. Prohibited conduct -- Violations of the chapter.**

721 (1) A person transacting the business of residential mortgage loans in this state may
722 not:

723 (a) ~~§~~ → [give or receive a referral fee] violate Section 8 of RESPA ← ~~§~~ ;

724 (b) charge a fee in connection with a residential mortgage loan transaction:

725 (i) that is excessive; or

726 (ii) without providing to the loan applicant a written statement signed by the loan
727 applicant:

728 (A) stating whether or not the fee or deposit is refundable; and

729 (B) describing the conditions, if any, under which all or a portion of the fee or deposit
730 will be refunded to the loan applicant;

731 (c) act incompetently in the transaction of the business of residential mortgage loans
732 such that the person fails to:

733 (i) safeguard the interests of the public; or

734 (ii) conform to acceptable standards of the residential mortgage loan industry;

735 (d) do any of the following as part of a residential mortgage loan transaction, regardless
736 of whether the residential mortgage loan closes:

737 (i) make a false statement or representation;

738 (ii) cause false documents to be generated; or