



UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • 320 STATE CAPITOL
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February 19, 2020

Mr. President,

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 147**, DIVISION OF REAL ESTATE AMENDMENTS, by Representative C. R. Musselman, with the following amendments:

1. Page 17, Lines 493 through 506:

493 (II) in a perceivable and reproducible form.
493a { ~~fi~~ → (oo) "**Referral**" means the same as that term is described in 12 C.F.R.
Sec.
493b ~~1024.14(f).~~ ← ~~fi~~
494 — ~~fi~~ → [(oo)] (pp) ← ~~fi~~ "**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

Bill Number



HB0147S01

Action Class



S

Action Code



SCRAMD

503 ~~conditioned on the referral of business and is not used to pay expenses that a person~~
504 ~~in a~~
505 ~~position to refer settlement services or business related to the settlement services~~
506 ~~would~~
507 ~~otherwise incur.~~
508 ~~—~~ff~~→ ~~{(pp)}~~ ~~(qq)~~ ←~~ff~~}~~ (oo) "Residential mortgage loan" means an extension
of credit, if:

2. Page 17, Line 512:

512 (1) ~~{~~ff~~→ ~~{(pp)}~~ ~~(qq)~~ ←~~ff~~}~~ (oo) (i):

3. Page 17, Lines 514 through 515:

514 (B) is created with the consent of the owner of the residential real property.

~~(pp) "Section 8 of RESPA" means 12 U.S.C. Sec. 2607 and any rules made thereunder.~~

515 ~~ff~~→ ~~{+}~~ (qq) ~~{+~~(rr)~~}~~ ←~~ff~~ "Settlement" means the time at which each of
the following is complete:

4. Page 18, Line 528:

528 ~~ff~~→ ~~{+}~~ (rr) ~~{+~~(ss)~~}~~ ←~~ff~~ "Settlement services" means a service provided
in connection with a real

5. Page 18, Line 534:

534 ~~ff~~→ ~~{+}~~ (ss) ~~{+~~(tt)~~}~~ ←~~ff~~ "Sponsorship" means an association in
accordance with Section 61-2c-209

6. Page 18, Line 536:

536 ~~ff~~→ ~~{+}~~ (tt) ~~{+~~(uu)~~}~~ ←~~ff~~ "State" means:

7. Page 18, Line 540:

540 $\hat{H} \rightarrow$ {+} (uu) {+(vv)} $\leftarrow \hat{H}$ "Uniform state test" means the uniform state
content section of the

8. *Page 18, Line 542:*

542 $\hat{H} \rightarrow$ {+} (vv) {+(ww)} $\leftarrow \hat{H}$ "Unique identifier" means the same as that
term is defined in 12 U.S.C.

9. *Page 18, Line 543:*

543 $\hat{H} \rightarrow$ {+} (ww) {+(xx)} $\leftarrow \hat{H}$ "Utah-specific" means an educational
requirement under this chapter

10. *Page 24, Lines 721 through 724:*

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:

Respectfully,

Curtis S. Bramble
Chair

Voting: 8-0-0

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