

HOUSE BILL 160

By McCormick

AN ACT to amend Tennessee Code Annotated, Title 45, Chapter 13, relative to the licensing of mortgage lenders, mortgage loan brokers, mortgage loan servicers and mortgage loan originators.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 45-13-201(b)(1), is amended by deleting subdivision (F) in its entirety, and instead substituting the following language:

(F) A licensed attorney performing activities that do not require licensure under the guidelines set forth in Appendix D of Regulation H, 12 C.F.R., Part 1008.

SECTION 2. Tennessee Code Annotated, Section 45-13-201(b)(1), is further amended by deleting subdivisions (G)(iii) and (H) in their entirety and redesignating the remaining subdivisions accordingly.

SECTION 3. Tennessee Code Annotated, Section 45-13-201(b)(1), is further amended by deleting subdivision (K) in its entirety, and instead substituting the following language as a new appropriately designated subdivision:

(\_) A person that performs only real estate brokerage activities, as defined in § 45-13-105(16)(B), and is licensed pursuant to the Real Estate Broker License Act of 1973, compiled in title 62, chapter 13. Such person is permitted to communicate and include in any contract any mortgage terms agreed upon by the parties for the real property being financed without being required to be licensed under this chapter, so long as the communication does not include the offering or negotiating of any terms of a residential mortgage loan; and

SECTION 4. Tennessee Code Annotated, Section 45-13-201(b)(1)(L), is further amended by adding the following language at the end of the subdivision, between the word “chapter” and the period (.):

, so long as the communication does not include the offering or negotiating of any terms of a residential mortgage loan

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared severable.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.