House Bill 212 (AS PASSED HOUSE AND SENATE)
By: Representatives Pirkle of the 155th, Houston of the 170th, Rhodes of the 120th, Wiedower of the 119th, and Barr of the 103rd

A BILL TO BE ENTITLED
AN ACT

To amend Article 13 of Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to licensing of mortgage lenders and mortgage brokers, so as to exempt retailers and retail brokers of manufactured homes, mobile homes, or residential industrialized buildings from the requirement to obtain a license as a mortgage broker under certain circumstances; to revise the definition of "mortgage broker"; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 13 of Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to licensing of mortgage lenders and mortgage brokers, is amended in Code Section 7-1-1000, relating to definitions relative to the licensing of mortgage lenders and mortgage brokers, by revising paragraph (19) as follows:

"(19)(A) 'Mortgage broker' means any person who directly or indirectly solicits, processes, places, or negotiates mortgage loans for others; or offers to solicit, process, place, or negotiate mortgage loans for others; or who closes mortgage loans which may be in the mortgage broker's own name with funds provided by others, and which loans are assigned within 24 hours of the funding of the loans to the mortgage lenders providing the funding of such loans within 24 hours of the funding.

(B) The term does not include a retailer or retail broker of a manufactured or mobile home as defined in Code Section 8-2-131 or a residential industrialized building as defined in Code Section 8-2-111:

(i) Whose residential mortgage loan activities are limited to compiling and transmitting residential mortgage loan applications along with related supporting documentation to mortgage lenders who are licensed or exempt from the licensing provisions of this article or communicating with residential mortgage loan applicants.
as necessary to obtain additional documents that complete the residential mortgage
loan application to those licensed or exempt mortgage lenders; and

(ii) Who does not receive any payment or fee from any person for assisting the
applicant to apply for or obtain financing to purchase the manufactured home, mobile
home, or residential industrialized building.

(C) The term does not include an employee of a retailer or retail broker of a
manufactured or mobile home as defined in Code Section 8-2-131 or a residential
industrialized building as defined in Code Section 8-2-111 who:

(i) Satisfies the requirements set forth in paragraph (B) of this paragraph;

(ii) Is acting within the scope of employment and under the supervision of the retailer
or retail broker as an employee and not as an independent contractor;

(iii) Is employed by only one such retailer or retail broker and shall be at all times
eligible for employment in compliance with the provisions and prohibitions of Code
Section 7-1-1004;

(iv) Has not been issued a cease and desist order in the past five years if such order
was based on a violation of Code Section 7-1-1002 or 7-1-1013; and

(v) Has not had a mortgage lender, mortgage broker, or mortgage loan originator
license revoked within the past five years.

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.