

Adopted Rejected

COMMITTEE REPORT

YES: 10
NO: 0

MR. SPEAKER:

*Your Committee on Financial Institutions, to which was referred House Bill 1180, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 2, delete lines 4 through 42.
- 2 Page 3, delete lines 1 through 41, begin a new paragraph and insert:
- 3 "(b) This article does not apply to the following:
- 4 (1) Extensions of credit to government or governmental agencies
- 5 or instrumentalities.
- 6 (2) A first lien mortgage transaction in which the debt is incurred
- 7 primarily for a purpose other than a personal, family, or
- 8 household purpose.
- 9 (3) An extension of credit primarily for a business, a commercial,
- 10 or an agricultural purpose.
- 11 (4) Except for IC 24-4.4-2-401(2), IC 24-4.4-2-402.3,
- 12 IC 24-4.4-2-405(4), and IC 24-4.4-2-405(5), a first lien mortgage
- 13 transaction made:
- 14 (a) in compliance with the requirements of; and

- 1 (b) by a community development corporation (as defined in
 2 IC 4-4-28-2) acting as a subrecipient of funds from;
 3 the Indiana housing and community development authority
 4 established by IC 5-20-1-3.
- 5 (5) Except for IC 24-4.4-2-401(2), IC 24-4.4-2-402.3,
 6 IC 24-4.4-2-405(4), and IC 24-4.4-2-405(5), a first lien mortgage
 7 transaction made by an entity that exclusively uses funds provided
 8 by the United States Department of Housing and Urban
 9 Development under Title 1 of the federal Housing and
 10 Community Development Act of 1974, Public Law 93-383, as
 11 amended (42 U.S.C. 5301 et seq.).
- 12 (6) An extension of credit originated by:
 13 (a) a depository institution;
 14 (b) subsidiaries that are:
 15 (i) owned and controlled by a depository institution; and
 16 (ii) regulated by a federal banking agency; or
 17 (c) an institution regulated by the Farm Credit Administration.
- 18 (7) Except for IC 24-4.4-2-401(2), IC 24-4.4-2-402.3,
 19 IC 24-4.4-2-405(4), and IC 24-4.4-2-405(5), a credit union service
 20 organization that is majority owned, directly or indirectly, by one
 21 (1) or more credit unions.
- 22 (8) A first lien mortgage transaction originated by a registered
 23 mortgage loan originator, when acting for an entity described in
 24 subsection (6). ~~However,~~ A privately insured state chartered
 25 credit union shall **also** comply with the system of mortgage loan
 26 originator registration developed by the Federal Financial
 27 Institutions Examinations Council under Section 1507 of the
 28 federal ~~Safe~~ **Secure** and Fair Enforcement for Mortgage
 29 Licensing Act of 2008 (SAFE).
- 30 (9) An individual who offers or negotiates terms of a mortgage
 31 transaction with or on behalf of an immediate family member of
 32 the individual.
- 33 (10) An individual who offers or negotiates terms of a mortgage
 34 transaction secured by a dwelling that served as the individual's
 35 residence.
- 36 (11) Unless the attorney is compensated by:
 37 (a) a lender;
 38 (b) a mortgage broker;

- 1 (c) another mortgage loan originator; or
- 2 (d) any agent of the lender, mortgage broker, or other
- 3 mortgage loan originator described in clauses (a) through (c);
- 4 a licensed attorney who negotiates the terms of a mortgage
- 5 transaction on behalf of a client as an ancillary matter to the
- 6 attorney's representation of the client.
- 7 (12) Agencies, instrumentalities, and government owned
- 8 corporations of the United States, including United States
- 9 government sponsored enterprises."
- 10 Page 3, line 42, delete "(12)" and insert "**(13)**".
- 11 Page 6, delete lines 5 through 7.
- 12 Page 6, line 8, delete "(14)" and insert "**(13)**".
(Reference is to HB 1180 as introduced.)

and when so amended that said bill do pass.

Representative Burton