

Session 117 - (2007-2008)

S 0924 General Bill, By Thomas, Ford, Anderson, Leventis and Short

Similar (S 1090)

Summary: Mortgage Lending Act

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA MORTGAGE LENDING ACT", BY ADDING CHAPTER 22 TO TITLE 37 SO AS TO REQUIRE THE LICENSING OF A MORTGAGE LENDER, LOAN OFFICER, LIMITED LOAN OFFICER, OR SOMEONE ACTING AS A MORTGAGE LENDER; TO PROVIDE DEFINITIONS; TO ESTABLISH QUALIFICATIONS FOR LICENSURE AND GROUNDS FOR REVOCATION, SUSPENSION, RENEWAL, AND TERMINATION; TO DESCRIBE PROHIBITED ACTIVITIES; TO PROVIDE FOR RECORD-KEEPING, TRUST AND ESCROW ACCOUNTS, AND ANNUAL REPORTS; TO PROVIDE FOR THE FELONY OFFENSE OF MORTGAGE FRAUD AND PENALTIES; TO PROVIDE FOR ENFORCEMENT OTHERWISE THROUGH THE DEPARTMENT OF CONSUMER AFFAIRS AND THROUGH CRIMINAL PENALTIES; TO AMEND CHAPTER 58 OF TITLE 40, RELATING TO THE REGISTRATION OF MORTGAGE LOAN BROKERS, SO AS TO CHANGE THE REGISTRATION REQUIREMENTS TO LICENSING REQUIREMENTS, TO REDEFINE "MORTGAGE BROKER", "EXEMPT ORGANIZATION", "RESIDENTIAL REAL PROPERTY", INTER ALIA, AND TO ADD NEW DEFINITIONS, INCLUDING "BRANCH OFFICE", "PATTERN OF RESIDENTIAL MORTGAGE FRAUD", "TABLEFUNDING", AND OTHERS; TO REQUIRE CERTAIN PROFESSIONAL COURSES, AN ADDITIONAL YEAR OF EXPERIENCE, AND A FINGERPRINT CHECK FOR MORTGAGE BROKERS AND MORTGAGE ORIGINATORS; TO REQUIRE CERTAIN RECORDS BE KEPT AND MADE ACCESSIBLE; TO ADD CERTAIN PROHIBITIONS IN CONNECTION WITH A REAL ESTATE APPRAISAL; TO REQUIRE AND PRESCRIBE MORTGAGE BROKER AGREEMENTS; TO AUTHORIZE ENFORCEMENT BY THE DEPARTMENT OF CONSUMER AFFAIRS, AND TO PRESCRIBE ADMINISTRATIVE PENALTIES INCLUDING FINES AND INJUNCTIONS AND CRIMINAL PENALTIES; TO REQUIRE CERTAIN REPORTS AND FILINGS; AND TO PROVIDE FOR THE FELONY OFFENSE OF MORTGAGE FRAUD AND PENALTIES; TO AMEND SECTIONS 37-1-301, 37-3-501, AND 37-23-20, ALL RELATING TO DEFINITIONS IN CONNECTION WITH MORTGAGE LENDING AND BROKERING AND HIGH-COST AND CONSUMER HOME LOANS, SO AS TO CONFORM DEFINITIONS, AND TO ADD A DEFINITION FOR "ADJUSTABLE RATE MORTGAGE"; TO AMEND SECTION 37-23-45 AND SECTION 37-23-75, BOTH RELATING TO DISCLOSURE TO THE BORROWER, SO AS TO REQUIRE CERTAIN DISCLOSURES IN CONNECTION WITH AN ADJUSTABLE RATE MORTGAGE.

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| 12/12/07 | Senate | Prefiled   |
| 12/12/07 | Senate | Referred to Committee on Banking and Insurance       |
| 01/08/08 | Senate | Introduced and read first time SJ-65                 |
| 01/08/08 | Senate | Referred to Committee on Banking and Insurance SJ-65 |
| 01/18/08 |        | Scrivener's error corrected                          |