

ADOPTED

1 Senators Cheeks of the 23rd, Stokes of the 43rd, Harbison of the 15th, Crofts of the 17th,
2 Shafer of the 48th and others offered the following amendment:

3 Amend the Senate committee substitute to SB 53 by inserting "to provide an effective date;"
4 following "matters;" on line 6 of page 1.

5 By striking lines 5 through 14 of page 3 and inserting in lieu thereof the following:

6 "(1) Has in place at the time of the acquisition of the subject loans, policies that expressly
7 prohibit its purchase or acceptance of assignment of any high-cost home loans;
8 (2) Requires by contract that a seller or assignor of the home loans to the purchaser or
9 assignee represents and warrants to the purchaser or assignee that either (A) the seller or
10 assignor will not sell or assign any high-cost home loans to the purchaser or assignee or
11 (B) that such seller or assignor is the beneficiary of such a representation and warranty
12 from a previous seller or assignor; and
13 (3) Exercises reasonable due diligence at the time of purchase or assignment of any
14 home loans, or within a reasonable period of time from the purchase or assignment of
15 home loans thereafter, intended to prevent the purchaser or assignee from purchasing or
16 taking assignment of any high-cost home loans;".

17 By striking lines 16 through 24 on page 4 and inserting in lieu thereof the following:

18 "The provisions of this chapter shall not apply to any bank, trust company, savings and
19 loan, savings bank, or credit union, respectively, that is chartered under the laws of this
20 state or any other state only to the extent federal law precludes or preempts or has been
21 determined to preclude or preempt the application of the provisions of this chapter to any
22 federally chartered bank, trust company, savings and loan, savings bank, or credit union,
23 respectively, and such federal preclusion or preemption shall apply only to the same type
24 of state chartered entity as the federally chartered entity affected; provided, however, the
25 provisions of this chapter, including subsection (f) of Code Section 7-6A-7, shall be
26 applicable to an independent mortgage broker for any loan originated or brokered by the
27 broker that is initially funded by any state or federally chartered bank, trust company,
28 savings and loan, savings bank, or credit union.'

SECTION 5.

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This Act shall become effective upon its approval by the Governor or upon its becoming law
without such approval.

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SECTION 6."