

## SUMMARY OF BILLS

Introduced in the 49<sup>th</sup> Legislature, First Regular Session  
Relating to **Arizona Commercial Lenders Association**

**Note: Shaded items are either considered dead for the session, inactive, or a striker amendment was placed on the bill and we no longer actively track it.**

**Note: Items in RED are KRB Consulting bills**

Bill No	Summary (Sponsor)	Committee	Action	Priority	Position
HB 2042	<p><b>Financial Services Fund; Loan Originator Fees (McLain)</b> Ninety percent of the monies collected for the licensing of loan originators in the state are to be deposited in a Financial Services Fund established in the Department of Financial Services. Subject to legislative appropriation, fund proceeds are to be used by the department to supervise and regulate mortgage loans. The remaining 10% of proceeds are to be deposited in the state General Fund. Additionally, the department's Receivership Revolving Fund must have a minimum \$1 million balance at the end of each fiscal year. The list of permitted uses of the department's Revolving Fund is expanded to include licensing and examination proceedings, and the \$50,000 cap on the amount of unencumbered money in the fund is lifted. ARS Titles Affected: <a href="#">6</a></p>	H-Bank-Ins H-Appro	<p>1/20/09: Referred to House Banking &amp; Insurance and Appropriations Committees</p> <p>1/27/09: Do pass in House Banking &amp; Insurance Committee</p> <p>2/11/09: Passed in House Appropriations Committee with Amendment #4040, 12-1</p>		
HB 2071	<p><b>Photo Radar; Defensive Driving Schools (Biggs)</b> Strike Everything Amendment in Relation to: Alternative charges for loans; renewals; prepayment penalty prohibited; delinquent</p>	H- Tran-Inf	<p>1/20/09: Referred to House Transportation &amp; Infrastructure Committee</p> <p>3/5/09: Held in House</p>		

**Information as of 3/20/2009**

**Priority:** A- actively working on legislation, B-actively monitoring legislation, C-monitor on paper only

**Position:** S-Support, O-Oppose, N-Neutral, NP-No Position, U-Undetermined

Page

1

	accounts; licensees with same ownership; prohibition; applicability; definition		Transportation & Infrastructure Committee		
HB 2073	<p><b>Equalization Property Tax Repeal (Biggs)</b></p> <p>The state equalization assistance property tax, suspended since 2006 but scheduled to resume in 2009, is repealed. ARS Titles Affected: <a href="#">15 37 41 42 48</a></p>	H- Ways-Means H- Appro H- Rules	<p>1/15/09: Referred to house Ways &amp; Means and Appropriations Committees</p> <p>2/24/09: Do pass from House Ways &amp; Means Committee 5-3</p> <p>2/26/09: Withdrawn from House Appropriations Committee</p> <p>3/3/09: Passed in House Rules Committee 5-0 (3 Not Voting)</p>		
HB 2102	<p><b>Financial Institution Records; Disclosure; Notice (Crump)</b></p> <p>Regulations are placed in statute concerning the circumstances under which a financial institution may release or disclose any financial record to a government entity. Certain exemption are provided, for example for release of information to agencies with a regulatory responsibility for the financial institution ARS Titles Affected: <a href="#">6</a></p>	H- Bank-Ins	1/20/09: Referred to House Banking & Insurance Committee		
HB 2143	<p><b>Loan Originators; Mortgage Recovery Fund (McLain)</b></p> <p>Requires the state to participate in the nationwide mortgage licensing system and registry as established by the Secure and Fair Enforcement for Mortgage Licensing Act of 2008. Among other provisions, this bill expands</p>	H- Bank-Ins H-Appro	<p>1/20/09: Referred to House Banking &amp; Insurance and Appropriations Committees</p> <p>2/17/09: Passed in House Banking &amp; Insurance Committee with Amendment</p>		

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Page

2

	the list of items that must be included in solicitations for business by mortgage loan originators. Beginning July 1, 2010, applicants for a loan originator license must have completed 33 hours of required education during the two-year period immediately preceding the date of application. The list of reasons for the Dept of Financial Institutions to deny a license is expanded to include an applicant having had a license previously revoked or denied in this or any state. A Mortgage Recovery Fund is established in the Dept and may be spent to pay losses of an aggrieved person up to \$200,000 per transaction. Procedures to apply for a judgment are prescribed. More. ARS Titles Affected: <a href="#">6</a>		#4048, 7-0 (1 Not Voting)  3/4/09: Passed in House Appropriations Committee 7-1 (5 Not Voting)		
HB 2216	<b>Homeowner Protection; Mortgage Broker Duties (Ableser)</b> Prohibits mortgage brokers from various practices relating to residential mortgage loans, including providing a loan without verifying the borrower's reasonable ability to pay the scheduled payments, providing a loan that does not provide a tangible net benefit to the borrower, providing loans with the intent that the loan will not be repaid and that the broker will obtain title through foreclosure, providing loans of a lower investment grade than the borrower may qualify for, and compensating or coercing appraisers. ARS Titles Affected: <a href="#">6</a>	H-Bank-Ins H- Com	1/22/09: Referred to House Banking & Insurance and Commerce Committees		
HB 2259	<b>Local Development Fees; Procedures (Biggs)</b> Various changes to the statute governing municipal development fees, including a	H- Com H-Rules	1/20/09: Referred to House Commerce Committee		

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Page

3

	prohibition against imposition of a new fee or an increased portion of a modified development fee for 24 months after the municipality's final approval of the project. [Capitol Reports note: the automatic annual adjustment based on a national index currently permitted by statute is not included in this prohibition.] Effective on Jan. 1, 2010. ARS Titles Affected: <a href="#">9 11</a>		2/4/09: Passed in House Commerce Committee 7-1  2/9/09: to House consent calendar. Stricken from House consent calendar by Biggs.  2/10/09: From House <a href="#">Rules</a> okay. Stricken from House consent calendar by Ch. Campbell. 3/18/09: Retained on House COW calendar		
HB 2306	<b>Tech Correction; Malpractice Claim Review (Reagan)</b> Strike Everything amendment in relation to: licensing eligibility; authorized presence; documentation; applicability; definitions	H-Rules H-Com	1/20/09: Referred to House Rules Committee  2/24/09: Referred to House Commerce Committee  2/25/09: Passed in House Commerce Committee with SE Amendment; 5-0 (3 Not Voting)		
HB 2318	<b>Capital Cases; Aggravating Factors (Driggs)</b> Strike Everything Amendment in relation to: Application fees for financial institutions and enterprises	H- Jud	1/22/09: Referred to House Judiciary Committee  3/5/09: Passed in House Judiciary Committee with SE Amendment, 7-1		
HB 2486	<b>Health Insurance; Purchase Outside State (Antenori)</b> Insurance companies may write policies and	H-Bank-Ins	2/11/09: Referred to House Banking & Insurance Committee		

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Page

4

	provide coverage in this state without being licensed in this state if they provide evidence to the Dept of Insurance that the insurer is subject to the jurisdiction of another state's insurance department. ARS Titles Affected: <a href="#">20</a>		3/3/09: SE Amendment passed in House Banking & Insurance Committee 8-0		
HB 2259	<b>Local Development Fees; Procedures (Biggs)</b> Various changes to the statute governing municipal development fees, including a prohibition against imposition of a new fee or an increased portion of a modified development fee for 24 months after the municipality's final approval of the project. [Capitol Reports note: the automatic annual adjustment based on a national index currently permitted by statute is not included in this prohibition.] Effective on Jan. 1, 2010. ARS Titles Affected: <a href="#">9 11</a>	H- Com H-Rules	1/20/09: Referred to House Commerce Committee  2/4/09: Do pass in House Commerce Committee 7-1  2/9/09: Moved to House consent calendar. Stricken from House consent calendar by Representative Biggs.  2/10/09: Okay From House Rules Committee 5-0 (3 Not Voting). Stricken from House consent calendar by Representative Chad Campbell		
HB 2306	<b>Tech Corrections; Malpractice Claim Review (Reagan)</b> Minor change in Title 32 (professions & occupations) pertaining to licensed professions. Apparent striker bus. ARS Titles Affected: <a href="#">32</a>	H-Rules H- Com	1/20/09: Referred to House Rules Committee  2/24/09: Referred to House Commerce Committee  2/25/09: Passed in House Commerce Committee with Amendment #4095, 5-3		
HB 2486	<b>Health Insurance; Purchase Outside State</b>	H- Bank-Ins	2/11/09: Referred to House		

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Page

5

	<p><b>(Antenori)</b> Insurance companies may write policies and provide coverage in this state without being licensed in this state if they provide evidence to the Dept of Insurance that the insurer is subject to the jurisdiction of another state's insurance department. ARS Titles Affected: <a href="#">20</a></p>		<p>Banking &amp; Insurance Committee</p> <p>3/3/09: Passed in House Banking &amp; Insurance Committee with Amendment #4127, 8-0</p>		
HB 2510	<p><b>Home Equity Purchases; Licensure; Regulations (Miranda)</b> A person who purchases a residence that is the subject of a trustee sale, that is in foreclosure or in default must be licensed. Contracts covered by this bill must contain a notice of rescission and cannot take place for five business days after signing. The act will be known as the "Arizona Home Equity Theft Prevention Act." ARS Titles Affected: <a href="#">6</a></p>	<p>H- Bank-Ins H- Com</p>	<p>2/12/09: Referred to House Banking &amp; Insurance and Commerce Committees</p> <p>2/23/09: Held in House Banking &amp; Insurance Committee</p> <p>3/3/09: Passed in House Banking &amp; Insurance Committee with amendment; 8-0</p> <p>3/10/09: Withdrawn for House Commerce Committee</p>		
SB 1163	<p><b>Loan Application; Taxpayer Identification Numbers (Pearce)</b> A loan application may not require the applicant's federal individual taxpayer identification number as a method of identifying the loan recipient. After execution of an otherwise lawful loan agreement, the lender may lawfully request the borrower's ID number if the borrower is not eligible to receive a social security card. ARS Titles Affected: <a href="#">44</a></p>				

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Page

6

SB 1292	<b>Right-of-Way Acquisition; Real Estate Brokers (Nelson)</b> Persons engaged in negotiating purchases, leases or exchanges of property for rights-of-way on behalf of a public entity or public utility are exempt from regulations and licensing required of real estate brokers. ARS Titles Affected: <a href="#">32</a>				
SB 1376	<b>Real Estate Licensees; Continuing Education (C. Gray)</b> Real estate brokers or salespersons may complete up to 24 credit hours of continuing education every 4 years by assisting the Department of Financial Institutions in fraud investigations. ARS Titles Affected: <a href="#">32</a>				
SB 1404	<b>Commercial Mortgage Broker Licenses (Waring)</b> A separate license is created for commercial mortgage brokers (defined). Commercial mortgage brokers must have 3 years of experience in the commercial mortgage broker business and provide financial information to apply for a license. Commercial mortgage brokers are not subject to continuing education requirements, but are otherwise subject to statutory requirements for mortgage brokers. Employees or responsible individuals of financial institutions who are licensed as mortgage brokers or bankers are exempt from loan originator licensing requirements if they only originate commercial mortgage loans. ARS Titles Affected: <a href="#">6</a>				
SB 1424	<b>Tech Correction; Bank Deposits (Waring)</b>				

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Page

7

	Minor change in Title 6 (financial institutions), relating to bank deposits in two or more names. Apparent striker bus. ARS Titles Affected: <a href="#">6</a>				

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