

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 2340

(SENATE AUTHORS: NEWMAN, Thompson and Sparks)

DATE	D-PG	OFFICIAL STATUS
03/08/2012	4244	Introduction and first reading Referred to Commerce and Consumer Protection
03/14/2012	4415	Author added Sparks
03/22/2012	4768a	Comm report: To pass as amended
	4795	Second reading
04/18/2012	5917	HF substituted on General Orders HF2705
04/25/2012	6475	Chief author stricken, shown as co-author Thompson Chief author added Newman

1.1 A bill for an act
1.2 relating to commerce; regulating closing agents; exempting a licensed attorney
1.3 and a direct employee of a licensed attorney from the licensing requirements for
1.4 closing agents; amending Minnesota Statutes 2010, section 82.641, subdivision
1.5 6; Minnesota Statutes 2011 Supplement, section 82.641, subdivision 1.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2011 Supplement, section 82.641, subdivision 1, is
1.8 amended to read:

1.9 Subdivision 1. **License required.** Except as otherwise provided in subdivision
1.10 6, a person shall not act as a real estate closing agent unless licensed as provided in
1.11 this section. The commissioner shall issue a license as a closing agent to a person who
1.12 qualifies for the license under the terms of this chapter.

1.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.14 Sec. 2. Minnesota Statutes 2010, section 82.641, subdivision 6, is amended to read:

1.15 Subd. 6. **Exemption.** The following persons, when acting as closing agents,
1.16 are exempt from the requirements of this section and sections 82.75 and 82.81 unless
1.17 otherwise required in this chapter:

1.18 (1) a direct employee of a title insurance company authorized to do business in this
1.19 state, or a direct employee of a title company, or a person who has an agency agreement
1.20 with a title insurance company or a title company in which the agent agrees to perform
1.21 closing services on the title insurance company's or title company's behalf and the title
1.22 insurance company or title company assumes responsibility for the actions of the agent as
1.23 if the agent were a direct employee of the title insurance company or title company;

2.1 (2) a licensed attorney or a direct employee of a licensed attorney;

2.2 (3) a licensed real estate broker or salesperson;

2.3 (4) a direct employee of a licensed real estate broker if the broker maintains all funds
2.4 received in connection with the closing services in the broker's trust account;

2.5 (5) a bank, trust company, savings association, credit union, industrial loan and thrift
2.6 company, regulated lender under chapter 56, public utility, or land mortgage or farm loan
2.7 association organized under the laws of this state or the United States, when engaged in
2.8 the transaction of businesses within the scope of its corporate powers as provided by law;

2.9 (6) a title insurance company authorized to do business in this state; and

2.10 (7) a title company that has a contractual agency relationship with a title insurance
2.11 company authorized to do business in this state, where the title insurance company
2.12 assumes responsibility for the actions of the title company and its employees or agents as
2.13 if they were employees or agents of the title insurance company.

2.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.