

113TH CONGRESS  
1ST SESSION

# H. R. 3211

To amend the Truth in Lending Act to improve upon the definitions provided for points and fees in connection with a mortgage transaction.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2013

Mr. HUIZENGA of Michigan (for himself, Mr. MEEKS, Mr. ROYCE, Mr. DAVID SCOTT of Georgia, Mr. STIVERS, Mr. PETERS of Michigan, Mr. BACHUS, Ms. MCCOLLUM, Mr. MURPHY of Florida, and Mr. DOYLE) introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

To amend the Truth in Lending Act to improve upon the definitions provided for points and fees in connection with a mortgage transaction.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mortgage Choice Act  
5 of 2013”.

1 **SEC. 2. DEFINITION OF POINTS AND FEES.**

2 (a) AMENDMENT TO SECTION 103 OF TILA.—Sec-  
3 tion 103(bb)(4) of the Truth in Lending Act (15 U.S.C.  
4 1602(bb)(4)) is amended—

5 (1) by striking “paragraph (1)(B)” and insert-  
6 ing “paragraph (1)(A) and section 129C”;

7 (2) in subparagraph (C)—

8 (A) by inserting “and insurance” after  
9 “taxes”;

10 (B) in clause (ii), by inserting “, except as  
11 retained by a creditor or its affiliate as a result  
12 of their participation in an affiliated business  
13 arrangement (as defined in section 2(7) of the  
14 Real Estate Settlement Procedures Act of 1974  
15 (12 U.S.C. 2602(7))” after “compensation”;  
16 and

17 (C) by striking clause (iii) and inserting  
18 the following:

19 “(iii) the charge is—

20 “(I) a bona fide third-party  
21 charge not retained by the mortgage  
22 originator, creditor, or an affiliate of  
23 the creditor or mortgage originator; or

24 “(II) a charge set forth in section  
25 106(e)(1);” and

26 (3) in subparagraph (D)—

1 (A) by striking “accident,”; and

2 (B) by striking “or any payments” and in-  
3 serting “and any payments”.

4 (b) AMENDMENT TO SECTION 129C OF TILA.—Sec-  
5 tion 129C of the Truth in Lending Act (15 U.S.C. 1639c)  
6 is amended—

7 (1) in subsection (a)(5)(C), by striking “103”  
8 and all that follows through “or mortgage origi-  
9 nator” and inserting “103(bb)(4)”; and

10 (2) in subsection (b)(2)(C)(i), by striking “103”  
11 and all that follows through “or mortgage origi-  
12 nator)” and inserting “103(bb)(4)”.

13 **SEC. 3. RULEMAKING.**

14 Not later than the end of the 90-day period beginning  
15 on the date of the enactment of this Act, the Bureau of  
16 Consumer Financial Protection shall issue final regula-  
17 tions to carry out the amendments made by this Act, and  
18 such regulations shall be effective upon issuance.

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