

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 6.1-330.72 of the Code of Virginia, relating to loans secured by*  
3 *subordinate mortgage or deed of trust; charges for credit reports.*

4 [H 1441]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 6.1-330.72 of the Code of Virginia is amended and reenacted as follows:**

8 § 6.1-330.72. Loans secured by subordinate mortgage; charges allowed; requirements relating to  
9 insurance.

10 A. Any lender making a loan secured by a subordinate mortgage or deed of trust may require the  
11 borrower to pay, in addition to the loan fee charge and interest permitted by § 6.1-330.71, the actual  
12 cost of a *credit report*, title examination, title insurance, mortgage guaranty insurance, recording fees,  
13 surveys, attorney's fees, and appraisal fees. No other charges of any kind shall be imposed on or be  
14 payable by the borrower either to the lender or any other party in connection with such loan; provided,  
15 late charges in the amount specified in § 6.1-330.80 may be made and, upon default, the borrower may  
16 be subject to court costs, attorney's fees, trustee's commission and other expenses of collection as  
17 otherwise permitted by law. Broker's or finder's fees may be paid by the lender from the loan fee or  
18 interest permitted under § 6.1-330.71. A broker's fee, finder's fee or commission may be paid by the  
19 borrower not to exceed two percent of the principal amount of the loan if the total of the loan fee,  
20 charge, and broker's fees, finder's fees or commissions does not exceed five percent of the principal  
21 amount of the loan.

22 B. Evidence of fire and extended coverage insurance may be required by the lender of the borrower  
23 and the premium shall not be considered as a charge. Decreasing term life insurance, in an amount not  
24 exceeding the amount of the loan and for a period not exceeding the term of the loan, may also be  
25 required by the lender of the borrower and the premium shall not be considered as a charge. At the  
26 option of the borrower, accident and health insurance and involuntary unemployment insurance may be  
27 provided by the lender, and the premium therefor shall not be considered a charge. Proof of all  
28 insurance issued in connection with loans subject to this chapter shall be furnished to the borrower  
29 within ten days from the date the loan is closed.

30 C. No charge may be imposed or collected, except as permitted by § 6.1-330.71, if the loan is not  
31 made.

32 D. This section shall not apply to any loan made by any lender enumerated in § 6.1-330.73.

ENROLLED

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