



2022 South Dakota Legislature
House Bill 1271
ENROLLED

AN ACT

ENTITLED An Act to provide for remote work for employees of money lending licensees and mortgage lender businesses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 54-4 be amended with a NEW SECTION:

An employee of a licensee may work in a remote location other than the business location identified pursuant to § 54-4-40 or 54-4-47, if the licensee:

- (1) Ensures in-person interactions with consumers are not conducted at the remote location and the remote location is not represented to consumers as a business location;
- (2) Maintains secure virtual private networks and other appropriate safeguards for licensee and consumer data, information, and records;
- (3) Employs appropriate risk-based monitoring and oversight processes of work performed from a remote location and maintains records of the processes;
- (4) Ensures consumer information and records are not maintained at the remote location;
- (5) Ensures consumer and licensee information and records remain accessible and available for regulatory oversight and examination; and
- (6) Provides appropriate employee training to keep all conversations about and with consumers conducted from the remote location confidential, as if conducted from the business location, and to ensure remote employees work in an environment that maintains confidentiality.

Section 2. That chapter 54-14 be amended with a NEW SECTION:

An employee of a licensee may work in a remote location other than the business location identified pursuant to § 54-14-14, if the licensee:

- (1) Ensures in-person interactions with consumers are not conducted at the remote location and the remote location is not represented to consumers as a business location;
- (2) Maintains secure virtual private networks and other appropriate safeguards for licensee and consumer data, information, and records;
- (3) Employs appropriate risk-based monitoring and oversight processes of work performed from a remote location and maintains records of the processes;
- (4) Ensures consumer information and records are not maintained at the remote location;
- (5) Ensures consumer and licensee information and records remain accessible and available for regulatory oversight and examination; and
- (6) Provides appropriate employee training to keep all conversations about and with consumers conducted from the remote location confidential, as if conducted from the business location, and to ensure remote employees work in an environment that maintains confidentiality.

An Act to provide for remote work for employees of money lending licensees and mortgage lender businesses.

I certify that the attached Act originated in
the:
House as Bill No. 1271

Received at this Executive Office
this ____ day of _____,
2022 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this _____ day of
_____, A.D., 2022

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2022
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1271
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State