



2022 South Dakota Legislature

House Bill 1271

Introduced by: **Representative** Weisgram

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

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

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

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

7 (1) Ensures in-person interactions with consumers are not conducted at the remote
8 location and the remote location is not represented to consumers as a business
9 location;

10 (2) Maintains secure virtual private networks and other appropriate safeguards for
11 licensee and consumer data, information, and records;

12 (3) Employs appropriate risk-based monitoring and oversight processes of work
13 performed from a remote location and maintains records of the processes;

14 (4) Ensures consumer information and records are not maintained at the remote
15 location;

16 (5) Ensures consumer and licensee information and records remain accessible and
17 available for regulatory oversight and examination; and

18 (6) Provides appropriate employee training to keep all conversations about and with
19 consumers conducted from the remote location confidential, as if conducted from
20 the business location, and to ensure remote employees work in an environment
21 that maintains confidentiality.

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

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

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