

SENATE BILL NO. 45

INTRODUCED BY B. BROWN
BY REQUEST OF THE BOARD OF REALTY REGULATION

IN THE SENATE

JANUARY 3, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON BUSINESS & INDUSTRY.

JANUARY 7, 1991 FIRST READING.

JANUARY 11, 1991 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

POSTED ON CONSENT CALENDAR.

JANUARY 12, 1991 CONSENT CALENDAR, QUESTIONS AND ANSWERS.

PRINTING REPORT.

JANUARY 15, 1991 THIRD READING, PASSED.
AYES, 50; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 15, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON BUSINESS & ECONOMIC DEVELOPMENT.

JANUARY 16, 1991 FIRST READING.

JANUARY 22, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

JANUARY 23, 1991 SECOND READING, CONCURRED IN.

JANUARY 24, 1991 THIRD READING, CONCURRED IN.
AYES, 98; NOES, 0.

RETURNED TO SENATE.

IN THE SENATE

JANUARY 24, 1991 RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 SENATE BILL NO. 45

2 INTRODUCED BY B. BROWN

3 BY REQUEST OF THE BOARD OF REALTY REGULATION

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING
6 RECIPROCITY FOR REAL ESTATE LICENSEES; AMENDING SECTION
7 37-51-306, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
8

9 WHEREAS, it has been determined that it is in the best
10 interest of Montana real estate licensees to be able to
11 obtain licenses in other states and to allow the Board of
12 Realty Regulation to enter into reciprocal licensing
13 agreements with other states.
14

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 **Section 1.** Section 37-51-306, MCA, is amended to read:

17 "37-51-306. Transactions with nonresidents and with
18 nonlicensed brokers or salesmen -- reciprocity -- consent to
19 legal process. (1) ~~It is unlawful for a~~ A licensed broker to
20 may not employ or compensate, directly or indirectly, a
21 person for performing the acts regulated by this chapter who
22 is not a licensed broker or licensed salesman. However, a
23 licensed broker may pay a commission to a licensed broker of
24 another state if the nonresident broker has not conducted
25 and does not conduct in this state a service for which a

1 fee, compensation, or commission is paid. This subsection
2 does not limit the next subsection.

3 (2) ~~A nonresident of this state actively engaged in the~~
4 ~~real-estate--business--who maintains a place of business in~~
5 ~~another state and who has been licensed in the--other--state~~
6 ~~to--conduct--this--business--in--that--state--may--obtain--a--license~~
7 ~~as--a--broker--in--this~~ A person who is licensed as a broker or
8 a salesman in another state may obtain a license as a broker
9 or as a salesman in this state by complying with this
10 chapter and with the rules of the board. However, this
11 section applies only to brokers licensees of those other
12 states which that offer the same privileges to the licensed
13 brokers licensees of this state. ~~The~~ A nonresident licensee
14 need not maintain a place of business in this state. The
15 board may:

16 (a) authorize the department to license a nonresident
17 broker without examination if he files with the department
18 an authorized or certified copy of the license issued ~~to the~~
19 ~~nonresident--for--conducting--this--business~~ in another state
20 and pays to the department the same license fee as is
21 required for obtaining a broker's license in this state. ~~The~~
22 ~~board may in its discretion;~~

23 (b) refuse to authorize the department to issue a
24 broker's license to an applicant who is not a resident of
25 this state; and

1 (c) enter into reciprocal agreements with other states.

2 (3) A nonresident **broker licensee** shall file an
3 irrevocable written consent that legal actions arising out
4 of a commenced or completed transaction may be commenced
5 against the nonresident **broker licensee** in a county of this
6 state which that may be appropriate and designated by Title
7 25, chapter 2, part 1. The consent ~~shall~~ must provide that
8 service of summons in this action may be served on the
9 department for and on behalf of the nonresident **broker**
10 licensee, and this service is sufficient to give the court
11 jurisdiction over the ~~nonresident-broker-and-his-salesman-or~~
12 agent licensee conducting a transaction in a county. The
13 consent ~~shall~~ must be acknowledged and, if made by a
14 corporation, ~~shall~~ must be authenticated by its seal."

15 NEW SECTION. Section 2. Effective date. [This act] is
16 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0045, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act establishing reciprocity for real estate licensees; amending section 37-51-306, MCA; and providing an immediate effective date.

ASSUMPTIONS:


1. There is no fiscal impact because the bill does not change the personnel requirements or responsibilities of state agencies.

FISCAL IMPACT:

None

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

None


ROD SUNDSTED, BUDGET DIRECTOR 1-9-91 DATE
Office of Budget and Program Planning


ROBERT "BOB" BROWN, PRIMARY SPONSOR 1/10/91 DATE

Fiscal Note for SB0045, as introduced.

SB 45

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fee, compensation, or commission is paid. This subsection does not limit the next subsection.

(2) ~~A nonresident of this state actively engaged in the real-estate-business-who maintains a place of business in another state and who has been licensed in the other state to conduct this business in that state may obtain a license as a broker in this~~ A person who is licensed as a broker or a salesman in another state may obtain a license as a broker or as a salesman in this state by complying with this chapter and with the rules of the board. However, this section applies only to brokers licensees of those other states which that offer the same privileges to the licensed brokers licensees of this state. ~~The A nonresident licensee need not maintain a place of business in this state. The board may:~~

(a) authorize the department to license a nonresident broker without examination if he files with the department an authorized or certified copy of the license issued ~~to the nonresident--for--conducting--this-business~~ in another state and pays to the department the same license fee as is required for obtaining a ~~broker's~~ license in this state. ~~The board may in its discretion;~~

(b) refuse to authorize the department to issue a ~~broker's~~ license to an applicant who is not a resident of this state; and



THIRD READING
SB 45
CONSENT CALENDAR

1 (c) enter into reciprocal agreements with other states.

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REFERENCE BILL.

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