

CHAPTER NO. 306.

HOUSE BILL NO. 846

INTRODUCED BY WALDRON, TROPILA, SIVERTSEN, PORTER,  
FAGG, DUSSAULT, FEDA, UHDE

IN THE HOUSE

February 16, 1979	Introduced and referred to Committee on State Administration.
February 21, 1979	Committee recommend bill do pass. Report adopted.
February 23, 1979	Second reading, do pass as amended.  Considered correctly engrossed.  Third reading, passed. Transmitted to second house.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on Business and Industry.
March 6, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 8, 1979	Second reading, concurred in as amended.
March 12, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 13, 1979	Returned from second house. Concurred in as amended.
March 14, 1979	Second reading, amendments adopted.
March 15, 1979	Third reading, amendments adopted. Sent to enrolling.  Report correctly enrolled.

House BILL NO. 846  
 INTRODUCED BY Waldron Dupile Swintan Fort  
FAH Mussant Dale Uhde

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO REAL ESTATE BROKERS AND SALESMEN AND TO RECONSTITUTE THE MEMBERSHIP OF THE BOARD OF REAL ESTATE; AMENDING SECTIONS 2-15-1642, 37-51-102, 37-51-205, 37-51-302, 37-51-305, AND 37-51-308 THROUGH 37-51-311, MCA."

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

Section 1. Section 2-15-1642, MCA, is amended to read:

"2-15-1642. Board of real estate. (1) There is a board of real estate.

(2) The board consists of five members. The members are appointed by the governor. The members shall be:

(a) residents of this state. ~~At least two~~ Equal members ~~shall~~ must be active and licensed real estate brokers or salesmen and have been actively engaged in the real estate business as a broker or salesman in this state for not less than 5 continuous years before appointment. One member shall be a representative of the public who is not a state government officer or employee and who is not engaged in business as a real estate broker or salesman.

(b) appointed so not more than three members and not more than two board licensees are from the same

congressional district. If a member takes up residence in a district different from the one in which he resided at the time of appointment, he vacates his membership on the board.

(c) appointed, in the event of a vacancy, by appointing a resident from the same district as the member whose office has been vacated.

(3) Not more than three members, including the chairman, shall be from the same political party.

(4) The members shall serve for a term of 4 years. A ~~member may not serve more than two terms or any portion thereof.~~

(5) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."

NEW SECTION. Section 2. Board to be reconstituted -- staggered terms -- transition. (1) The terms of all of the members of the existing board of real estate terminate July 1, 1979.

(2) On [the effective date of this act] the board shall be reconstituted. The new members shall be appointed by the governor as provided in 2-15-1642, except that to insure staggered terms:

(a) the public member shall be appointed to a 4-year term;

(b) one real estate member shall be appointed to a 4-year term;

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INTRODUCED BILL

1 (c) one real estate member shall be appointed to a  
2 3-year term;

3 (d) one real estate member shall be appointed to a  
4 2-year term;

5 (e) one real estate member shall be appointed to a  
6 1-year term.

7 (2) Thereafter, all members shall be appointed to a  
8 full 5-year term as provided in 2-15-1642.

9 Section 3. Section 37-51-102, MCA, is amended to read:

10 "37-51-102. Definitions. Unless the context requires  
11 otherwise, in this chapter the following definitions apply:

12 (1) "Board" means the board of real estate provided  
13 for in 2-15-1642.

14 (2) "Broker" includes an individual who for another or  
15 for a fee, commission, or other valuable consideration or  
16 who with the intent or expectation of receiving the same  
17 negotiates or attempts to negotiate the listing, sale,  
18 purchase, rental, exchange, or lease of real estate or of  
19 the improvements thereon or collects rents or attempts to  
20 collect rents or advertises or holds himself out as engaged  
21 in any of the foregoing activities. The term "broker" also  
22 includes an individual employed by or on behalf of the owner  
23 or lessor of real estate to conduct the sale, leasing,  
24 subleasing, or other disposition thereof at a salary or for  
25 a fee, commission, or any other consideration. The term

1 "broker" also includes an individual who engages in the  
2 business of charging an advance fee or contracting for  
3 collection of a fee in connection with a contract by which  
4 he undertakes primarily to promote the sale, lease, or other  
5 disposition of real estate in this state through its listing  
6 in a publication issued primarily for this purpose or for  
7 referral of information concerning real estate to brokers,  
8 or both, and any person who aids, attempts, or offers to  
9 aid, for a fee, any person in locating or obtaining any real  
10 estate for purchase or lease.

11 ~~(3) "Broker associate" means a broker who associates~~  
12 ~~with a broker owner and does not own an interest in a real~~  
13 ~~estate firm.~~

14 ~~(4) "Broker owner" means a broker who owns or has a~~  
15 ~~financial interest in a real estate firm.~~

16 ~~(5) "Department" means the department of~~  
17 ~~professional and occupational licensing provided for in~~  
18 ~~Title 2, chapter 15, part 16.~~

19 ~~(6) "Person" includes individuals, partnerships,~~  
20 ~~associations, and corporations, foreign and domestic, except~~  
21 ~~that when referring to a person licensed under this chapter,~~  
22 ~~it means an individual.~~

23 ~~(7) "Real estate" includes leaseholds as well as~~  
24 ~~any other interest or estate in land, whether corporeal,~~  
25 ~~incorporeal, freehold, or nonfreehold and whether the real~~

1 estate is situated in this state or elsewhere.

2 (6)(B) "Salesman" includes an individual who for a  
3 salary, commission, or compensation of any kind is employed  
4 associated, either directly, indirectly, regularly, or  
5 occasionally, by with a real estate broker to sell,  
6 purchase, or negotiate for the sale, purchase, exchange, or  
7 renting of real estate."

8 Section 4. Section 37-51-205, MCA, is amended to read:

9 "37-51-205. Compensation of members -- expenses --  
10 limitation. (1) Each member of the board shall receive as  
11 compensation for each one-half day or portion thereof  
12 actually spent on his official duties ~~the sum of \$750 a~~  
13 ~~salary commensurate to that of the daily rate of a grade 7,~~  
14 ~~step 3, classified state employee~~ and travel expenses, as  
15 provided for in 2-18-501 through 2-18-503, connected with  
16 the performance of other duties provided for by the board.

17 (2) No A member of the board may be reimbursed from  
18 the board's earmarked revenue fund for travel outside the  
19 state on business of the board."

20 Section 5. Section 37-51-302, MCA, is amended to read:

21 "37-51-302. Broker or salesman license --  
22 qualifications of applicant. (1) Licenses may be granted  
23 only to individuals considered by the board to be of good  
24 repute and competent to transact the business of a broker or  
25 salesman in a manner as to safeguard the interests of the

1 public.

2 (2) An applicant for a broker's license shall:

3 (a) be a citizen of the United States;

4 (b) be at least 18 years of age;

5 (c) have graduated from an accredited high school or  
6 completed an equivalent education as determined by the  
7 board;

8 (d) have been actively engaged as a licensed real  
9 estate salesman for a period of 2 years or have had  
10 experience or special education equivalent to that which a  
11 licensed real estate salesman ordinarily would receive  
12 during this 2-year period as determined by the board, except  
13 that if the board finds that an applicant could not obtain  
14 employment as a licensed real estate salesman because of  
15 conditions existing in the area where he resides, the board  
16 may waive this experience requirement; and

17 (e) file an application for license with the  
18 department.

19 (3) The board shall require information it considers  
20 necessary from an applicant to determine his honesty,  
21 trustworthiness, and competency.

22 (4) (a) An applicant for a salesman's license shall:

23 (i) be at least 18 years of age;

24 (ii) have received credit for completion of 2 years of  
25 full curriculum study at an accredited high school or

1 completed an equivalent education as determined by the  
2 board; and

3 (iii) file an application for license with the  
4 department.

5 (b) His application shall be accompanied by the  
6 recommendation of the licensed broker by whom the applicant  
7 will be employed or placed under contract, certifying that  
8 the applicant is of good repute and that the broker will  
9 actively supervise and train the applicant during the period  
10 the requested license remains in effect.

11 (5) The department shall issue to each licensed broker  
12 and to each licensed salesman a license and a pocket card in  
13 a form and size as the board prescribes.

14 ~~(6) A broker's license must indicate whether the  
15 broker is a broker owner or a broker associate."~~

16 Section 6. Section 37-51-305, MCA, is amended to read:

17 "37-51-305. License -- form -- delivery -- display --  
18 pocket card. (1) The board shall prescribe the form of  
19 license. A license shall bear the seal of the board.

20 (2) The license of a real estate salesman shall be  
21 delivered or mailed to the real estate broker by ~~with~~ whom  
22 the real estate salesman is employed ~~associated~~ and shall be  
23 kept in the custody and control of the broker.

24 (3) A broker shall display his own license  
25 conspicuously in his place of business.

1 (4) The department shall annually prepare and deliver  
2 a pocket card certifying that the person whose name appears  
3 is a registered real estate broker or a registered real  
4 estate salesman, stating the period for which fees have been  
5 paid and, on real estate salesman's cards only, the name and  
6 address of the broker ~~employing--the--real--estate--salesman~~  
7 ~~with whom he is associated."~~

8 Section 7. Section 37-51-308, MCA, is amended to read:

9 "37-51-308. Broker's office -- notice to department of  
10 change of address. (1) A resident licensed broker shall  
11 maintain a fixed office in this state. The original license  
12 of the broker and the original license of each salesman ~~in~~  
13 ~~the-employ-of associated~~ or under contract with the broker  
14 shall be prominently displayed in the office. The address of  
15 the office and a branch office shall be designated on the  
16 broker's license.

17 (2) In case of removal from the designated address,  
18 the licensee shall notify the department before removal or  
19 within 10 days thereafter, designating the new location of  
20 this office and paying the required fee, whereupon a license  
21 for the new location for the unexpired period shall be  
22 issued."

23 Section 8. Section 37-51-309, MCA, is amended to read:

24 "37-51-309. ~~Employment-of-salesman--by--broker~~ Broker  
25 ~~owner -- broker associate -- salesman~~ -- notice to

1 department of change of employment association. (1) A  
2 salesman may not be employed-by associated with or under  
3 contract to more than one licensed broker owner, nor may he  
4 perform services for a broker other than the one designated  
5 on this license issued to the salesman.

6 (2) When a licensed salesman desires to change his  
7 employment association or contractual relationship from one  
8 licensed broker to another, he shall notify the department  
9 promptly in writing of these facts, pay the required fee,  
10 and return his license and pocket card, and a new license  
11 and pocket card shall be issued. No salesman shall directly  
12 or indirectly work for or with a broker owner until he has  
13 been issued a license to work for or with that broker owner.  
14 On termination of a salesman's employment association or  
15 contractual relationship, he shall surrender his license and  
16 pocket card to his broker owner who shall return them to the  
17 department for cancellation.

18 (3) Only one license shall be issued to a salesman to  
19 be in effect at one time.

20 ~~(4) A broker associate may not be associated with more~~  
21 ~~than one broker owner."~~

22 Section 9. Section 37-51-310, MCA, is amended to read:

23 "37-51-310. Annual renewal. Annual fees are due and  
24 payable for the ensuing year during or before the month of  
25 December of each year. Failure to remit annual fees before

1 January 1 automatically cancels the license, but otherwise  
2 the license remains in effect continuously from the date of  
3 issuance unless suspended or revoked by the board for just  
4 cause."

5 Section 10. Section 37-51-311, MCA, is amended to  
6 read:

7 "37-51-311. Fees -- deposit of fees. (1) The following  
8 fees shall be charged by the department and paid into the  
9 earmarked revenue fund for the use of the board, subject to  
10 37-1-101(6):

11 (a) for each examination, a fee not to exceed \$25  
12 \$150;

13 (b) for each original resident broker's license  
14 issued, a fee not to exceed \$50 \$150;

15 (c) for each annual renewal of a resident broker's  
16 license, a fee not to exceed \$30 \$150;

17 (d) for each original nonresident broker's license  
18 issued, a fee not to exceed \$50 \$150;

19 (e) for each annual renewal of a nonresident broker's  
20 license, a fee not to exceed \$30 \$150;

21 (f) for each original salesman's license issued, a fee  
22 not to exceed \$25 \$150;

23 (g) for each annual renewal of a salesman's license, a  
24 fee not to exceed \$15 \$150;

25 (h) for each additional office or place of business,

*H. H. S. 11/11*

1 an annual fee not to exceed \$25 ~~\$150~~;

2 (i) for each change of place of business or change of  
3 employer or contractual associate, a fee not to exceed ~~\$15~~  
4 ~~\$50~~;

5 (j) for each duplicate license, where the original  
6 license is lost or destroyed and affidavit is made, a fee  
7 not to exceed ~~\$10~~ ~~\$50~~;

8 (k) for each duplicate pocket card, where the original  
9 pocket card is lost or destroyed and affidavit is made, a  
10 fee not to exceed ~~\$10~~ ~~\$50~~.

11 ~~(2) The board may charge a \$5 annual fee from a~~  
12 ~~licensee who wishes to be placed in an inactive status. A~~  
13 ~~licensee who is placed in an inactive status by the board~~  
14 ~~and who has paid the required fee need not file a bond with~~  
15 ~~the department as provided in 37-51-304.~~

16 ~~(2)(3)~~ The board shall adopt a schedule of fees within  
17 the limits set by this section. However, a fee once set for  
18 one of the items for which a fee is charged cannot be  
19 increased or decreased until at least 1 year has passed  
20 since the fee for that particular item was last increased or  
21 decreased."

-End-

1/1/01

1 *House* BILL NO. *846*  
 2 INTRODUCED BY *Waldron Ogilvie Sweetman Fort*  
 3 *FATE Stewart John Usher*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
 5 LAWS RELATING TO REAL ESTATE BROKERS AND SALESMEN AND TO  
 6 RECONSTITUTE THE MEMBERSHIP OF THE BOARD OF REAL ESTATE;  
 7 AMENDING SECTIONS 2-15-1642, 37-51-102, 37-51-209,  
 8 37-51-302, 37-51-305, AND 37-51-308 THROUGH 37-51-311, MCA."

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

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 15 are appointed by the governor. The members shall be:

16 (a) residents of this state. ~~At least two~~ EQU members  
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 18 salesmen and have been actively engaged in the real estate  
 19 business as a broker or salesman in this state for not less  
 20 than 5 continuous years before appointment. One member shall  
 21 be a representative of the public who is not a state  
 22 government officer or employee and who is not engaged in  
 23 business as a real estate broker or salesman.

24 (b) appointed so not more than three members and not  
 25 more than two board licensees are from the same

1 congressional district. If a member takes up residence in a  
 2 district different from the one in which he resided at the  
 3 time of appointment, he vacates his membership on the board.

4 (c) appointed, in the event of a vacancy, by  
 5 appointing a resident from the same district as the member  
 6 whose office has been vacated.

7 (3) Not more than three members, including the  
 8 chairman, shall be from the same political party.

9 (4) The members shall serve for a term of 4 years. ~~A~~  
 10 ~~member may not serve more than two terms or any portion~~  
 11 ~~thereof.~~

12 (5) The board is allocated to the department for  
 13 administrative purposes only as prescribed in 2-15-121."

14 NEW SECTION. Section 2. Board to be reconstituted --  
 15 staggered terms -- transition. (1) The terms of all of the  
 16 members of the existing board of real estate terminate July  
 17 1, 1979.

18 (2) On [the effective date of this act] the board  
 19 shall be reconstituted. The new members shall be appointed  
 20 by the governor as provided in 2-15-1642, except that to  
 21 insure staggered terms:

22 (a) the public member shall be appointed to a 4-year  
 23 term;

24 (b) one real estate member shall be appointed to a  
 25 4-year term;

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 THIRD READING



1 (c) one real estate member shall be appointed to a  
2 3-year term;

3 (d) one real estate member shall be appointed to a  
4 2-year term;

5 (e) one real estate member shall be appointed to a  
6 1-year term.

7 (2) Thereafter, all members shall be appointed to a  
8 full 5-year term as provided in 2-15-1642.

9 Section 3. Section 37-51-102, MCA, is amended to read:  
10 "37-51-102. Definitions. Unless the context requires  
11 otherwise, in this chapter the following definitions apply:

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19 the improvements thereon or collects rents or attempts to  
20 collect rents or advertises or holds himself out as engaged  
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23 or lessor of real estate to conduct the sale, leasing,  
24 subleasing, or other disposition thereof at a salary or for  
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2 business of charging an advance fee or contracting for  
3 collection of a fee in connection with a contract by which  
4 he undertakes primarily to promote the sale, lease, or other  
5 disposition of real estate in this state through its listing  
6 in a publication issued primarily for this purpose or for  
7 referral of information concerning real estate to brokers,  
8 or both, and any person who aids, attempts, or offers to  
9 aid, for a fee, any person in locating or obtaining any real  
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19 ~~(6) "Person" includes individuals, partnerships,~~  
20 ~~associations, and corporations, foreign and domestic, except~~  
21 ~~that when referring to a person licensed under this chapter,~~  
22 ~~it means an individual.~~

23 ~~(7) "Real estate" includes leaseholds as well as~~  
24 ~~any other interest or estate in land, whether corporeal,~~  
25 ~~incorporeal, freehold, or nonfreehold and whether the real~~

1 estate is situated in this state or elsewhere.

2 ~~(6)(8)~~ "Salesman" includes an individual who for a  
3 salary, commission, or compensation of any kind is employed  
4 associated, either directly, indirectly, regularly, or  
5 occasionally, by with a real estate broker to sell,  
6 purchase, or negotiate for the sale, purchase, exchange, or  
7 renting of real estate."

8 Section 4. Section 37-51-205, MCA, is amended to read:

9 "37-51-205. Compensation of members -- expenses --  
10 limitation. (1) Each member of the board shall receive as  
11 compensation for each one-half day or portion thereof  
12 actually spent on his official duties ~~the sum of \$7,500 a~~  
13 salary commensurate to that of the daily rate of a grade 7,  
14 step 3, classified state employee and travel expenses, as  
15 provided for in 2-18-501 through 2-18-503, connected with  
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18 the board's earmarked revenue fund for travel outside the  
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23 only to individuals considered by the board to be of good  
24 repute and competent to transact the business of a broker or  
25 salesman in a manner as to safeguard the interests of the

1 public.

2 (2) An applicant for a broker's license shall:

3 (a) be a citizen of the United States;

4 (b) be at least 18 years of age;

5 (c) have graduated from an accredited high school or  
6 completed an equivalent education as determined by the  
7 board;

8 (d) have been actively engaged as a licensed real  
9 estate salesman for a period of 2 years or have had  
10 experience or special education equivalent to that which a  
11 licensed real estate salesman ordinarily would receive  
12 during this 2-year period as determined by the board, except  
13 that if the board finds that an applicant could not obtain  
14 employment as a licensed real estate salesman because of  
15 conditions existing in the area where he resides, the board  
16 may waive this experience requirement; and

17 (e) file an application for license with the  
18 department.

19 (3) The board shall require information it considers  
20 necessary from an applicant to determine his honesty,  
21 trustworthiness, and competency.

22 (4) (a) An applicant for a salesman's license shall:  
23 (i) be at least 18 years of age;

24 (ii) have received credit for completion of 2 years of  
25 full curriculum study at an accredited high school or

1 completed an equivalent education as determined by the  
2 board; and

3 (iii) file an application for license with the  
4 department.

5 (b) His application shall be accompanied by the  
6 recommendation of the licensed broker by whom the applicant  
7 will be employed or placed under contract, certifying that  
8 the applicant is of good repute and that the broker will  
9 actively supervise and train the applicant during the period  
10 the requested license remains in effect.

11 (5) The department shall issue to each licensed broker  
12 and to each licensed salesman a license and a pocket card in  
13 a form and size as the board prescribes.

14 (6) A broker's license must indicate whether the  
15 broker is a broker owner or a broker associate."

16 Section 6. Section 37-51-305, MCA, is amended to read:

17 "37-51-305. License -- form -- delivery -- display --  
18 pocket card. (1) The board shall prescribe the form of  
19 license. A license shall bear the seal of the board.

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21 delivered or mailed to the real estate broker by with whom  
22 the real estate salesman is employed associated and shall be  
23 kept in the custody and control of the broker.

24 (3) A broker shall display his own license  
25 conspicuously in his place of business.

1 (4) The department shall annually prepare and deliver  
2 a pocket card certifying that the person whose name appears  
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4 estate salesman, stating the period for which fees have been  
5 paid and, on real estate salesman's cards only, the name and  
6 address of the broker ~~employing the real estate salesman~~  
7 with whom he is associated."

8 Section 7. Section 37-51-308, MCA, is amended to read:

9 "37-51-308. Broker's office -- notice to department of  
10 change of address. (1) A resident licensed broker shall  
11 maintain a fixed office in this state. The original license  
12 of the broker and the original license of each salesman ~~in~~  
13 ~~the employ of~~ associated or under contract with the broker  
14 shall be prominently displayed in the office. The address of  
15 the office and a branch office shall be designated on the  
16 broker's license.

17 (2) In case of removal from the designated address,  
18 the licensee shall notify the department before removal or  
19 within 10 days thereafter, designating the new location of  
20 this office and paying the required fee, whereupon a license  
21 for the new location for the unexpired period shall be  
22 issued."

23 Section 8. Section 37-51-309, MCA, is amended to read:

24 "37-51-309. ~~Employment of salesman by broker~~ Broker  
25 owner -- broker associate -- salesman -- notice to

1 department of change of employment association. (1) A  
2 salesman may not be employed-by associated with or under  
3 contract to more than one licensed broker owner, nor may he  
4 perform services for a broker other than the one designated  
5 on the license issued to the salesman.

6 (2) When a licensed salesman desires to change his  
7 employment association or contractual relationship from one  
8 licensed broker to another, he shall notify the department  
9 promptly in writing of these facts, pay the required fee,  
10 and return his license and pocket card, and a new license  
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1 January 1 automatically cancels the license, but otherwise  
2 the license remains in effect continuously from the date of  
3 issuance unless suspended or revoked by the board for just  
4 cause."

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6 read:

7 "37-51-311. Fees -- deposit of fees. (1) The following  
8 fees shall be charged by the department and paid into the  
9 earmarked revenue fund for the use of the board, subject to  
10 37-1-101(6):

11 (a) for each examination, a fee not to exceed ~~\$25~~  
12 \$150;

13 (b) for each original resident broker's license  
14 issued, a fee not to exceed ~~\$50~~ \$150;

15 (c) for each annual renewal of a resident broker's  
16 license, a fee not to exceed ~~\$30~~ \$150;

17 (d) for each original nonresident broker's license  
18 issued, a fee not to exceed ~~\$50~~ \$150;

19 (e) for each annual renewal of a nonresident broker's  
20 license, a fee not to exceed ~~\$30~~ \$150;

21 (f) for each original salesman's license issued, a fee  
22 not to exceed ~~\$25~~ \$150;

23 (g) for each annual renewal of a salesman's license, a  
24 fee not to exceed ~~\$15~~ \$150;

25 (h) for each additional office or place of business,

1 an annual fee not to exceed ~~\$25~~ \$150;

2 (i) for each change of place of business or change of  
3 employer or contractual associate, a fee not to exceed ~~\$15~~  
4 \$50;

5 (j) for each duplicate license, where the original  
6 license is lost or destroyed and affidavit is made, a fee  
7 not to exceed ~~\$10~~ \$50;

8 (k) for each duplicate pocket card, where the original  
9 pocket card is lost or destroyed and affidavit is made, a  
10 fee not to exceed ~~\$10~~ \$50.

11 ~~(2) The board may charge a \$5 annual fee from a~~  
12 ~~licensee who wishes to be placed in an inactive status. A~~  
13 ~~licensee who is placed in an inactive status by the board~~  
14 ~~and who has paid the required fee need not file a bond with~~  
15 ~~the department as provided in 37-51-304.~~

16 ~~†2†(3) The board shall adopt a schedule of fees within~~  
17 ~~the limits set by this section. However, a fee once set for~~  
18 ~~one of the items for which a fee is charged cannot be~~  
19 ~~increased or decreased until at least 1 year has passed~~  
20 ~~since the fee for that particular item was last increased or~~  
21 ~~decreased."~~

-End-

HOUSE BILL NO. 846

INTRODUCED BY WALDRON, TROPILA, SIVERTSEN, PORTER,

FAGG, DUSSAULT, FEDA, UMDE

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO REAL ESTATE BROKERS AND SALESMEN AND TO RECONSTITUTE THE MEMBERSHIP OF THE BOARD OF REAL ESTATE; AMENDING SECTIONS 2-15-1642, 37-51-102, 37-51-205, 37-51-302, 37-51-305, AND 37-51-308, THROUGH 37-51-309, AND 37-51-311, MCA."

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

Section 1. Section 2-15-1642, MCA, is amended to read:

"2-15-1642. Board of real estate. (1) There is a board of real estate.

(2) The board consists of five members. The members are appointed by the governor. The members shall be:

- (a) residents of this state. At least two ~~four~~ members shall ~~must~~ be active and licensed real estate brokers or salesmen and have been actively engaged in the real estate business as a broker or salesman in this state for not less than 5 continuous years before appointment. One member shall be a representative of the public who is not a state government officer or employee and who is not engaged in business as a real estate broker or salesman.

(b) appointed so not more than three members and not more than two board licenses are from the same congressional district if a member takes up residence in a district different from the one in which he resided at the time of appointment he vacates his membership on the board.

(c) appointed in the event of a vacancy by appointing a resident from the same district as the member whose office has been vacated.

(3) Not more than three members including the chairman shall be from the same political party.

(4) The members shall serve for a term of 4 years. A member may not serve more than two terms of any portion thereof.

(5) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121.

NEW SECTION. Section 2. Board to be reconstituted staggered terms. (1) The terms of all of the members of the existing board of real estate terminate July 1, 1979.

(2) On the effective date of this act the board shall be reconstituted. The new members shall be appointed by the governor as provided in 2-15-1642 except that to insure staggered terms:

(a) the public member shall be appointed to a 4-year term.

1       ~~{b}--one-real-estate-member-shall--be--appointed--to--a~~  
2       ~~4-year-term~~  
3       ~~{c}--one--real--estate--member--shall--be--appointed--to--a~~  
4       ~~3-year-term~~  
5       ~~{d}--one-real-estate-member-shall--be--appointed--to--a~~  
6       ~~2-year-term~~  
7       ~~{e}--one--real--estate--member--shall--be--appointed--to--a~~  
8       ~~1-year-term~~  
9       ~~{2}--Thereafter, all members shall be appointed to a~~  
10       ~~full 5-year term as provided in 2-15-1642.~~

11       Section 1. Section 37-51-102, MCA, is amended to read:  
12       "37-51-102. Definitions. Unless the context requires  
13       otherwise, in this chapter the following definitions apply:

14       (1) "Board" means the board of real estate provided  
15       for in 2-15-1642.

16       (2) "Broker" includes an individual who for another or  
17       for a fee, commission, or other valuable consideration or  
18       who with the intent or expectation of receiving the same  
19       negotiates or attempts to negotiate the listing, sale,  
20       purchase, rental, exchange, or lease of real estate or of  
21       the improvements thereon or collects rents or attempts to  
22       collect rents or advertises or holds himself out as engaged  
23       in any of the foregoing activities. The term "broker" also  
24       includes an individual employed by or on behalf of the owner  
25       or lessor of real estate to conduct the sale, leasing,

1       subleasing, or other disposition thereof at a salary or for  
2       a fee, commission, or any other consideration. The term  
3       "broker" also includes an individual who engages in the  
4       business of charging an advance fee or contracting for  
5       collection of a fee in connection with a contract by which  
6       he undertakes primarily to promote the sale, lease, or other  
7       disposition of real estate in this state through its listing  
8       in a publication issued primarily for this purpose or for  
9       referral of information concerning real estate to brokers,  
10       or both, and any person who aids, attempts, or offers to  
11       aid, for a fee, any person in locating or obtaining any real  
12       estate for purchase or lease.

13       {1} "Broker associate" means a broker who associates  
14       with a broker owner and does not own an interest in a real  
15       estate firm.

16       {4} "Broker owner" means a broker who owns or has a  
17       financial interest in a real estate firm.

18       ~~{3}~~{5} "Department" means the department of  
19       professional and occupational licensing provided for in  
20       Title 2, chapter 15, part 16.

21       ~~{4}~~{6} "Person" includes individuals, partnerships,  
22       associations, and corporations, foreign and domestic, except  
23       that when referring to a person licensed under this chapter,  
24       it means an individual.

25       ~~{5}~~{7} "Real estate" includes leaseholds as well as

1 any other interest or estate in land, whether corporeal,  
2 incorporeal, freehold, or nonfreehold and whether the real  
3 estate is situated in this state or elsewhere.

4 (6)(8) "Salesman" includes an individual who for a  
5 salary, commission, or compensation of any kind is employed  
6 associated, either directly, indirectly, regularly, or  
7 occasionally, by with a real estate broker to sell,  
8 purchase, or negotiate for the sale, purchase, exchange, or  
9 renting of real estate."

10 Section 4. Section 37-51-205, MCA, is amended to read:

11 "37-51-205. Compensation of members expenses  
12 limitation. (1) Each member of the board shall receive as  
13 compensation for each one-half day or portion thereof  
14 actually spent on his official duties the sum of \$750.8  
15 salary commensurate to that of the daily rate of a grade 7  
16 step 3 classified state employee and travel expenses as  
17 provided for in 2-18-501 through 2-18-503, connected with  
18 the performance of other duties provided for by the board.

19 (2) No member of the board may be reimbursed from  
20 the board's earmarked revenue fund for travel outside the  
21 state on business of the board."

22 Section 2. Section 37-51-302, MCA, is amended to read:

23 "37-51-302. Broker or salesman license --  
24 qualifications of applicant. (1) Licenses may be granted  
25 only to individuals considered by the board to be of good

1 repute and competent to transact the business of a broker or  
2 salesman in a manner as to safeguard the interests of the  
3 public.

4 (2) An applicant for a broker's license shall:

5 (a) be a citizen of the United States;

6 (b) be at least 18 years of age;

7 (c) have graduated from an accredited high school or  
8 completed an equivalent education as determined by the  
9 board;

10 (d) have been actively engaged as a licensed real  
11 estate salesman for a period of 2 years or have had  
12 experience or special education equivalent to that which a  
13 licensed real estate salesman ordinarily would receive  
14 during this 2-year period as determined by the board, except  
15 that if the board finds that an applicant could not obtain  
16 employment as a licensed real estate salesman because of  
17 conditions existing in the area where he resides, the board  
18 may waive this experience requirement; and

19 (e) file an application for license with the  
20 department.

21 (3) The board shall require information it considers  
22 necessary from an applicant to determine his honesty,  
23 trustworthiness, and competency.

24 (4) (a) An applicant for a salesman's license shall:

25 (i) be at least 18 years of age;



1 (ii) have received credit for completion of 2 years of  
2 full curriculum study at an accredited high school or  
3 completed an equivalent education as determined by the  
4 board; and

5 (iii) file an application for license with the  
6 department.

7 (b) His application shall be accompanied by the  
8 recommendation of the licensed broker by whom the applicant  
9 will be employed or placed under contract, certifying that  
10 the applicant is of good repute and that the broker will  
11 actively supervise and train the applicant during the period  
12 the requested license remains in effect.

13 (5) The department shall issue to each licensed broker  
14 and to each licensed salesman a license and a pocket card in  
15 a form and size as the board prescribes.

16 16) A broker's license must indicate whether the  
17 broker is a broker owner or a broker associate."

18 Section 3. Section 37-51-305, MCA, is amended to read:

19 "37-51-305. License -- form -- delivery -- display --  
20 pocket card. (1) The board shall prescribe the form of  
21 license. A license shall bear the seal of the board.

22 (2) The license of a real estate salesman shall be  
23 delivered or mailed to the real estate broker by ~~with~~ whom  
24 the real estate salesman is employed ~~associated~~ and shall be  
25 kept in the custody and control of the broker.

1 (3) A broker shall display his own license  
2 conspicuously in his place of business.

3 (4) The department shall annually prepare and deliver  
4 a pocket card certifying that the person whose name appears  
5 is a registered real estate broker or a registered real  
6 estate salesman, stating the period for which fees have been  
7 paid and, on real estate salesman's cards only, the name and  
8 address of the broker ~~employing--the--real--estate--salesman~~  
9 ~~with whom he is associated."~~

10 Section 4. Section 37-51-308, MCA, is amended to read:

11 "37-51-308. Broker's office -- notice to department of  
12 change of address. (1) A resident licensed broker shall  
13 maintain a fixed office in this state. The original license  
14 of the broker and the original license of each salesman ~~in~~  
15 ~~the-employ-of~~ ~~associated~~ or under contract with the broker  
16 shall be prominently displayed in the office. The address of  
17 the office and a branch office shall be designated on the  
18 broker's license.

19 (2) In case of removal from the designated address,  
20 the licensee shall notify the department before removal or  
21 within 10 days thereafter, designating the new location of  
22 this office and paying the required fee, whereupon a license  
23 for the new location for the unexpired period shall be  
24 issued."

25 Section 5. Section 37-51-309, MCA, is amended to read:

1 "37-51-309. Employment-of-salesman-by-broker broker  
 2 owner --- broker associate --- salesman -- notice to  
 3 department of change of employment association. (1) A  
 4 salesman may not be employed-by associated-with or under  
 5 contract to more than one licensed broker owner, nor may he  
 6 perform services for a broker other than the one designated  
 7 on the license issued to the salesman.

8 (2) When a licensed salesman desires to change his  
 9 employment association or contractual relationship from one  
 10 licensed broker to another, he shall notify the department  
 11 promptly in writing of these facts, pay the required fee,  
 12 and return his license and pocket card, and a new license  
 13 and pocket card shall be issued. No salesman shall directly  
 14 or indirectly work for or with a broker owner until he has  
 15 been issued a license to work for or with that broker owner.  
 16 On termination of a salesman's employment association or  
 17 contractual relationship, he shall surrender his license and  
 18 pocket card to his broker owner who shall return them to the  
 19 department for cancellation.

20 (3) Only one license shall be issued to a salesman to  
 21 be in effect at one time.

22 (4) A broker associate may not be associated with more  
 23 than one broker owners."

24 Section 9. Section 37-51-310, MCA, is amended to read:  
 25 "37-51-310. Annual renewals. Annual fees are due and

1 payable-for-the-ensuing-year-during-or-before-the-month-of  
 2 December--of--each-year; failure-to-remit-annual-fees-before  
 3 January--to-automatically-cancel-the-license--but--otherwise  
 4 the--license-remains-in-effect-continuously-from-the-date-of  
 5 issuance-unless-suspended-or-revoked-by-the-board--for--just  
 6 cause"

7 Section 6. Section 37-51-311, MCA, is amended to read:

8 "37-51-311. Fees -- deposit of fees. (1) The following  
 9 fees--shall--be--charged-by-the-department-and-paid-into-the  
 10 earmarked-revenue-fund-for-the-use-of-the-board, subject--to  
 11 37-2-101(6):

12 (a) --for--each--examination--a--fee--not-to-exceed-\$25  
 13 \$150;

14 (b) --for--each--original--resident--broker's--license  
 15 issued, a fee not to exceed \$50-\$150;

16 (c) --for--each--annual--renewal--of--a--resident--broker's  
 17 license, a fee not to exceed \$30-\$150;

18 (d) --for--each--original--nonresident--broker's--license  
 19 issued, a fee not to exceed \$50-\$150;

20 (e) --for--each--annual--renewal--of--a--nonresident--broker's  
 21 license, a fee not to exceed \$30-\$150;

22 (f) --for--each--original--salesman's--license--issued, a fee  
 23 not to exceed \$25-\$150;

24 (g) --for--each--annual--renewal--of--a--salesman's--license, a  
 25 fee not to exceed \$15-\$150;

1 {h}--for each additional office or place of business  
2 an annual fee not to exceed \$25-~~\$150~~

1 decreased."

-End-

3 {i}--for each change of place of business or change of  
4 employer or contractual association a fee not to exceed  
5 \$50

6 {j}--for each duplicate license where the original  
7 license is lost or destroyed and affidavit is made a fee  
8 not to exceed \$10-~~\$50~~

9 {k}--for each duplicate pocket card where the original  
10 pocket card is lost or destroyed and affidavit is made a  
11 fee not to exceed \$10-~~\$50~~ THE BOARD SHALL ADOPT A SCHEDULE  
12 OF FEES TO BE CHARGED BY THE DEPARTMENT AND TO BE PAID INTO  
13 THE EARMARKED REVENUE FUND FOR THE USE OF THE BOARD. THE  
14 FEES CHARGED MUST BE REASONABLY RELATED TO THE COST INCURRED  
15 IN REGULATING THE REAL ESTATE INDUSTRY.

16 {2} The board may charge a \$5 annual fee from a  
17 licensee who wishes to be placed in an inactive status. A  
18 licensee who is placed in an inactive status by the board  
19 and who has paid the required fee need not file a bond with  
20 the department as provided in 37-51-304.

21 {2}{3} The board shall adopt a schedule of fees within  
22 the limits set by this section. However, a fee once set for  
23 one of the items for which a fee is charged cannot be  
24 increased or decreased until at least 1 year has passed  
25 since the fee for that particular item was last increased or

HOUSE BILL NO. 846

INTRODUCED BY WALDRON, TROPILA, SIVERTSEN, PORTER,

FAGG, DUSSAULT, FEOLA, UHDE

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO REAL ESTATE BROKERS AND SALESMEN AND TO RECONSTITUTE THE MEMBERSHIP OF THE BOARD OF REAL ESTATE; AMENDING SECTIONS 2-15-1642, 37-51-102, 37-51-205, 37-51-302, 37-51-305, AND 37-51-308, THROUGH 37-51-309, AND 37-51-311, MCA."

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

Section 2-15-1642, MCA, is amended to read:

"2-15-1642. Board of real estate. (1) There is a board of real estate.

(2) The board consists of five members. The members are appointed by the governor. The members shall be:

(a) residents of this state. At least two equal members shall be active and licensed real estate brokers or salesmen and have been actively engaged in the real estate business as a broker or salesman in this state for not less than 5 continuous years before appointment. One member shall be a representative of the public who is not a state government officer or employee and who is not engaged in business as a real estate broker or salesman.

(b) appointed so not more than three members and not more than two board licensees are from the same congressional district. If a member takes up residence in a district different from the one in which he resided at the time of appointment, he vacates his membership on the board.

(c) appointed in the event of a vacancy by appointing a resident from the same district as the member whose office has been vacated.

(3) Not more than three members, including the chairman, shall be from the same political party.

(4) The members shall serve for a term of 4 years. A member may not serve more than two terms or any portion thereof.

(5) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121.

~~NEW SECTION~~ Section 2- Board to be reconstituted staggered terms. (1) The terms of all of the members of the existing board of real estate terminate July 1, 1979.

(2) On the effective date of this act, the board shall be reconstituted. The new members shall be appointed by the governor as provided in 2-15-1642, except that to insure staggered terms:

(a) the public member shall be appointed to a 4-year term.

1       ~~(b) one real estate member shall be appointed to a~~  
 2       ~~4-year term~~  
 3       ~~(c) one real estate member shall be appointed to a~~  
 4       ~~3-year term~~  
 5       ~~(d) one real estate member shall be appointed to a~~  
 6       ~~2-year term~~  
 7       ~~(e) one real estate member shall be appointed to a~~  
 8       ~~1-year term~~  
 9       ~~(2) Thereafter, all members shall be appointed to a~~  
 10       ~~five-year term as provided in 2-15-1642.~~

11       Section 1. Section 37-51-102, MCA, is amended to read:  
 12       "37-51-102. Definitions. Unless the context requires  
 13 otherwise, in this chapter the following definitions apply:

14       (1) "Board" means the board of real estate provided  
 15 for in 2-15-1642.

16       (2) "Broker" includes an individual who for another or  
 17 for a fee, commission, or other valuable consideration or  
 18 who with the intent or expectation of receiving the same  
 19 negotiates or attempts to negotiate the listing, sale,  
 20 purchase, rental, exchange, or lease of real estate or of  
 21 the improvements thereon or collects rents or attempts to  
 22 collect rents or advertises or holds himself out as engaged  
 23 in any of the foregoing activities. The term "broker" also  
 24 includes an individual employed by or on behalf of the owner  
 25 or lessor of real estate to conduct the sale, leasing,

1       subleasing, or other disposition thereof at a salary or for  
 2 a fee, commission, or any other consideration. The term  
 3 "broker" also includes an individual who engages in the  
 4 business of charging an advance fee or contracting for  
 5 collection of a fee in connection with a contract by which  
 6 he undertakes primarily to promote the sale, lease, or other  
 7 disposition of real estate in this state through its listing  
 8 in a publication issued primarily for this purpose or for  
 9 referral of information concerning real estate to brokers,  
 10 or both, and any person who aids, attempts, or offers to  
 11 aid, for a fee, any person in locating or obtaining any real  
 12 estate for purchase or lease.

13       ~~(3) "Broker associate" means a broker who associates~~  
 14       ~~with a broker owner and does not own an interest in a real~~  
 15       ~~estate firm.~~

16       ~~(4) "Broker owner" means a broker who owns or has a~~  
 17       ~~financial interest in a real estate firm.~~

18       ~~(3)(5) "Department" means the department of~~  
 19       ~~professional and occupational licensing provided for in~~  
 20       ~~Title 2, chapter 15, part 16.~~

21       ~~(4)(6) "Person" includes individuals, partnerships,~~  
 22       ~~associations, and corporations, foreign and domestic, except~~  
 23       ~~that when referring to a person licensed under this chapter,~~  
 24       ~~it means an individual.~~

25       ~~(5)(7) "Real estate" includes leaseholds as well as~~

1 any other interest or estate in land, whether corporeal,  
 2 incorporeal, freehold, or nonfreehold and whether the real  
 3 estate is situated in this state or elsewhere.

4 (b) "Salesman" includes an individual who for a  
 5 salary, commission, or compensation of any kind is employed  
 6 associated, either directly, indirectly, regularly, or  
 7 occasionally, by with a real estate broker to sell,  
 8 purchase, or negotiate for the sale, purchase, exchange, or  
 9 renting of real estate."

10 Section 4--Section 37-51-205, MCA, is amended to read:

11 "37-51-205. Compensation of members-----expenses----  
 12 limitations---(1)---Each member of the board shall receive as  
 13 compensation--for--each--one--half--day--or--portion--thereof  
 14 actually--spent--on--his--official--duties--the--sum--of--\$750--a  
 15 salary--commensurate--to--that--of--the--daily--rate--of--a--grade--in  
 16 step--3--classified--state--employee--and--travel--expenses--as  
 17 provided--for--in--2-18-501--through--2-18-503--connected--with  
 18 the--performance--of--other--duties--provided--for--by--the--board.

19 (2)---No--a--member--of--the--board--may--be--reimbursed--from  
 20 the--board's--earmarked--revenue--fund--for--travel--outside--the  
 21 state--on--business--of--the--board."

22 Section 2. Section 37-51-302, MCA, is amended to read:

23 "37-51-302. Broker or salesman license --  
 24 qualifications of applicant. (1) Licenses may be granted  
 25 only to individuals considered by the board to be of good

1 repute and competent to transact the business of a broker or  
 2 salesman in a manner as to safeguard the interests of the  
 3 public.

4 (2) An applicant for a broker's license shall:

5 (a) be a citizen of the United States;

6 (b) be at least 18 years of age;

7 (c) have graduated from an accredited high school or  
 8 completed an equivalent education as determined by the  
 9 board;

10 (d) have been actively engaged as a licensed real  
 11 estate salesman for a period of 2 years or have had  
 12 experience or special education equivalent to that which a  
 13 licensed real estate salesman ordinarily would receive  
 14 during this 2-year period as determined by the board, except  
 15 that if the board finds that an applicant could not obtain  
 16 employment as a licensed real estate salesman because of  
 17 conditions existing in the area where he resides, the board  
 18 may waive this experience requirement; and

19 (e) file an application for license with the  
 20 department.

21 (3) The board shall require information it considers  
 22 necessary from an applicant to determine his honesty,  
 23 trustworthiness, and competency.

24 (4) (a) An applicant for a salesman's license shall:

25 (i) be at least 18 years of age;

1 (ii) have received credit for completion of 2 years of  
 2 full curriculum study at an accredited high school or  
 3 completed an equivalent education as determined by the  
 4 board; and

5 (iii) file an application for license with the  
 6 department.

7 (b) His application shall be accompanied by the  
 8 recommendation of the licensed broker by whom the applicant  
 9 will be employed or placed under contract, certifying that  
 10 the applicant is of good repute and that the broker will  
 11 actively supervise and train the applicant during the period  
 12 the requested license remains in effect.

13 (5) The department shall issue to each licensed broker  
 14 and to each licensed salesman a license and a pocket card in  
 15 a form and size as the board prescribes.

16 ~~(a) A broker's license must indicate whether the~~  
 17 ~~broker is a broker owner or a broker associate."~~

18 Section 3. Section 37-51-305, MCA, is amended to read:

19 "37-51-305. License -- form -- delivery -- display --  
 20 pocket card. (1) The board shall prescribe the form of  
 21 license. A license shall bear the seal of the board.

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 23 delivered or mailed to the real estate broker by with whom  
 24 the real estate salesman is employed associated and shall be  
 25 kept in the custody and control of the broker.

1 (3) A broker shall display his own license  
 2 conspicuously in his place of business.

3 (4) The department shall annually prepare and deliver  
 4 a pocket card certifying that the person whose name appears  
 5 is a registered real estate broker or a registered real  
 6 estate salesman, stating the period for which fees have been  
 7 paid and, on real estate salesman's cards only, the name and  
 8 address of the broker employing--the--real--estate--salesman  
 9 with whom he is associated."

10 Section 4. Section 37-51-308, MCA, is amended to read:

11 "37-51-308. Broker's office -- notice to department of  
 12 change of address. (1) A resident licensed broker shall  
 13 maintain a fixed office in this state. The original license  
 14 of the broker and the original license of each salesman in  
 15 ~~the-employ-of~~ associated or under contract with the broker  
 16 shall be prominently displayed in the office. The address of  
 17 the office and a branch office shall be designated on the  
 18 broker's license.

19 (2) In case of removal from the designated address,  
 20 the licensee shall notify the department before removal or  
 21 within 10 days thereafter, designating the new location of  
 22 this office and paying the required fee, whereupon a license  
 23 for the new location for the unexpired period shall be  
 24 issued."

25 Section 5. Section 37-51-309, MCA, is amended to read:

1 "37-51-309. Employment-of-salesman-by-broker Broker  
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 4 salesman may not be employed-by associated with or under  
 5 contract to more than one licensed broker owner, nor may he  
 6 perform services for a broker other than the one designated  
 7 on the license issued to the salesman.

8 (2) When a licensed salesman desires to change his  
 9 employment association or contractual relationship from one  
 10 licensed broker to another, he shall notify the department  
 11 promptly in writing of these facts, pay the required fee,  
 12 and return his license and pocket card, and a new license  
 13 and pocket card shall be issued. No salesman shall directly  
 14 or indirectly work for or with a broker owner until he has  
 15 been issued a license to work for or with that broker owner.  
 16 On termination of a salesman's employment association or  
 17 contractual relationship, he shall surrender his license and  
 18 pocket card to his broker owner who shall return them to the  
 19 department for cancellation.

20 (3) Only one license shall be issued to a salesman to  
 21 be in effect at one time.

22 (4) A broker associate may not be associated with more  
 23 than one broker owner."

24 Section 9 -- Section 37-51-310 MCA, is amended to read:  
 25 "37-51-310 -- Annual -- renewals -- Annual fees are due and

1 payable-for-the-ensuing-year-during-or-before-the-month-of  
 2 December--of--each-year.-Failure-to-remit-annual-fees-before  
 3 January-t-automatically-cancels-the-license--but--otherwise  
 4 the--license-remains-in-effect-continuously-from-the-date-of  
 5 issuance-unless-suspended-or-revoked-by-the-board--for--just  
 6 cause."

7 Section 6. Section 37-51-311, MCA, is amended to read:  
 8 "37-51-311. Fees -- deposit of fees. (1) The following  
 9 fees--shall--be--charged-by-the-department-and-paid-into-the  
 10 earmarked-revenue-fund-for-the-use-of-the-board--subject--to  
 11 37-1-101(6):

12 (a)--for--each--examination--a--fee--not-to-exceed-\$25  
 13 \$150+

14 (b)--for--each--original--resident--broker's--license  
 15 issued--a--fee--not-to-exceed-\$50-\$150+

16 (c)--for--each--annual--renewal--of--a--resident--broker's  
 17 license--a--fee--not-to-exceed-\$30-\$150+

18 (d)--for--each--original--nonresident--broker's--license  
 19 issued--a--fee--not-to-exceed-\$50-\$150+

20 (e)--for--each--annual--renewal--of--a--nonresident--broker's  
 21 license--a--fee--not-to-exceed-\$30-\$150+

22 (f)--for--each--original--salesman's--license--issued--a--fee  
 23 not-to-exceed-\$25-\$150+

24 (g)--for--each--annual--renewal--of--a--salesman's--license--a  
 25 fee--not-to-exceed-\$15-\$150+



1       (ih) ~~for each additional office or place of business~~  
 2       ~~an annual fee not to exceed \$25-\$150~~  
 3       (ii) ~~for each change of place of business or change of~~  
 4       ~~employer or contractual associate a fee not to exceed \$15~~  
 5       ~~\$50~~  
 6       (ij) ~~for each duplicate license where the original~~  
 7       ~~license is lost or destroyed and affidavit is made a fee~~  
 8       ~~not to exceed \$10-\$50~~  
 9       (ik) ~~for each duplicate pocket card where the original~~  
 10       ~~pocket card is lost or destroyed and affidavit is made a~~  
 11       ~~fee not to exceed \$10-\$50. THE BOARD SHALL ADOPT A SCHEDULE~~  
 12       ~~OF FEES TO BE CHARGED BY THE DEPARTMENT AND TO BE PAID INTO~~  
 13       ~~THE EARMARKED REVENUE FUND FOR THE USE OF THE BOARD. THE~~  
 14       ~~FEES CHARGED MUST BE REASONABLY RELATED TO THE COST INCURRED~~  
 15       ~~IN REGULATING THE REAL ESTATE INDUSTRY. THE FOLLOWING FEES~~  
 16       ~~SHALL BE CHARGED BY THE DEPARTMENT AND PAID INTO THE~~  
 17       ~~EARMARKED REVENUE FUND FOR THE USE OF THE BOARD, SUBJECT TO~~  
 18       ~~37-1-101(6):~~  
 19       (A) FOR EACH EXAMINATION, A FEE NOT TO EXCEED \$25;  
 20       (B) FOR EACH ORIGINAL RESIDENT BROKER'S LICENSE  
 21       ISSUED, A FEE NOT TO EXCEED \$50;  
 22       (C) FOR EACH ANNUAL RENEWAL OF A RESIDENT BROKER'S  
 23       LICENSE, A FEE NOT TO EXCEED \$30;  
 24       (D) FOR EACH ORIGINAL NONRESIDENT BROKER'S LICENSE  
 25       ISSUED, A FEE NOT TO EXCEED \$50;

1       (E) FOR EACH ANNUAL RENEWAL OF A NONRESIDENT BROKER'S  
 2       LICENSE, A FEE NOT TO EXCEED \$30;  
 3       (F) FOR EACH ORIGINAL SALESMAN'S LICENSE ISSUED, A FEE  
 4       NOT TO EXCEED \$25;  
 5       (G) FOR EACH ANNUAL RENEWAL OF A SALESMAN'S LICENSE, A  
 6       FEE NOT TO EXCEED \$15;  
 7       (H) FOR EACH ADDITIONAL OFFICE OR PLACE OF BUSINESS,  
 8       AN ANNUAL FEE NOT TO EXCEED \$25;  
 9       (I) FOR EACH CHANGE OF PLACE OF BUSINESS OR CHANGE OF  
 10       EMPLOYER OR CONTRACTUAL ASSOCIATE, A FEE NOT TO EXCEED \$15;  
 11       (J) FOR EACH DUPLICATE LICENSE, WHEN THE ORIGINAL  
 12       LICENSE IS LOST OR DESTROYED AND AFFIDAVIT IS MADE, A FEE  
 13       NOT TO EXCEED \$10;  
 14       (K) FOR EACH DUPLICATE POCKET CARD, WHEN THE ORIGINAL  
 15       POCKET CARD IS LOST OR DESTROYED AND AFFIDAVIT IS MADE, A  
 16       FEE NOT TO EXCEED \$10.  
 17       (L) The board ~~may~~ SHALL charge a \$5 annual fee from a  
 18       licensee who wishes to be placed in an inactive status, a  
 19       licensee who is placed in an inactive status by the board  
 20       and who has paid the required fee need not file a bond with  
 21       the department as provided in 37-51-304.  
 22       ~~(2)(3)~~ The board shall adopt a schedule of fees within  
 23       the limits set by this section. However, a fee once set for  
 24       one of the items for which a fee is charged cannot be  
 25       increased or decreased until at least 1 year has passed

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1 since the fee for that particular item was last increased or  
2 decreased."

-End-

March 6, 1979

SENATE STANDING COMMITTEE REPORT  
(Business & Industry)

That House Bill No. 846 be amended as follows:

1. Page 11, lines 11 through 15.

Following: "~~\$50.~~"

Strike: the remainder of line 11 and lines 12 through 15 in their entirety

Insert: "The following fees shall be charged by the department and paid into the earmarked revenue fund for the use of the board, subject to 37-1-101(6):

- (a) for each examination, a fee not to exceed \$25;
- (b) for each original resident broker's license issued, a fee not to exceed \$50;
- (c) for each annual renewal of a resident broker's license, a fee not to exceed \$30;
- (d) for each original nonresident broker's license issued, a fee not to exceed \$50;
- (e) for each annual renewal of a nonresident broker's license, a fee not to exceed \$30;
- (f) for each original salesman's license issued, a fee not to exceed \$25;
- (g) for each annual renewal of a salesman's license, a fee not to exceed \$15;
- (h) for each additional office or place of business, an annual fee not to exceed \$25;
- (i) for each change of place of business or change of employer or contractual associate, a fee not to exceed \$15;
- (j) for each duplicate license, when the original license is lost or destroyed and affidavit is made, a fee not to exceed \$10;
- (k) for each duplicate pocket card, when the original pocket card is lost or destroyed and affidavit is made, a fee not to exceed \$10."

March 8, 1979

SENATE COMMITTEE OF THE WHOLE

That House Bill No. 846 be amended as follows:

1. Page 11, line 16.

Following: "board"

Strike: "may"

Insert: "shall"