

SENATE BILL 485

IN THE SENATE

February 12, 1979

Introduced and referred to
Committee on Fish and Game.

February 19, 1979

Committee recommend bill, do
not pass.

1 *Sen. Smith* BILL NO. *485*
 2 INTRODUCED BY *R. Smith*

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT LICENSED
 5 ATTORNEYS FROM THE REAL ESTATE LICENSE ACT OF 1963; AMENDING
 6 SECTION 37-51-103, MCA."

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

9 Section 1. Section 37-51-103, MCA, is amended to read:

10 "37-51-103. Exemptions. A single act performed for a
 11 commission or compensation of any kind in the buying,
 12 selling, exchanging, leasing, or renting of real estate or
 13 in negotiating therefor for others, except as hereinafter
 14 specified, shall constitute the person performing any of
 15 such acts a real estate broker or real estate salesman. The
 16 provisions of this chapter, however, shall not:

17 (1) apply to any person who, as owner or lessor, shall
 18 perform any of the aforesaid acts with reference to property
 19 owned or leased by himself or to an auctioneer employed by
 20 the owner or lessor to aid and assist in conducting a public
 21 sale held by such owner or lessor;

22 (2) apply to any person acting as attorney-in-fact
 23 under the duly executed power of attorney from the owner of
 24 any real estate authorizing the final consummation of any
 25 contract for the purchase, sale, exchange, renting, or

1 leasing of any real estate;

2 (3) be construed to include in any way the services
 3 rendered by any attorney at law in the performance of his
 4 duty as such attorney at law;

5 (4) apply to any person duly appointed by a court for
 6 purpose of evaluation or appraising an estate in a probate
 7 matter;

8 (5) be held to include, while acting as such, a
 9 receiver, a trustee in bankruptcy, an administrator or
 10 executor, any person selling real estate under order of any
 11 court, a trustee under a trust agreement, deed of trust, or
 12 will, or an auctioneer employed by a receiver, trustee in
 13 bankruptcy, administrator, executor, or trustee to aid and
 14 assist in conducting a public sale held by any such officer;

15 (6) apply to public officials in the conduct of their
 16 official duties;

17 (7) apply to any person, partnership, association, or
 18 corporation, foreign or domestic, performing any act with
 19 respect to prospecting, leasing, drilling, or operating land
 20 for hydrocarbons and hard minerals or disposing of any
 21 hydrocarbons, hard minerals, or mining rights therein,
 22 whether upon a royalty basis or otherwise; or

23 (8) apply to persons acting as managers of housing
 24 complexes for low-income persons, which are subsidized,
 25 directly or indirectly, by this state or an agency or

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1 subdivision thereof or by the government of the United
2 States or an agency thereof; or
3 (9) apply to an attorney licensed to practice in
4 Montana"

-End-