

SENATE BILL NO. 146

INTRODUCED BY FULLER, CHRISTIAENS, BRADLEY, O'HARA,
MANNING, HALLIGAN, STORY, BOYLAN, SPAETH

IN THE SENATE

January 18, 1985	Introduced and referred to Committee on Business and Industry.
January 26, 1985	Committee recommend bill do pass as amended. Report adopted.
January 28, 1985	Bill printed and placed on members' desks.
January 29, 1985	Second reading, pass consideration.
January 30, 1985	On motion, bill rereferred to Committee on Business and Industry.
February 9, 1985	Committee recommend bill do pass as amended. Report adopted.
February 11, 1985	Bill printed and placed on members' desks.
February 12, 1985	Second reading, do pass as amended.
February 13, 1984	Correctly engrossed.
February 14, 1985	Third reading, passed. Ayes, 41; Noes, 8.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Business and Labor.
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March 14, 1985 Committee recommend bill be
 concurred in as amended.
 Report adopted.

March 16, 1985 Second reading, concurred in as
 amended.

March 18, 1985 Third reading, concurred in.

 Returned to Senate with
 amendments.

IN THE SENATE

March 18, 1985 Received from House.

March 21, 1985 Second reading, amendments
 concurred in.

March 23, 1985 Third reading, amendments
 concurred in. Ayes, 40; Noes, 8.

 Sent to enrolling.

 Reported correctly enrolled.

1 *Senate* BILL NO. *146*
 2 INTRODUCED BY *Fuller* *Chittenden* *Bond* *O'Hara*
 3 *Richard* *Shannon* *Holligan* *Stacy* *Boyle*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXPAND THE LICENSING
 5 QUALIFICATIONS OF REAL ESTATE BROKERS AND SALESMEN BY
 6 INCLUDING CLASSROOM TRAINING AND BY REQUIRING THAT A
 7 SALESMAN MUST BE A HIGH SCHOOL GRADUATE OR HAVE COMPLETED AN
 8 EQUIVALENT EDUCATION; AMENDING SECTION 37-51-302, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 37-51-302, MCA, is amended to read:

12 "37-51-302. Broker or salesman license --
13 qualifications of applicant. (1) Licenses may be granted
14 only to individuals considered by the board to be of good
15 repute and competent to transact the business of a broker or
16 salesman in a manner as to safeguard the interests of the
17 public.

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

19 (a) be at least 18 years of age;

20 (b) have graduated from an accredited high school or
21 completed an equivalent education as determined by the
22 board;

23 (c) have been actively engaged as a licensed real
24 estate salesman for a period of 2 years or have had
25 experience or special education equivalent to that which

1 licensed real estate salesman ordinarily would receive
2 during this 2-year period as determined by the board, except
3 that if the board finds that an applicant could not obtain
4 employment as a licensed real estate salesman because of
5 conditions existing in the area where he resides, the board
6 may waive this experience requirement; and

7 (d) file an application for license with the
8 department; and

9 (e) furnish written evidence that he has completed 60
10 classroom hours (in addition to those required to secure a
11 salesman's license) in a course of study approved by the
12 board and taught by instructors approved by the board and
13 has satisfactorily passed an examination dealing with the
14 material taught in each course. The course of study must
15 include the subjects of real estate principles, real estate
16 law, real estate finance, and related topics.

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

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

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

22 (ii) ~~have received credit for completion of 2 years of~~
23 ~~full curriculum study at~~ graduated from an accredited high
24 school or completed an equivalent education as determined by
25 the board; and



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2 department; and

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9 law, real estate finance, and related topics.

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

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

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

21 NEW SECTION. Section 2. Extension of authority. Any
22 existing authority of the board of realty regulation to make
23 rules on the subject of the provisions of this act is
24 extended to the provisions of this act.

-End-

APPROVED BY COMM. ON
BUSINESS & INDUSTRY

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2 INTRODUCED BY FULLER, CHRISTIAENS, BRADLEY, O'HARA,
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8 ~~SALESMAN--MUST--BE--A--HIGH--SCHOOL--GRADUATE--OR--HAVE--COMPLETED--AN~~
9 ~~EQUIVALENT--EDUCATION~~ TO ALLOW THE BOARD OF REALTY REGULATION
10 TO PRESCRIBE BY RULE CONTINUING EDUCATION REQUIREMENTS;
11 AMENDING SECTION SECTIONS 37-51-204 AND 37-51-302, MCA."
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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 SECTION 1. SECTION 37-51-204, MCA, IS AMENDED TO READ:

15 "37-51-204. Educational programs and continuing
16 education. (1) The board may, subject to 37-1-101, conduct,
17 hold, or assist in conducting or holding real estate
18 clinics, meetings, courses, or institutes and incur
19 necessary expenses in this connection.

20 (2) The board may assist libraries and educational
21 institutions in sponsoring studies and programs for the
22 purpose of raising the standards of the real estate business
23 and the competency of licensees.

24 (3) The board may prescribe by rule continuing
25 education requirements."

1 Section 2. Section 37-51-302, MCA, is amended to read:
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19 employment as a licensed real estate salesman because of
20 conditions existing in the area where he resides, the board
21 may waive this experience requirement; and

22 (d) file an application for license with the
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1 salesman's license) in a course of study approved by the
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12 NEW SECTION. Section 3. Extension of authority. Any
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TO PRESCRIBE BY RULE CONTINUING EDUCATION REQUIREMENTS; TO
ALLOW THE BOARD OF REALTY REGULATION TO PRESCRIBE BY RULE
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(3) The board may prescribe by rule continuing
education requirements FOR ALL LICENSEES, not to exceed 15
hours in any 2-year period."

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

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4 existing authority of the board of realty regulation to make
5 rules on the subject of the provisions of this act is
6 extended to the provisions of this act.

-End-

STANDING COMMITTEE REPORT

March 13 19 81
page 1 of 2

March 13 19 85
page 2 of 2
SB 146

MR. SPEAKER

We, your committee on BUSINESS AND LABOR

having had under consideration SENATE Bill No. 146

third reading copy (blue color)

EXPANDING LICENSING REQUIREMENTS FOR REAL ESTATE BROKERS AND SALESMEN

- 4. Page 3, line 16
Following: "classroom"
Insert: "or equivalent"
- 5. Page 4, line 11
Following: "classroom"
Insert: "or equivalent"

Respectfully report as follows: That SENATE Bill No. 146
BE AMENDED AS FOLLOWS:

- 1. Title, line 7
Following: "TRAINING"
Insert: "OR EQUIVALENT"
- 2. Title, line 12
Following: "15"
Insert: "CLASSROOM OR EQUIVALENT"
- 3. Page 2, line 16
Following: "period"
Insert: ", including proof of conformance, but except as provide in 37-51-302 the board may not require examination of licensees"

XXXXXX

Rep. Robert Pavlovich
Rep. Robert Pavlovich, Chairman

KMK
AND AS AMENDED,
BE CONCURRED IN *SK 3/13*

Rep. Robert Pavlovich
Rep. Robert Pavlovich, Chairman

HOUSE

COMMITTEE OF THE WHOLE AMENDMENT

3160925L.CW

3-16-85
DATE

9:25 AM
TIME

MR. CHAIRMAN: I MOVE TO AMEND

SENATE BILL

No. 146

third reading copy (blue) as follows:
Color

1. Page 2, line 15.

Following: "15"

Insert: "classroom or equivalent"

AS
 ADOPT

REJECT

Fred Thomas
Rep. Fred Thomas

SENATE BILL NO. 146

INTRODUCED BY FULLER, CHRISTIAENS, BRADLEY, O'HARA,

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(3) The board may prescribe by rule continuing education requirements FOR ALL LICENSEES, not to exceed 15 CLASSROOM OR EQUIVALENT hours in any 2-year period, INCLUDING PROOF OF CONFORMANCE, BUT EXCEPT AS PROVIDED IN 37-51-302 THE BOARD MAY NOT REQUIRE EXAMINATION OF LICENSEES."

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

"37-51-302. Broker or salesman license -- qualifications of applicant. (1) Licenses may be granted only to individuals considered by the board to be of good repute and competent to transact the business of a broker or



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