

House BILL NO. 533

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INTRODUCED BY ~~Sen. Anderson~~ ~~Sen. Hollander~~ ~~Sen. A. Doyle~~

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN EXEMPTION FROM REAL ESTATE LICENSURE REQUIREMENTS FOR A PERSON WHO PERFORMS ACTS WITH RESPECT TO CERTAIN RIGHT-OF-WAY TRANSFERS, CONDEMNATIONS, OR GOVERNMENTAL OR TRIBAL PERMITS; AND AMENDING SECTION 37-51-103, MCA."

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

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

"37-51-103. Exemptions. (1) An act performed for compensation of any kind in the buying, selling, exchanging, leasing, or renting of real estate or in negotiating ~~therefor~~ a real estate transaction for others, except as specified in this section, ~~shall constitute~~ must identify the person performing any of the acts as a real estate broker or a real estate salesperson. The provisions of this chapter ~~may do~~ not:

(a) apply to any person who, as owner or lessor, ~~shall perform~~ performs any acts listed in subsection (1) with reference to property owned or leased by ~~himself~~ the person or to an auctioneer employed by the owner or lessor to aid and assist in conducting a public sale held by the owner or lessor;

(b) apply to any person acting as attorney-in-fact under a ~~duly executed~~ special or general power of attorney from the owner of any real estate authorizing the purchase, sale, exchange, renting, or leasing of any real estate, unless the person acting as attorney-in-fact does so regularly or consistently for a person or persons, for or with the expectation of receiving a fee, commission, or other valuable consideration in conjunction with a business or for the purpose of avoiding license requirements;

(c) ~~be construed to~~ include in any way the services rendered by any attorney at law in the performance of ~~his duty as an attorney at law~~ the attorney's duties;

(d) apply to any person ~~duly~~ appointed by a court for the purpose of evaluation evaluating or appraising an estate in a probate matter;

(e) ~~be held to~~ include, ~~while acting as such~~, a receiver, a trustee in bankruptcy, an administrator or executor, any person selling real estate under order of any court, a trustee under a trust agreement, deed of trust, or will, or an auctioneer employed by a receiver, trustee in bankruptcy, administrator, executor,

1 or trustee to aid and assist in conducting a public sale held by the officer;

2 (f) apply to public officials in the conduct of their official duties;

3 (g) apply to any person, partnership, association, or corporation, foreign or domestic, performing  
4 any act with respect to prospecting, leasing, drilling, or operating land for hydrocarbons and hard minerals  
5 or disposing of any hydrocarbons, hard minerals, or mining rights ~~therein~~, whether upon a royalty basis or  
6 otherwise; ~~or~~

7 (h) apply to persons acting as managers of housing complexes for low-income persons, which are  
8 subsidized, directly or indirectly, by ~~this state~~ Montana or an agency or subdivision ~~thereof~~ of Montana or  
9 by the government of the United States or an agency ~~thereof~~ of the United States; or

10 (i) apply to a person performing any act with respect to the following types of land transactions:

11 (i) right-of-way transfers for roads, utilities, and other public purposes, not including conservation  
12 easements or easements for recreational purposes;

13 (ii) condemnations; or

14 (iii) governmental or tribal permits.

15 (2) The provisions of this chapter do not apply to a newspaper or other publication of general  
16 circulation or to a radio or television station engaged in the normal course of business."

17 -END-

House BILL NO. 533  
GRINDE

1  
2 INTRODUCED BY ~~Sen. [unclear]~~  
3 ~~House Anderson~~ ~~Sen. [unclear]~~ Holland A. Doyle

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN EXEMPTION FROM REAL ESTATE LICENSURE  
5 REQUIREMENTS FOR A PERSON WHO PERFORMS ACTS WITH RESPECT TO CERTAIN RIGHT-OF-WAY  
6 TRANSFERS, CONDEMNATIONS, OR GOVERNMENTAL OR TRIBAL PERMITS; AND AMENDING SECTION  
7 37-51-103, MCA."

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

10  
11 **Section 1.** Section 37-51-103, MCA, is amended to read:

12 **"37-51-103. Exemptions.** (1) An act performed for compensation of any kind in the buying, selling,  
13 exchanging, leasing, or renting of real estate or in negotiating ~~therefor~~ a real estate transaction for others,  
14 except as specified in this section, ~~shall constitute~~ must identify the person performing any of the acts as  
15 a real estate broker or a real estate salesperson. The provisions of this chapter ~~may~~ do not:

16 (a) apply to any person who, as owner or lessor, ~~shall perform~~ performs any acts listed in  
17 subsection (1) with reference to property owned or leased by ~~himself~~ the person or to an auctioneer  
18 employed by the owner or lessor to aid and assist in conducting a public sale held by the owner or lessor;

19 (b) apply to any person acting as attorney-in-fact under a ~~duly executed~~ special or general power  
20 of attorney from the owner of any real estate authorizing the purchase, sale, exchange, renting, or leasing  
21 of any real estate, unless the person acting as attorney-in-fact does so regularly or consistently for a person  
22 or persons, for or with the expectation of receiving a fee, commission, or other valuable consideration in  
23 conjunction with a business or for the purpose of avoiding license requirements;

24 (c) ~~be construed to~~ include in any way the services rendered by any attorney at law in the  
25 performance of ~~his duty as an attorney at law~~ the attorney's duties;

26 (d) apply to any person ~~duly~~ appointed by a court for the purpose of ~~evaluation~~ evaluating or  
27 appraising an estate in a probate matter;

28 (e) ~~be held to~~ include, ~~while acting as such,~~ a receiver, a trustee in bankruptcy, an administrator  
29 or executor, any person selling real estate under order of any court, a trustee under a trust agreement, deed  
30 of trust, or will, or an auctioneer employed by a receiver, trustee in bankruptcy, administrator, executor,

1 or trustee to aid and assist in conducting a public sale held by the officer;

2 (f) apply to public officials in the conduct of their official duties;

3 (g) apply to any person, partnership, association, or corporation, foreign or domestic, performing  
4 any act with respect to prospecting, leasing, drilling, or operating land for hydrocarbons and hard minerals  
5 or disposing of any hydrocarbons, hard minerals, or mining rights ~~therein~~, whether upon a royalty basis or  
6 otherwise; ~~or~~

7 (h) apply to persons acting as managers of housing complexes for low-income persons, which are  
8 subsidized, directly or indirectly, by ~~this state~~ Montana or an agency or subdivision ~~thereof~~ of Montana or  
9 by the government of the United States or an agency ~~thereof~~ of the United States; or

10 (i) apply to a person performing any act with respect to the following types of land transactions:

11 (i) right-of-way transfers for roads, utilities, and other public purposes, not including conservation  
12 easements or easements for recreational purposes;

13 (ii) condemnations; or

14 (iii) governmental or tribal permits.

15 (2) The provisions of this chapter do not apply to a newspaper or other publication of general  
16 circulation or to a radio or television station engaged in the normal course of business."

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House BILL NO. 533  
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~~Sen. Anderson~~ ~~Sen. Holland~~ ~~Sen. Doyle~~

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN EXEMPTION FROM REAL ESTATE LICENSURE REQUIREMENTS FOR A PERSON WHO PERFORMS ACTS WITH RESPECT TO CERTAIN RIGHT-OF-WAY TRANSFERS, CONDEMNATIONS, OR GOVERNMENTAL OR TRIBAL PERMITS; AND AMENDING SECTION 37-51-103, MCA."

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(a) apply to any person who, as owner or lessor, ~~shall perform~~ performs any acts listed in subsection (1) with reference to property owned or leased by ~~himself~~ the person or to an auctioneer employed by the owner or lessor to aid and assist in conducting a public sale held by the owner or lessor;

(b) apply to any person acting as attorney-in-fact under a ~~duly executed~~ special or general power of attorney from the owner of any real estate authorizing the purchase, sale, exchange, renting, or leasing of any real estate, unless the person acting as attorney-in-fact does so regularly or consistently for a person or persons, for or with the expectation of receiving a fee, commission, or other valuable consideration in conjunction with a business or for the purpose of avoiding license requirements;

(c) ~~be construed to~~ include in any way the services rendered by any attorney at law in the performance of ~~his duty as an attorney at law~~ the attorney's duties;

(d) apply to any person ~~duly~~ appointed by a court for the purpose of evaluation evaluating or appraising an estate in a probate matter;

(e) ~~be held to include, while acting as such,~~ a receiver, a trustee in bankruptcy, an administrator or executor, any person selling real estate under order of any court, a trustee under a trust agreement, deed of trust, or will, or an auctioneer employed by a receiver, trustee in bankruptcy, administrator, executor,

1 or trustee to aid and assist in conducting a public sale held by the officer;

2 (f) apply to public officials in the conduct of their official duties;

3 (g) apply to any person, partnership, association, or corporation, foreign or domestic, performing  
4 any act with respect to prospecting, leasing, drilling, or operating land for hydrocarbons and hard minerals  
5 or disposing of any hydrocarbons, hard minerals, or mining rights ~~therein~~, whether upon a royalty basis or  
6 otherwise; ~~or~~

7 (h) apply to persons acting as managers of housing complexes for low-income persons, which are  
8 subsidized, directly or indirectly, by ~~this state~~ Montana or an agency or subdivision ~~thereof~~ of Montana or  
9 by the government of the United States or an agency ~~thereof~~ of the United States; or

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13 (ii) condemnations; or

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16 circulation or to a radio or television station engaged in the normal course of business."

17 -END-

House BILL NO. 533

GRINDS  
Dreddy

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~~James Anderson~~ ~~Steve Holland~~ ~~A. Doyle~~

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5 or disposing of any hydrocarbons, hard minerals, or mining rights ~~therein~~, whether upon a royalty basis or  
6 otherwise; ~~or~~

7 (h) apply to persons acting as managers of housing complexes for low-income persons, which are  
8 subsidized, directly or indirectly, by ~~the state Montana~~ or an agency or subdivision ~~thereof~~ of Montana or  
9 by the government of the United States or an agency ~~thereof~~ of the United States; or

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17 -END-



## HOUSE BILL NO. 533

INTRODUCED BY DEVANEY, GRINDE, BEAUDRY, KNOX, ANDERSON, BARNETT, SLITER, HOLLAND,  
L. TAYLOR, ROSE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN EXEMPTION FROM REAL ESTATE LICENSURE REQUIREMENTS FOR A PERSON WHO PERFORMS ACTS WITH RESPECT TO CERTAIN RIGHT-OF-WAY TRANSFERS, CONDEMNATIONS, OR GOVERNMENTAL OR TRIBAL PERMITS; AND AMENDING SECTION 37-51-103, MCA."

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(b) apply to any person acting as attorney-in-fact under a ~~duly executed~~ special or general power of attorney from the owner of any real estate authorizing the purchase, sale, exchange, renting, or leasing of any real estate, unless the person acting as attorney-in-fact does so regularly or consistently for a person or persons, for or with the expectation of receiving a fee, commission, or other valuable consideration in conjunction with a business or for the purpose of avoiding license requirements;

(c) ~~be construed to~~ include in any way the services rendered by any attorney at law in the performance of ~~his duty as an attorney at law~~ the attorney's duties;

(d) apply to any person ~~duly~~ appointed by a court for the purpose of ~~evaluation~~ evaluating or appraising an estate in a probate matter;

(e) ~~be held to include, while acting as such,~~ a receiver, a trustee in bankruptcy, an administrator or executor, any person selling real estate under order of any court, a trustee under a trust agreement, deed

1 of trust, or will, or an auctioneer employed by a receiver, trustee in bankruptcy, administrator, executor,  
2 or trustee to aid and assist in conducting a public sale held by the officer;

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