

**CHAPTER 64****QUALIFICATIONS FOR LICENSURE OF REAL ESTATE BROKERS AND SALESPERSONS**

H.F. 54

**AN ACT** relating to the qualifications of an applicant for a license to sell real estate in this state.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 543B.15, Code 1995, is amended to read as follows:

**543B.15 QUALIFICATIONS.**

1. Except as provided in section 543B.20 an applicant for a real estate broker's or salesperson's license must be a person whose application has not been rejected for licensure in this or any other state within ~~six~~ twelve months prior to the date of application, and whose real estate license has not been revoked in this or any other state within two years prior to date of application.

2. To qualify for a license as a real estate broker or salesperson a person shall be eighteen years of age or over. However, an applicant is not ineligible because of citizenship, sex, race, religion, marital status, or national origin, although the application form may require citizenship information. ~~The real estate commission may consider the past felony record of an applicant only if the felony conviction relates directly to the practice of real estate selling. Character references may be required but shall not be obtained from licensed real estate brokers or salespersons.~~

3. An applicant for a real estate broker's or salesperson's license who has been convicted of forgery, embezzlement, obtaining money under false pretenses, theft, extortion, conspiracy to defraud, or other similar offense, or of any crime involving moral turpitude in a court of competent jurisdiction in this state, or in any other state, territory, or district of the United States, or in any foreign jurisdiction, may be denied a license by the commission, on the grounds of the conviction. For purposes of this section, "conviction" means a conviction for an indictable offense and includes a guilty plea, deferred judgment from the time of entry of the deferred judgment until the time the defendant is discharged by the court without entry of judgment, or other finding of guilt by a court of competent jurisdiction.

4. An applicant for a real estate broker's or salesperson's license who has had a professional license of any kind revoked in this or any other jurisdiction may be denied a license by the commission on the grounds of the revocation.

5. A person who makes a false statement of material fact on an application for a real estate broker's or salesperson's license, or who causes to be submitted, or has been a party to preparing or submitting any false application for such license, may be denied a license by the commission on the grounds of the false statement or submission. A licensee found to have made such a statement or who caused to be submitted, or was a party to preparing or submitting any false application for a real estate broker's or salesperson's license, may have the license suspended or revoked by the commission on the grounds of the false statement or submission.

6. A licensed real estate broker or salesperson shall notify the commission of the licensee's conviction of an offense included in subsection 3 within sixty days of the conviction. The failure of the licensee to notify the commission of the conviction within sixty days of the date of the conviction is sufficient grounds for revocation of the license.

7. The commission, when considering the denial or revocation of a license pursuant to this section, shall consider the nature of the offense; any aggravating or extenuating circumstances which are documented; the time lapsed since the revocation, conduct, or

conviction; the rehabilitation, treatment, or restitution performed by the applicant or licensee; and any other factors the commission deems relevant. Character references may be required but shall not be obtained from licensed real estate brokers or salespersons.

8. To qualify for a license as a real estate broker, a person shall complete at least sixty contact hours of commission approved real estate education within twenty-four months prior to taking the broker examination. This education shall be in addition to the required salesperson prelicense course. The applicant shall have been a licensed real estate salesperson actively engaged in real estate for a period of at least twenty-four months preceding the date of application, or shall have had experience substantially equal to that which a licensed real estate salesperson would ordinarily receive during a period of twenty-four months, whether as a former broker or salesperson, a manager of real estate, or otherwise. However, if the commission finds that an applicant could not acquire employment as a licensed real estate salesperson because of conditions existing in the area where the person resides, the experience requirement of this ~~paragraph~~ subsection may be waived for that person by the commission.

9. A qualified applicant for a license as a real estate salesperson shall complete a commission approved short course in real estate education of at least thirty hours during the twelve months prior to taking the salesperson examination.

Sec. 2. Section 543B.29, subsection 5, Code 1995, is amended to read as follows:

5. ~~Conviction of a felony related to the profession or occupation of the licensee or conviction of a felony that would affect the licensee's ability to practice the profession of real estate broker and salesperson~~ an offense included in section 543B.15, subsection 3. For purposes of this section, "conviction" means a conviction for an indictable offense and includes a guilty plea, deferred judgment from the time of entry of the deferred judgment until the time the defendant is discharged by the court without entry of judgment, or other finding of guilt by a court of competent jurisdiction. A copy of the record of conviction, or plea of guilty plea, deferred judgment, or other finding of guilt is conclusive evidence.

Sec. 3. Section 543B.29, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 11. Revocation of any professional license held by the licensee in this or any other jurisdiction.

Approved April 24, 1995

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## CHAPTER 65

### PROFESSIONAL ENGINEERS AND LAND SURVEYORS

H.F. 256

AN ACT relating to the definition of the practice of engineering and the suspension or revocation of the certificate of registration of a professional engineer or land surveyor.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 542B.1, Code 1995, is amended to read as follows:

542B.1 REGISTERED ENGINEERS AND SURVEYORS.

~~No~~ A person shall not engage in the practice ~~professional~~ of engineering or land surveying in the state unless the person is a registered professional engineer or a registered land surveyor as provided in this chapter, except as permitted by section 542B.26.