

House File 2632 - Enrolled

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HOUSE FILE 2632

AN ACT

RELATING TO REAL ESTATE, INCLUDING REAL ESTATE BROKER AND SALESPERSON LICENSING AND REAL ESTATE DISCLOSURES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 543B.5, Code Supplement 2005, is amended by adding the following new subsection:
NEW SUBSECTION. 13A. "Listing" is an agreement between a property owner and another person in which that person holds or advertises the property to the public as being available for sale or lease.

Sec. 2. Section 543B.7, subsection 1, Code Supplement 2005, is amended to read as follows:

1. A person who, as owner, spouse of an owner, general partner of a limited partnership, lessor, or prospective purchaser who does not make repeated and successive transactions of a like character, or through another engaged by such person on a regular full-time basis, buys, sells, manages, or otherwise performs any act with reference to property owned, rented, leased, or to be acquired by such person.

Sec. 3. Section 543B.15, subsection 4, Code Supplement 2005, is amended to read as follows:

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

Sec. 4. Section 543B.49, Code 2005, is amended to read as follows:

543B.49 INJUNCTIVE RELIEF.

1. In addition to the penalty and complaint provisions of sections 543B.43, 543B.44, and 543B.48, an injunction may be granted through an action in district court to prohibit a person from engaging in an activity which violates the provisions of section 543B.1. The court shall grant a permanent or temporary injunction if it appears to the court that a violation has occurred or is imminently threatened. The plaintiff is not required to show that the violation or threatened violation would greatly or irreparably injure the plaintiff. No bond shall be required of the plaintiff unless the court determines that a bond is necessary in the public interest. The action for injunctive relief may be brought by an affected person. For the purposes of this section,

"affected person" means any person directly impacted by the actions of a person suspected of violating the provisions of section 543B.1, including but not limited to the commission created in section 543B.8, a person who has utilized the services of a person suspected of violating the provisions of section 543B.1, or a private association composed primarily of members practicing a profession for which licensure is required pursuant to this chapter.

2. If successful in obtaining injunctive relief, the affected person shall be entitled to actual costs and attorney fees, ~~unless the person suspected of violating a provision of section 543B.1 prevails in any application for permanent injunctive relief.~~ For the purposes of this section, "actual costs" means those costs other than attorney fees which were actually incurred in connection with the action, including but not limited to court and witness fees, investigative expenses, travel expenses, legal research expenses, and other related fees and expenses.

Sec. 5. Section 558A.1, subsection 4, Code Supplement 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. A transfer by a power of attorney.

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Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 2632, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2006

THOMAS J. VILSACK
Governor