



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

May 4, 2005

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

Senate File 210, an Act relating to specified requirements applicable to a real estate broker or attorney providing services in connection with a real estate auction.

Senate File 375, an Act creating the Uniform Environmental Covenants Act.

Senate File 403, an Act providing for the receipt of and costs relating to public records requests.

Senate File 405, an Act establishing an interior design examining board, providing for the registration of interior designers, and providing fees and penalties.

The above Senate Files are hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack".

Thomas L. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





SENATE FILE 210

AN ACT

RELATING TO SPECIFIED REQUIREMENTS APPLICABLE TO A REAL ESTATE BROKER OR ATTORNEY PROVIDING SERVICES IN CONNECTION WITH A REAL ESTATE AUCTION.

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

Section 1. Section 543B.7, subsection 5, Code 2005, is amended to read as follows:

5. The acts of an auctioneer in conducting a public sale or auction. The auctioneer's role must be limited to establishing the time, place, and method of an auction; advertising the auction including a brief description of the property for auction and the time and place for the auction; and crying the property at the auction. The auctioneer shall provide in any advertising the name and address of the real estate broker ~~or attorney~~ who is providing brokerage services for the transaction and the name of the real estate broker or attorney who is also responsible for closing the sale of the property. The real estate broker ~~or attorney~~ providing brokerage services ~~and closing services~~ shall be present at the time of the auction and, if found to be in violation of this subsection, shall be subject to a civil penalty of two thousand five hundred dollars. If the auctioneer closes or attempts to close the sale of the property or otherwise engages in acts defined in sections 543B.3 and 543B.6, then the requirements of this chapter do apply to the auctioneer. If an investigation pursuant to this chapter reveals that an auctioneer has violated this subsection or has assumed to act in the capacity of a real estate broker or real estate salesperson, the real estate commission may issue a cease and

desist order, and shall issue a warning letter notifying the auctioneer of the violation for the first offense, and impose a penalty of up to the greater of ten thousand dollars or ten percent of the real estate sales price for each subsequent violation.



JOHN P. KIBBIE
President of the Senate



CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 210, Eighty-first General Assembly.



MICHAEL E. MARSHALL
Secretary of the Senate

Approved May 4, 2005



THOMAS J. VILSACK
Governor