

Commerce: Pope. Chair: Chiodo and Swearingen.

JAN 19 1979

Do Pass 2/12 (p. 549)

HOUSE FILE 93

Commerce

By DOYLE

House File 93

Do Pass 3/1, Do Pass 3/27 (p. 978)

State Government
C. Miller, Chairperson
Drake
Bisenius

~~Passed House~~, Date 2-26-79 (p. 617) Passed Senate, Date 4-17-79 (p. 1215)

Vote: Ayes 93 Nays 0 Vote: Ayes 45 Nays 0

Approved April 26, 1979
Motion to recommit of 12402 table 4/2 (12. 1)

A BILL FOR

1 An Act relating to the time allowed for renewal of a real
2 estate apprentice salesperson's license.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

1 Section 1. Section one hundred seventeen point fifteen
2 (117.15), unnumbered paragraph four (4), Code 1979, is amended
3 to read as follows:

4 A qualified applicant for a license as a real estate appren-
5 tice salesperson who successfully passes the required written
6 examination shall be issued a real estate apprentice
7 salesperson's license which shall expire on the last day of
8 the twelfth calendar month following the month in which the
9 license is issued. ~~Each~~ A real estate apprentice salesperson
10 who has ~~completed-or-shall-have~~ successfully completed a
11 commission approved short course in real estate education
12 of not less than thirty hours at a facility approved by the
13 commission shall be issued a real estate salesperson's license
14 for the remainder of the year on payment of the appropriate
15 fee and return of ~~his~~ the unexpired real estate apprentice
16 salesperson's license. If a qualified applicant successfully
17 completes a commission approved short course in real estate
18 education of not less than than thirty hours at a facility
19 approved by the commission and subsequently successfully
20 passes the required examination, the completion of the short
21 course shall be credited toward completion of requirements
22 of a real estate apprentice salesperson to become a real
23 estate salesperson. ~~in-the-event-that~~ If a real estate
24 apprentice salesperson ~~should~~ does not successfully complete
25 the thirty-hour course within the twelve-month period of
26 licensure as a real estate apprentice salesperson, ~~he-shall~~
27 that person is not be eligible to reapply for a real estate
28 apprentice salesperson's license until six months have elapsed,
29 except that the commission may waive the time requirement
30 for reapplication if the real estate apprentice salesperson
31 shows just cause to the commission why the thirty-hour course
32 was not completed. A real estate apprentice salesperson who
33 has passed the required examination and completed the
34 commission approved short course of at least thirty hours
35 during the twelve-month period of licensure may apply for

1 the real estate salesperson's license during the thirty days
2 after the expiration of the real estate apprentice
3 salesperson's license.

4 Sec. 2. This Act is effective January first after its
5 enactment.

6 EXPLANATION

7 This bill provides that a real estate apprentice sales-
8 person who has completed all the requirements to become a
9 real estate salesperson but has allowed the real estate ap-
10 prentice salesperson license to expire, may apply for a real
11 estate salesperson license within thirty days of the expira-
12 tion of the real estate apprentice salesperson license.

13 The bill will be effective January first following its
14 enactment.

HOUSE FILE 93

S-3502

1 Amend House File 93 as passed by the House as
2 follows:

3 1. Page 2, by inserting after line 3 the following:
4 "Sec. 2. Section one hundred seventeen point
5 twenty-eight (117.28), Code 1979, is amended to read
6 as follows:

7 117.28 EXPIRATION OF LICENSE. Every license,
8 except a license as a real estate apprentice
9 salesperson which shall expire as provided in section
10 117.15, shall ~~expire~~ expire as he for a period not exceeding
11 three years determined by the commission. A person
12 who fails to renew his or her real estate broker's or real
13 estate salesperson's license by the expiration date
14 shall be allowed to do so within thirty days following
15 its expiration, but the commission may assess a
16 reasonable penalty. The commission shall upon the
17 written request of the applicant on forms prescribed
18 by the commission, and payment of the fee therefor
19 as herein required, issue a new license ~~for each~~
20 ~~ensuing-year~~ except as provided in section 117.15,
21 in the absence of any reason or condition which might
22 warrant the revocation of a license after a hearing
23 as provided in sections 117.34 and 117.35."

24 2. By renumbering the sections to conform with
25 this amendment.

S-3502 FILED *Amended copy of* BY STEPHEN W. BIENIUS
APRIL 17, 1979 *order 117.28* WILLARD R. HANSEN
FORREST V. SCHWENGELS

LSB 336H 68

HOUSE FILE 93

S-3319

1 Amend House File 93 as follows:

2 1. Page 2, by inserting after line 3 the following:

3 "Sec. 2. Section one hundred seventeen point
4 thirty-four (117.34), Code 1979, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. Accepting or contracting to receive
7 a commission or other consideration for any services
8 performed as a real estate broker or by any real
9 estate salesperson or real estate apprentice salesperson
10 employed by the licensee, which commission or con-
11 sideration exceeds the maximum amount permitted under
12 section three (3) of this Act.

13 Sec. 3. Chapter one hundred seventeen (117), Code
14 1979, is amended by adding the following new section:

15 NEW SECTION. MAXIMUM COMMISSIONS. It shall
16 be unlawful for any real estate broker to accept or
17 contract to accept any commission or other con-
18 sideration for services performed by the broker or by
19 any real estate salesperson or real estate apprentice
20 salesperson employed by that broker which com-
21 mission or consideration exceeds an amount de-
22 termined as follows:

23 1. In connection with the sale, purchase,
24 or exchange of real estate or the sale and purch-
25 ase of the same real estate by separate parties
26 in a single transaction or unified series of
27 transactions: six percent of the first one
28 thousand dollars of the purchase price or
29 agreed exchange value; four percent of that
30 portion of the purchase price or agreed ex-
31 change value which exceeds one thousand dollars
32 and is five thousand dollars or less; and two
33 percent of that portion of the purchase price
34 or agreed exchange value which exceeds five
35 thousand dollars; or

36 2. In connection with the renting or management
37 of real estate, that portion of the gross rental, or
38 other consideration received or contracted or arranged
39 for by the real estate broker on behalf of another per-
40 son which does not exceed the then current maximum
41 interest rate percentage determined in accordance
42 with paragraph a of section five hundred thirty-five
43 point two (535.2), subsection three (3)."

44 2. Page 2, line 4 by striking the word "Sec. 2."
45 and inserting in lieu thereof the word "Sec. 4."

46 3. Title page, by striking lines 1 and 2 and
47 inserting in lieu thereof the words "An Act relating
48 to real estate licenses and commissions."

S-3319 FILED *4/5 (p 1092)* BY JOE BROWN
MARCH 28, 1979

HOUSE FILE 93

S-3318

1 Amend House File 93 as follows:

2 1. Page 2, by inserting after line 3 the following:

3 "Sec. 2. Section one hundred seventeen point
4 thirty-four (117.34), Code 1979, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. Accepting or contracting to
7 receive a commission or other consideration in
8 violation of section three (3) of this Act.

9 Sec. 3. Chapter one hundred seventeen (117), Code
10 1979, is amended by adding the following new section:

11 NEW SECTION. ASSUMPTIONS AND ASSIGNMENTS. It
12 shall be unlawful for any real estate broker to accept
13 or contract to receive any commission or other con-
14 sideration for services performed by the broker, or
15 by any real estate salesperson or real estate app-
16 rentice salesperson employed by that broker, in
17 connection with the sale, purchase or exchange of
18 real estate or the sale and purchase of the same
19 real estate by separate parties in a single trans-
20 action or unified series of transactions, if any
21 portion of the commission or other consideration
22 is computed based on that portion of the purchase
23 or sale price or agreed exchange value of the real
24 estate which is represented by an obligation pur-
25 suant to a mortgage, deed of trust or purchase
26 contract for deed which is assumed by the acquirer,
27 unless the portion of the commission or considera-
28 tion based on such assumed obligation is computed
29 at a rate of one percent or less."

30 2. Page 2, line 4, by striking the word "Sec. 2."
31 and inserting in lieu thereof the word "Sec. 4."

32 3. Title page, by striking lines 1 and 2 and
33 inserting in lieu thereof the words "An Act relating
34 to real estate licenses and commissions."

S-3318 FILED *W/drawn 4/5 (p. 1042)* BY JOE BROWN
MARCH 28, 1979

HOUSE FILE 93

AN ACT

RELATING TO THE TIME ALLOWED FOR RENEWAL OF A REAL ESTATE
APPRENTICE SALESPERSON'S LICENSE.

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

Section 1. Section one hundred seventeen point fifteen
(117.15), unnumbered paragraph four (4), Code 1979, is amended
to read as follows:

A qualified applicant for a license as a real estate appren-
tice salesperson who successfully passes the required written
examination shall be issued a real estate apprentice
salesperson's license which shall expire on the last day of
the twelfth calendar month following the month in which the
license is issued. ~~Each~~ A real estate apprentice salesperson
who has ~~completed-or-shall-have~~ successfully completed a
commission approved short course in real estate education
of not less than thirty hours at a facility approved by the
commission shall be issued a real estate salesperson's license
for the remainder of the year on payment of the appropriate
fee and return of ~~his~~ the unexpired real estate apprentice
salesperson's license. If a qualified applicant successfully
completes a commission approved short course in real estate
education of not less than thirty hours at a facility approved
by the commission and subsequently successfully passes the
required examination, the completion of the short course shall
be credited toward completion of requirements of a real estate
apprentice salesperson to become a real estate salesperson.
~~in-the-event-that~~ If a real estate apprentice salesperson
~~should~~ does not successfully complete the thirty-hour course
within the twelve-month period of licensure as a real estate
apprentice salesperson, ~~he-shall~~ that person is not be eligible
to reapply for a real estate apprentice salesperson's license
until six months have elapsed, except that the commission
may waive the time requirement for reapplication if the real

estate apprentice salesperson shows just cause to the
commission why the thirty-hour course was not completed.
A real estate apprentice salesperson who has passed the
required examination and completed the commission approved
short course of at least thirty hours during the twelve-month
period of licensure may apply for the real estate salesperson's
license during the thirty days after the expiration of the
real estate apprentice salesperson's license.

Sec. 2. This Act is effective January first after its
enactment.

FLOYD H. MILLEN
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 93, Sixty-eighth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved April 26, 1979

ROBERT D. RAY
Governor