

Substituted by H.F. 54 (p. 1125)

1-23-95 Commerce
1-25-95 (P. 182) Reassigned to State Sec
1-31-95 Do PASS

WITHDRAWN

SENATE FILE 53
BY BISIGNANO

(COMPANION TO LSB 1379HH
BY DISNEY)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the qualifications of an applicant for a
2 license to sell real estate in this state.

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

SENATE FILE 53

S-3068

1 Amend Senate File 53 as follows:

2 1. Page 1, by striking line 30 and inserting the
3 following: "conviction" means a conviction for an
4 indictable offense and includes a guilty plea,
5 deferred judgment from the time of entry of the
6 deferred judgment until the time the defendant is
7 discharged by the court without entry of judgment,
8 or".

9 2. Page 3, by striking line 24 and inserting the
10 following: "conviction" means a conviction for an
11 indictable offense and includes a guilty plea,
12 deferred judgment from the time of entry of the
13 deferred judgment until the time the defendant is
14 discharged by the court without entry of judgment,
15 or".

By TONY BISIGNANO

17 S-3068 FILED FEBRUARY 20, 1995

S.F. 53

TLSB 1379SS 76

mj/jw/5

WITHDRAWN

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

3 543B.15 QUALIFICATIONS.

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9 been revoked in this or any other state within two years prior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

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

21 3. An applicant for a real estate broker's or
22 salesperson's license who has been convicted of forgery,
23 embezzlement, obtaining money under false pretenses, theft,
24 extortion, conspiracy to defraud, or other similar offense, or
25 of any crime involving moral turpitude in a court of competent
26 jurisdiction in this state, or in any other state, territory,
27 or district of the United States, or in any foreign
28 jurisdiction, may be denied a license by the commission, on
29 the grounds of the conviction. For purposes of this section,
30 "conviction" includes a guilty plea, deferred judgment, or
31 other finding of guilt by a court of competent jurisdiction.

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

1 revocation.

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

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

21 7. The commission, when considering the denial or
22 revocation of a license pursuant to this section, shall
23 consider the nature of the offense; any aggravating or
24 extenuating circumstances which are documented; the time
25 lapsed since the revocation, conduct, or conviction; the
26 rehabilitation, treatment, or restitution performed by the
27 applicant or licensee; and any other factors the commission
28 deems relevant. Character references may be required but
29 shall not be obtained from licensed real estate brokers or
30 salespersons.

31 8. To qualify for a license as a real estate broker, a
32 person shall complete at least sixty contact hours of
33 commission approved real estate education within twenty-four
34 months prior to taking the broker examination. This education
35 shall be in addition to the required salesperson prelicense

1 course. The applicant shall have been a licensed real estate
2 salesperson actively engaged in real estate for a period of at
3 least twenty-four months preceding the date of application, or
4 shall have had experience substantially equal to that which a
5 licensed real estate salesperson would ordinarily receive
6 during a period of twenty-four months, whether as a former
7 broker or salesperson, a manager of real estate, or otherwise.
8 However, if the commission finds that an applicant could not
9 acquire employment as a licensed real estate salesperson
10 because of conditions existing in the area where the person
11 resides, the experience requirement of this paragraph
12 subsection may be waived for that person by the commission.

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

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

19 ~~5. Conviction of a felony related to the profession or~~
20 ~~occupation of the licensee or conviction of a felony that~~
21 ~~would affect the licensee's ability to practice the profession~~
22 ~~of real estate broker and salesperson~~ an offense included in
23 section 543B.15, subsection 3. For purposes of this section,
24 a conviction includes a guilty plea, deferred judgment, or
25 other finding of guilt by a court of competent jurisdiction.
26 A copy of the record of conviction, ~~or plea of guilty plea,~~
27 deferred judgment, or other finding of guilt is conclusive
28 evidence.

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

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

34 EXPLANATION

35 This bill relates to the qualifications necessary for an

1 applicant to obtain a real estate broker's or salesperson's
2 license. Section 543B.15 is amended to grant the real estate
3 commission the discretion to deny a license to an applicant
4 who has been convicted of certain criminal acts, who has
5 received a deferred judgment related to certain criminal acts,
6 or who has submitted a false application to the commission.
7 The bill requires that a licensed real estate broker or
8 salesperson notify the commission of the licensee's conviction
9 for certain criminal acts. Failure of the licensee to notify
10 the commission of such conviction is sufficient grounds for
11 revocation of the person's license. When considering the
12 denial or revocation of a license under this section, the
13 commission is directed to consider the nature of the offense;
14 any documented aggravating or extenuating circumstances; the
15 time lapsed since the revocation, conduct, or conviction; the
16 rehabilitation, treatment, or restitution performed by the
17 applicant or licensee; and any other factors the commission
18 deems relevant. A person who violates a provision of this Act
19 is guilty of a simple misdemeanor as provided in section
20 543B.43.

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