

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H2/10/15
A Bill

HOUSE BILL 1244

By: Representatives Rushing, Vines, *Dotson*

By: Senators Hester, Files, J. Hutchinson

For An Act To Be Entitled

AN ACT TO CLARIFY THE REAL ESTATE LICENSE LAW, THE DEFINITION OF "PRINCIPAL BROKER", AND CERTAIN REAL ESTATE LICENSE EXEMPTIONS; AND FOR OTHER PURPOSES.

Subtitle

TO CLARIFY THE REAL ESTATE LICENSE LAW, THE DEFINITION OF "PRINCIPAL BROKER", AND CERTAIN REAL ESTATE LICENSE EXEMPTIONS.

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

SECTION 1. Arkansas Code § 17-42-103(9)(F), concerning the definition of "principal broker" under the Real Estate License Law, is amended to read as follows:

(F) Buys, sells, or assigns or offers to buy, ~~or~~ sell, or assign or otherwise deals in options on real estate or improvements to real estate;

SECTION 2. Arkansas Code § 17-42-104(a)(6), concerning the exemption from real estate licensure for certain individuals, is amended to read as follows:

(6) A person employed only at a salaried or hourly rate to engage in the leasing of real property for or on behalf of a licensed principal broker, the real estate firm of a licensed principal broker, or an owner of real estate, if the person:

(A) Does not engage in or offer to perform any practice,



act, or operation set forth in § 17-42-103(9) other than receiving a security deposit or payment as permitted by subdivision (a)(6)(B)(iii) of this section; and

~~(B) performs~~ Performs only one (1) or more of the following ~~activities~~ functions:

~~(A)(i)~~ Delivering a lease application, lease, or an amendment to a lease application or lease to any person;

~~(B)(ii)~~ Receiving a lease application, lease, or an amendment to a lease application for delivery to the principal broker, real estate firm, or owner;

~~(C)(iii)~~ Receiving a security deposit, rental payment, or any related payment for delivery to and made payable to the principal broker, real estate firm, or owner;

~~(D)(iv)~~ Acting under the direct written instructions of the principal broker, real estate firm, or owner:

~~(i)(a)~~ Showing a rental unit to any person; or

~~(ii)(b)~~ Assisting in the execution of a preprinted lease or rental agreement containing terms established by the principal broker, real estate firm, or owner; or

~~(E)(v)~~ Conveying information prepared by the principal broker, real estate firm, or owner about a lease application, lease, the status of a security deposit, or the payment of rent to or from any person;

SECTION 3. Arkansas Code § 17-42-104(a)(9), concerning the exemption from real estate licensure for certain individuals, is amended to read as follows:

(9) An officer of a corporation, a member or manager of a limited liability company, a partner of a partnership, or the equivalent of an officer of another form of business entity acting with respect to real property owned or leased by the entity or an affiliated entity under common ownership or in connection with the proposed purchase, sale, rental, or leasing of real property by the entity or affiliate if the acts are not performed by the officer, member, or partner for or in expectation of a commission or other compensation resulting solely from a successful transaction, ~~not including profits and distributions of the entity; or~~

/s/Rushing