

The Senate Regulated Industries and Utilities Committee offered the following substitute to SB 114:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
2 businesses, so as to provide that certain time periods shall have passed after completing the
3 terms and conditions of a sentence for certain criminal convictions before making an
4 application for licensure to the Georgia Real Estate Commission; to provide for additional
5 criminal offenses for which the commission may deny a license; to change the term "in-class
6 hour" to "instructional hour"; to change the number of instructional hours for a broker
7 prelicense course of study; to change the required number of continuing education hours for
8 each year of the renewal period established by the commission; to provide for certain
9 provisions relating to persons on active military duty or serving in the General Assembly; to
10 permit the commission to provide certain educational materials to consumers; to provide that
11 brokers are entitled to trust funds only after consummation or termination of the transaction;
12 to permit a licensee to deal directly with another licensee's client under certain
13 circumstances; to provide that certain time periods shall have passed after completing the
14 terms and conditions of a sentence for certain criminal convictions before making an
15 application for appraiser classification or approval to the Georgia Real Estate Appraiser
16 Board; to provide for additional criminal offenses for which the board may deny a
17 classification or approval; to change provisions relating to lapsed appraisal classifications;
18 to permit the board to provide certain educational materials to consumers; to provide for
19 related matters; to repeal conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

21 Title 43 of the Official Code of Georgia Annotated is amended in Chapter 40, relating to real
22 estate brokers and salespersons, by revising Code Section 43-40-8, relating to license
23 requirements, as follows:
24

1 "43-40-8.

2 (a) In order to qualify to become an applicant for a community association manager's
3 license, an ~~applicant must~~ individual shall:

4 (1) Have attained the age of 18 years;

5 (2) Be a resident of the State of Georgia, unless that person has fully complied with the
6 provisions of Code Section 43-40-9;

7 (3) Be a high school graduate or the holder of a certificate of equivalency;

8 (3.1) Have satisfied all terms and conditions of any conviction, as the term is defined in
9 subparagraph (A) of paragraph (1) of subsection (b) of Code Section 43-40-15, such
10 individual may have had before making application for licensure; provided that if such
11 individual has been convicted of multiple criminal offenses, at least five years shall have
12 passed since the individual satisfied all terms and conditions of any sentence imposed for
13 the last conviction before making application for licensure; and provided that if such
14 individual has been convicted of a single felony or a single crime of moral turpitude, at
15 least two years shall have passed since the individual satisfied all terms and conditions
16 of any sentence imposed for the conviction before making application for licensure;

17 (4) Furnish evidence of completion of at least 25 ~~in-class~~ instructional hours in a
18 community association manager's course ~~or courses~~ of study approved by the
19 commission; and

20 (5) Stand and pass a real estate examination administered by or approved by the
21 commission covering generally the matters confronting real estate brokers who provide
22 community association management services and community association managers after
23 completing the requirements of paragraph (4) of this subsection.

24 Failure to meet any of these requirements shall be grounds for denial of license without a
25 hearing.

26 (b) In order to qualify to become an applicant for a salesperson's license, an ~~applicant must~~
27 individual shall:

28 (1) Have attained the age of 18 years;

29 (2) Be a resident of the State of Georgia, unless that person has fully complied with the
30 provisions of Code Section 43-40-9;

31 (3) Be a high school graduate or the holder of a certificate of equivalency;

32 (3.1) Have satisfied all terms and conditions of any conviction, as the term is defined in
33 subparagraph (A) of paragraph (1) of subsection (b) of Code Section 43-40-15, such
34 individual may have had before making application for licensure; provided that if such
35 individual has been convicted of multiple criminal offenses, at least five years shall have
36 passed since the individual satisfied all terms and conditions of any sentence imposed for
37 the last conviction before making application for licensure; and provided that if such

1 individual has been convicted of a single felony or a single crime of moral turpitude, at
 2 least two years shall have passed since the individual satisfied all terms and conditions
 3 of any sentence imposed for the conviction before making application for licensure;

4 (4) Furnish evidence of completion of at least 75 ~~in-class~~ instructional hours in a
 5 salesperson's course ~~or courses~~ of study approved by the commission; and

6 (5) Stand and pass a real estate examination administered by or approved by the
 7 commission covering generally the matters confronting real estate brokers and
 8 salespersons after completing the requirements of paragraph (4) of this subsection.

9 Failure to meet any of these requirements shall be grounds for denial of license without a
 10 hearing.

11 (c) In order to qualify to become an applicant for a broker or associate broker's license,
 12 an ~~applicant must~~ individual shall:

13 (1) Have attained the age of 21 years;

14 (2) Be a resident of the State of Georgia, unless that person has fully complied with the
 15 provisions of Code Section 43-40-9;

16 (3) Be a high school graduate or the holder of a certificate of equivalency;

17 (3.1) Have satisfied all terms and conditions of any conviction, as the term is defined in
 18 subparagraph (A) of paragraph (1) of subsection (b) of Code Section 43-40-15, such
 19 individual may have had before making application for licensure; provided that if such
 20 individual has been convicted of multiple criminal offenses, at least five years shall have
 21 passed since the individual satisfied all terms and conditions of any sentence imposed for
 22 the last conviction before making application for licensure; and provided that if such
 23 individual has been convicted of a single felony or a single crime of moral turpitude, at
 24 least two years shall have passed since the individual satisfied all terms and conditions
 25 of any sentence imposed for the conviction before making application for licensure;

26 (4) Have ~~served actively for three years as a licensee~~ maintained a license in active status
 27 for at least three of the five years immediately preceding the filing of an application to
 28 become a broker;

29 (5) Furnish evidence of completion of ~~60 in-class hours in~~ a broker's course of study of
 30 not more than 120 instructional hours to be determined and approved by the commission,
 31 provided that if licensed as a community association manager, the applicant ~~must~~ shall
 32 furnish evidence of completion of an additional 75 ~~in-class~~ instructional hours in courses
 33 or a course of study approved by the commission; and

34 (6) Stand and pass a real estate examination administered by or approved by the
 35 commission covering generally the matters confronting real estate brokers after
 36 completing the requirements of paragraph (5) of this subsection and after serving at least
 37 two years of active licensure.

1 Failure to meet any of these requirements shall be grounds for denial of license without a
2 hearing.

3 (d) Upon being issued an original salesperson's license, each salesperson shall be required
4 to furnish the commission, within one year of the issuance of a license, evidence of
5 satisfactory completion of a course of study of at least 25 ~~in-class~~ instructional hours
6 approved by the commission. As a part condition of satisfactory completion of this course,
7 the licensee ~~must~~ shall stand and pass an examination ~~covering that the commission~~
8 approves and that covers the subject matter contained in the course. ~~The commission, in~~
9 ~~its discretion, may approve an examination prepared by and administered by the school~~
10 ~~offering the course or may prepare and administer an examination itself.~~ The license of
11 any salesperson who fails to complete satisfactorily in a timely manner the course provided
12 for in this subsection shall lapse, and the salesperson's wall certificate of licensure and
13 pocket card shall immediately be surrendered to the commission. Any salesperson whose
14 license lapses for failure to complete satisfactorily this an approved 25 instructional hour
15 course may reinstate the license in the following manner:

16 (1) Any salesperson who has enrolled in the any approved 25 instructional hour course
17 within one year of the issuance of an original license, has paid all required fees for the
18 course, and:

19 (A) ~~Has~~ has not completed all in-class sessions, required exercises, or examinations;
20 for any reason

21 (B) ~~Produces a medical doctor's certification of incapacitation which caused the~~
22 ~~licensee to be unable to complete all in-class sessions and the examination; or~~

23 (C) ~~Has not completed the course or the examination due to cancellation of the course~~
24 ~~by the approved school~~

25 may reinstate the license by completing the course within six months of the lapsing of the
26 license; or

27 (2) Any salesperson who fails to reinstate a lapsed license as provided in paragraph (1)
28 of this subsection ~~must qualify as an original applicant by passing a new examination as~~
29 ~~required in subsection (b) of this Code section and must~~ shall complete 25 ~~in-class~~
30 instructional hours ~~of instruction in a course of study~~ approved by the commission and
31 pay such penalty fees as the commission may require through its rules and regulations
32 before making application to reinstate such license.

33 (e) Except those individuals actively licensed on January 1, 1980, each applicant for
34 renewal of an active license ~~must~~ shall furnish to the commission before renewing a license
35 evidence of satisfactorily completing a continuing education course or courses approved
36 by the commission. The length of the course or courses taken by licensees to meet this
37 requirement of continuing education ~~must~~ shall total at least ~~six~~ twelve instructional hours

1 for each year of the renewal period established by the commission. The commission shall
2 not require the passing of an examination to meet this requirement. Continuing education
3 courses ~~witt~~ shall be provided by all educational or duly authorized instructional
4 organizations teaching real estate licensing courses. No licensee whose license has been
5 placed on inactive status shall be allowed to reactivate unless the provisions of this
6 subsection and subsection (g) of Code Section 43-40-12 are met. Individuals serving on
7 active duty in the armed forces of the United States or in the General Assembly may
8 choose not to meet the continuing education requirements of this subsection while on active
9 duty or during their terms of office. Members of the armed forces or the General Assembly
10 who choose to exercise this temporary exemption option and whose term of active duty or
11 of office exceeds two years shall be required to complete the 25 instructional hour course
12 referenced in subsection (d) above within six months of the conclusion of their active duty
13 or term of office.

14 (f) Instructors in all of the approved courses ~~must~~ shall be approved by the commission
15 and, where the commission deems necessary, receive any special instruction the
16 commission may require.

17 (g) Failure to complete any of the educational requirements as provided in this Code
18 section shall be grounds for denial of a license or denial of renewal of a license without
19 further hearing. No fees or portion of fees paid shall be refunded if a licensee fails to meet
20 the continuing education provisions of subsections (d) and (e) of this Code section or any
21 other provisions of this chapter.

22 (h) The commission may prepare and distribute to licensees under this chapter educational
23 material deemed of assistance in the conduct of their business. The commission may
24 prepare and distribute to the public educational material deemed of assistance to consumers
25 engaging in business in real estate transactions with persons licensed under this chapter.

26 (i) The commission, through its rules and regulations, shall establish standards for the
27 approval of schools and instructors to offer the education courses required by this chapter.
28 Each approved school ~~must~~ shall comply with Code Sections 43-40-15 through 43-40-32.
29 Each approved school ~~must~~ shall designate an individual approved by the commission to
30 act as its director and such designated individual shall be responsible for assuring that the
31 approved school complies with the requirements of this chapter and rules and regulations
32 promulgated under this chapter. An approved school ~~must~~ shall authorize its director to
33 bind the school to any settlement of a contested case before the commission as defined in
34 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The commission,
35 through its rules and regulations, shall establish standards for the offering of the prelicense
36 education courses required by this chapter by methods of instruction, which it deems to be
37 educationally sound, other than in-class instruction. The commission, through its rules and

1 regulations, may establish standards for the offering of continuing education courses
 2 required by this chapter by methods of instruction, which it deems to be educationally
 3 sound, other than in-class instruction."

4 SECTION 2.

5 Said title is further amended in Chapter 40 by revising subsections (f) and (g) of Code
 6 Section 43-40-12, relating to inactive status of a license, as follows:

7 "(f) Any licensee whose license lapses for failure to pay a renewal fee may reinstate that
 8 license within two years of the date of its lapsing by paying the total amount of all renewal
 9 fees and late charges which would have been due during the period when the license was
 10 lapsed plus a reinstatement fee. If any licensee who has passed an examination
 11 administered by or approved by the commission allows a license to lapse for a period
 12 longer than two years and less than ~~ten~~ five years due solely to a failure to pay a renewal
 13 fee, the licensee may reinstate that license by paying the total amount of all renewal fees
 14 and late charges which would have been due during the period when the license was lapsed
 15 plus a reinstatement fee and by successfully completing any educational course or courses
 16 which the commission may require. Any licensee whose license has lapsed for longer than
 17 ~~ten~~ five years for failure to pay a renewal fee and who seeks to reinstate that license ~~must~~
 18 shall meet the education and examination requirements for that license as set forth in Code
 19 Section 43-40-8. Any nonresident licensee whose license lapses for failure to pay a renewal
 20 fee may reactivate that license by paying the fee required of an original applicant if such
 21 nonresident licensee has maintained an active license in his or her state of residence during
 22 the period that his or her license lapsed and has met its continuing education requirements.
 23 Any licensee whose license has lapsed for longer than one year and who is not subject to
 24 the continuing education requirements of subsection (e) of Code Section 43-40-8 and who
 25 reinstates such license under the terms of this subsection shall thereafter be subject to the
 26 continuing education requirements of subsection (e) of Code Section 43-40-8.

27 (g) Any real estate broker who does not wish to be actively engaged in the brokerage
 28 business or any licensee who is temporarily not actively engaged on behalf of a broker may
 29 continue a license by making a written request within 30 days of ceasing work that the
 30 license be placed on inactive status. Any licensee whose license has been placed on an
 31 inactive status ~~may~~ shall not engage in the real estate brokerage business except in
 32 connection with property owned by the licensee. To reinstate a license held on inactive
 33 status, a licensee other than a broker ~~must~~ shall secure the signature of the broker for whom
 34 the licensee wishes to act; and a broker ~~must~~ shall make application to the commission
 35 prior to resuming brokerage activity. Any individual licensee who seeks to activate a
 36 license which has been on inactive status ~~for a period of two years or longer shall be~~

1 ~~required to attend a commission approved course of study prior to activating an inactive~~
 2 ~~license. The course of study shall consist of a commission approved education course or~~
 3 ~~courses totaling at least six hours for each year the license was on inactive status. This~~
 4 ~~education requirement for activating a license on inactive status shall not apply to licensees~~
 5 ~~who shall first meet the continuing education requirement of subsection (e) of Code Section~~
 6 ~~43-40-8 in each renewal period that they are on inactive status nor to licensees who which~~
 7 ~~would have been required had such person been on active status unless such person~~
 8 ~~maintained an active license in another state that has continuing education requirements~~
 9 ~~while such licensee's license was on inactive status in Georgia."~~

10 SECTION 3.

11 Said title is further amended in Chapter 40 by revising subsection (b) of Code Section
 12 43-40-15, relating to the grant, revocation, or suspension of licenses, as follows:

13 "(b)(1) As used in this Code section, the term:

14 (A) 'Conviction' means a finding or verdict of guilty or a plea of guilty, regardless of
 15 whether an appeal of the conviction has been brought; a sentencing to first offender
 16 treatment without an adjudication of guilt pursuant to a charge of a felony or any crime
 17 involving moral turpitude; or a plea of nolo contendere to a charge of a felony or any
 18 crime involving moral turpitude.

19 (B) 'Felony' includes any offense which, if committed in this state, would be deemed
 20 a felony, without regard to its designation elsewhere.

21 (1.1) No person who has a conviction for:

22 (A) Any criminal offense other than a traffic violation; or

23 (B) Any traffic violation that involved driving under the influence of alcohol or drugs,
 24 homicide or feticide by vehicle, fleeing the scene of an accident, attempting to elude a
 25 police officer, or impersonating a law enforcement officer

26 shall be eligible to become an applicant for a license or an approval authorized by this
 27 chapter unless such person has successfully completed all terms and conditions of any
 28 sentence imposed for such conviction before making application for licensure or
 29 approval; provided that if such individual has been convicted of multiple criminal
 30 offenses, at least five years shall have passed since the individual satisfied all terms and
 31 conditions of any sentence imposed for the last conviction before making application for
 32 licensure or approval; and provided that if such individual has been convicted of a single
 33 felony or a single crime of moral turpitude, at least two years shall have passed since the
 34 individual satisfied all terms and conditions of any sentence imposed for the last
 35 conviction before making application for licensure or approval;

1 (1.2) A person who has been convicted in a court of competent jurisdiction of this or any
 2 other state, district, or territory of the United States or of a foreign country of any
 3 criminal offense other than a traffic violation or of any traffic violation that involved
 4 driving under the influence of alcohol or drugs, homicide or feticide by vehicle, fleeing
 5 the scene of an accident, attempting to elude a police officer, or impersonating a law
 6 enforcement officer shall be eligible to become an applicant for a license or an approval
 7 authorized by this chapter only if:

8 (A) Such person has satisfied all terms and conditions of any criminal conviction such
 9 person may have had before making application for licensure or approval; provided that
 10 if such individual has been convicted of multiple criminal offenses, at least five years
 11 shall have passed since the individual satisfied all terms and conditions of any sentence
 12 imposed for the last conviction before making application for licensure or approval; and
 13 provided that if such individual has been convicted of a single felony or a single crime
 14 of moral turpitude, at least two years shall have passed since the individual satisfied all
 15 terms and conditions of any sentence imposed for the last conviction before making
 16 application for licensure or approval;

17 (B) No criminal charges are pending against such person; and

18 (C) The person presents to the commission satisfactory proof that he or she now bears
 19 a good reputation for honesty, trustworthiness, integrity, and competence to transact the
 20 business of a licensee in such a manner as to safeguard the interest of the public.

21 (2) Where an applicant for ~~a community association manager's license or a salesperson's~~
 22 ~~license~~ any license or approval authorized by this chapter has been convicted of forgery,
 23 embezzlement, obtaining money under false pretenses, theft, extortion, conspiracy to
 24 defraud, or other like offense or offenses or has been convicted of a felony, a sex offense,
 25 a probation violation, or a crime involving moral turpitude and has been convicted thereof
 26 in a court of competent jurisdiction of this or any other state, district, or territory of the
 27 United States; or of a foreign country; such conviction in itself may be a sufficient ground
 28 for refusal of a license or approval authorized by this chapter. An applicant for licensure
 29 as an associate broker or a broker who has been convicted of any offense enumerated in
 30 this ~~subsection~~ paragraph may be licensed by the commission as an associate broker or
 31 a broker only if:

32 (A) At least ten years have passed since the applicant was convicted, sentenced, or
 33 released from any incarceration, whichever is later;

34 (B) No criminal charges are pending against the applicant; and

35 (C) The applicant presents to the commission satisfactory proof that the applicant now
 36 bears a good reputation for honesty, trustworthiness, integrity, and competence to

1 transact the business of a licensee in such a manner as to safeguard the interest of the
2 public."

3 SECTION 4.

4 Said title is further amended in Chapter 40 by revising subsection (e) of Code Section
5 43-40-20, relating to when a broker is entitled to commission or fee, as follows:

6 "(e) A broker shall not be entitled to any part of the earnest money, security deposit, or
7 other ~~money~~ trust funds paid to the broker in connection with any real estate transaction
8 as part or all of the broker's commission or fee until the transaction has been
9 consummated or terminated."

10 SECTION 5.

11 Said title is further amended in Chapter 40 by revising paragraph (14) of subsection (b) of
12 Code Section 43-40-25, relating to unfair trade practices, as follows:

13 "(14) Negotiating a sale, exchange, or lease of real estate directly with an owner, a lessor,
14 a purchaser, or a tenant if the licensee knows that such owner or lessor has a written
15 outstanding listing contract in connection with such property granting an exclusive
16 agency or an exclusive right to sell to another broker or that such purchaser or tenant has
17 a written outstanding exclusive brokerage agreement with another broker, unless the
18 outstanding listing or brokerage agreement provides that the licensee holding such
19 agreement will not provide negotiation services to the client;"

20 SECTION 6.

21 Said title is further amended in Chapter 39A, relating to real estate appraisers, by revising
22 Code Section 43-39A-8, relating to the establishment of appraiser classifications complying
23 with federal law, continuing education courses required for renewal of classification, and
24 approval of instructors, by adding two new subsections to read as follows:

25 "(a.1) In order to qualify to become an applicant for an appraiser classification or approval,
26 an individual shall:

- 27 (1) Have attained the age of 18 years;
- 28 (2) Be a resident of the State of Georgia, unless that person has fully complied with the
29 provisions of Code Section 43-39A-9;
- 30 (3) Have attained the level of education that the board may establish through its rules and
31 regulations;
- 32 (4) Have satisfied all terms and conditions of any criminal conviction such individual
33 may have had before making application for classification; provided that if such
34 individual has been convicted of multiple criminal offenses, at least five years shall have

1 passed since the individual satisfied all terms and conditions of any sentence imposed for
 2 the last conviction before making application for classification or approval; and provided
 3 that if such individual has been convicted of a single felony or of a single crime of moral
 4 turpitude, at least two years shall have passed since the individual satisfied all terms and
 5 conditions of any sentence imposed for the conviction before making application for
 6 classification or approval. As used in this paragraph, the term 'conviction' shall have the
 7 same meaning as in subparagraph (A) of paragraph (1) of subsection (b) of Code Section
 8 43-39A-14;

9 (5) Furnish evidence of completion of the instructional hours in any course of study the
 10 board may require through its rules and regulations; and

11 (6) Stand and pass an examination administered by or approved by the board covering
 12 generally the matters confronting real property appraisers after completing the
 13 requirements of paragraph (5) of this subsection.

14 Failure to meet any of these requirements shall be grounds for denial of classification or
 15 approval without a hearing."

16 "(f) The board may prepare and distribute to appraisers under this chapter educational
 17 material deemed of assistance in the conduct of their business. The board may prepare and
 18 distribute to the public educational material deemed of assistance to consumers engaging
 19 in business in real estate appraisals with persons classified under this chapter."

20 SECTION 7.

21 Said title is further amended in Chapter 39A by revising subsection (f) of Code Section
 22 43-39A-11, relating to fees for examination, activation, and renewal and reactivation of
 23 lapsed or inactive appraiser classification, as follows:

24 "(f) Any resident appraiser whose appraiser classification lapses for failure to pay a
 25 renewal fee may reactivate that appraiser classification within two years of the date of its
 26 lapsing by paying the total amount of all renewal fees and late charges which would have
 27 been due during the period when the appraiser classification was lapsed plus a reactivation
 28 fee. If any resident appraiser allows an appraiser classification to lapse for a period longer
 29 than two years due solely to a failure to pay a renewal fee, the resident appraiser may have
 30 that appraiser classification reinstated by paying the total amount of all renewal fees and
 31 late charges which would have been due during the period when the appraiser classification
 32 was lapsed plus a reactivation fee and by successfully completing any educational course
 33 or courses which the board may require. Any resident appraiser whose appraiser
 34 classification has lapsed for longer than ~~ten~~ five years and who seeks to have that appraiser
 35 classification reinstated shall requalify as an original applicant as set forth in Code Section
 36 43-39A-8. Any nonresident appraiser whose appraiser classification lapses for failure to

1 pay a renewal fee may reactivate that appraiser classification by paying the fee required of
 2 an original applicant if such nonresident appraiser has maintained an active classification
 3 in his or her state of residence during the period that his or her classification lapsed. The
 4 board may refuse to renew an appraiser classification if the appraiser has continued to
 5 perform real estate appraisal activities following the lapsing of that appraiser
 6 classification."

7 SECTION 8.

8 Said title is further amended in Chapter 39A by revising subsection (b) of Code Section
 9 43-39A-14, relating to required conduct of applicants and refusal of classification, as follows:

10 "(b)(1) As used in this subsection, the term:

11 (A) 'Conviction' means a finding or verdict of guilty or a plea of guilty, regardless of
 12 whether an appeal of the conviction has been brought; a sentencing to first offender
 13 treatment without an adjudication of guilt pursuant to a charge of a felony or any crime
 14 involving moral turpitude; or a plea of nolo contendere to a charge of a felony or any
 15 crime involving moral turpitude.

16 (B) 'Felony' includes any offense which, if committed in this state, would be deemed
 17 a felony, without regard to its designation elsewhere.

18 (1.1) No person who has a conviction for:

19 (A) Any criminal offense other than a traffic violation; or

20 (B) Any traffic violation that involved driving under the influence of alcohol or drugs,
 21 homicide or feticide by vehicle, fleeing the scene of an accident, attempting to elude a
 22 police officer, or impersonating a law enforcement officer

23 shall be eligible to become an applicant for a classification or approval authorized by this
 24 chapter unless such person has successfully completed all terms and conditions of any
 25 sentence imposed for such conviction; provided that if such individual has been convicted
 26 of multiple criminal offenses, at least five years shall have passed since the individual
 27 satisfied all terms and conditions of any sentence imposed for the last conviction before
 28 making application for classification or approval; and provided that if such individual has
 29 been convicted of a single felony or of a single crime of moral turpitude, at least two
 30 years shall have passed since the individual satisfied all terms and conditions of any
 31 sentence imposed for the last conviction before making application for classification or
 32 approval;

33 (1.2) A person who has been convicted in a court of competent jurisdiction of this or any
 34 other state, district, or territory of the United States or of a foreign country of any
 35 criminal offense other than a traffic violation or of any traffic violation that involved
 36 driving under the influence of alcohol or drugs, homicide or feticide by vehicle, fleeing

1 the scene of an accident, attempting to elude a police officer, or impersonating a law
 2 enforcement officer, shall be eligible to become an applicant for a classification or
 3 approval authorized by this chapter only if:

4 (A) Such person has satisfied all terms and conditions of any criminal conviction such
 5 person may have had before making application for classification or approval; provided
 6 that if such individual has been convicted of multiple criminal offenses, at least five
 7 years shall have passed since the individual satisfied all terms and conditions of any
 8 sentence imposed for the last conviction before making application for classification
 9 or approval; and provided that if such individual has been convicted of a single felony
 10 or of a single crime of moral turpitude, at least two years shall have passed since the
 11 individual satisfied all terms and conditions of any sentence imposed for the last
 12 conviction before making application for classification or approval;

13 (B) No criminal charges are pending against such person; and

14 (C) The person presents to the commission satisfactory proof that the person now bears
 15 a good reputation for honesty, trustworthiness, integrity, and competence to transact
 16 real estate appraisal activity in such a manner as to safeguard the interests of the public.

17 (2) Where an applicant for ~~an appraiser~~ any classification or approval authorized by this
 18 chapter has been convicted in a court of competent jurisdiction of this or any other state,
 19 district, or territory of the United States; or of a foreign country of the offense of forgery,
 20 embezzlement, obtaining money under false pretenses, theft, extortion, or conspiracy to
 21 defraud or other like offense or offenses or has been convicted of a felony, a sex offense,
 22 a probation violation, or a crime involving moral turpitude, such conviction in itself may
 23 be a sufficient ground for refusal of ~~an appraiser~~ a classification or approval. An
 24 applicant for any ~~appraiser~~ classification or approval authorized by this chapter who has
 25 been convicted of any offense enumerated in this paragraph may be issued ~~an appraiser~~
 26 a classification or approval by the board only if:

27 (A) ~~At least five years~~ The time periods identified in paragraph (1.1) of this subsection
 28 have passed since the applicant was convicted, sentenced, or released from any
 29 incarceration, whichever is later;

30 (B) No criminal charges are pending against the applicant; and

31 (C) The applicant presents to the board satisfactory proof that the applicant now bears
 32 a good reputation for honesty, trustworthiness, integrity, and competence to transact
 33 real estate appraisal activity in such a manner as to safeguard the interests of the
 34 public."

35 SECTION 9.

36 All laws and parts of laws in conflict with this Act are repealed.