

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:**

21 **SECTION 1.**

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

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 supbparagraph (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 supbparagraph (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

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

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

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

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

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

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

SECTION 4.

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

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

SECTION 5.

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

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

SECTION 6.

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

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

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

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

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

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

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

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

SECTION 7.

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

"(f) Any resident appraiser whose appraiser classification lapses for failure to pay a renewal fee may reactivate that appraiser classification within two years of the date of its lapsing by paying the total amount of all renewal fees and late charges which would have been due during the period when the appraiser classification was lapsed plus a reactivation fee. If any resident appraiser allows an appraiser classification to lapse for a period longer than two years due solely to a failure to pay a renewal fee, the resident appraiser may have that appraiser classification reinstated by paying the total amount of all renewal fees and late charges which would have been due during the period when the appraiser classification was lapsed plus a reactivation fee and by successfully completing any educational course or courses which the board may require. Any resident appraiser whose appraiser classification has lapsed for longer than ~~ten~~ five years and who seeks to have that appraiser classification reinstated shall requalify as an original applicant as set forth in Code Section 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,
homicide or feticide by vehicle, fleeing the scene of an accident, attempting to elude a
police officer, or impersonating a law enforcement officer

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

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

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

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

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

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

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

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

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

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

SECTION 9.

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