

Senate Bill 114

By: Senators Shafer of the 48th, Williams of the 19th, Johnson of the 1st, Rogers of the 21st, Pearson of the 51st and others

**AS PASSED SENATE**

**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 amend Code Section 43-1-9 of the Official Code of Georgia Annotated,  
 14 relating to point credit for veterans taking examinations given by professional licensing  
 15 boards, so as to change certain provisions relating to points given to disabled veterans; to  
 16 provide that certain time periods shall have passed after completing the terms and conditions  
 17 of a sentence for certain criminal convictions before making an application for appraiser  
 18 classification or approval to the Georgia Real Estate Appraiser Board; to provide for  
 19 additional criminal offenses for which the board may deny a classification or approval; to  
 20 change provisions relating to lapsed appraisal classifications; to permit the board to provide  
 21 certain educational materials to consumers; to provide for related matters; to repeal  
 22 conflicting laws; and for other purposes.

23 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

24 **SECTION 1.**

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

S. B. 114

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 ~~will~~ 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 5A.**

21 Code Section 43-1-9 of the Official Code of Georgia Annotated, relating to point credit for  
22 veterans taking examinations given by professional licensing boards, is amended by revising  
23 paragraphs (2) and (3) as follows:

24 "(2) Any applicant who is a disabled veteran and who served on active duty in the armed  
25 forces of the United States or on active duty in a reserve component of the armed forces  
26 of the United States, including the National Guard, during wartime or during any conflict  
27 when military personnel were committed by the President of the United States ~~and who~~  
28 ~~was discharged for injury or illness incurred in line of duty~~ shall be entitled to a credit of  
29 five points if the disability was for an injury or illness incurred in the line of duty and  
30 such disability is officially rated at less than 10 percent at the time of taking the  
31 examination. Such points shall be added by the person grading the examination to the  
32 grade made by the applicant in answering the questions propounded in any such  
33 examination; and

1 (3) Any applicant who is a disabled veteran who served on active duty in the armed  
 2 forces of the United States or on active duty in a reserve component of the armed forces  
 3 of the United States, including the National Guard, during wartime or during any conflict  
 4 when military personnel were committed by the President of the United States ~~and who~~  
 5 ~~was discharged for injury or illness incurred in line of duty~~ shall be entitled to a credit of  
 6 ten points if the disability was for an injury or illness incurred in the line of duty and such  
 7 disability is officially rated at 10 percent or above at the time of taking the examination.  
 8 Such points shall be added by the person grading the examination to the grade made by  
 9 the applicant in answering questions propounded in any such examination."

#### 10 SECTION 6.

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

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

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

18 (2) Be a resident of the State of Georgia, unless that person has fully complied with the  
 19 provisions of Code Section 43-39A-9;

20 (3) Have attained the level of education that the board may establish through its rules and  
 21 regulations;

22 (4) Have satisfied all terms and conditions of any criminal conviction such individual  
 23 may have had before making application for classification; provided that if such  
 24 individual has been convicted of multiple criminal offenses, at least five years shall have  
 25 passed since the individual satisfied all terms and conditions of any sentence imposed for  
 26 the last conviction before making application for classification or approval; and provided  
 27 that if such individual has been convicted of a single felony or of a single crime of moral  
 28 turpitude, at least two years shall have passed since the individual satisfied all terms and  
 29 conditions of any sentence imposed for the conviction before making application for  
 30 classification or approval. As used in this paragraph, the term 'conviction' shall have the  
 31 same meaning as in subparagraph (A) of paragraph (1) of subsection (b) of Code Section  
 32 43-39A-14;

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

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

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

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

#### 10 **SECTION 7.**

11 Said title is further amended in Chapter 39A by revising subsection (f) of Code Section  
 12 43-39A-11, relating to fees for examination, activation, and renewal and reactivation of  
 13 lapsed or inactive appraiser classification, as follows:

14 "(f) Any resident appraiser whose appraiser classification lapses for failure to pay a  
 15 renewal fee may reactivate that appraiser classification within two years of the date of its  
 16 lapsing by paying the total amount of all renewal fees and late charges which would have  
 17 been due during the period when the appraiser classification was lapsed plus a reactivation  
 18 fee. If any resident appraiser allows an appraiser classification to lapse for a period longer  
 19 than two years due solely to a failure to pay a renewal fee, the resident appraiser may have  
 20 that appraiser classification reinstated by paying the total amount of all renewal fees and  
 21 late charges which would have been due during the period when the appraiser classification  
 22 was lapsed plus a reactivation fee and by successfully completing any educational course  
 23 or courses which the board may require. Any resident appraiser whose appraiser  
 24 classification has lapsed for longer than ~~ten~~ five years and who seeks to have that appraiser  
 25 classification reinstated shall requalify as an original applicant as set forth in Code Section  
 26 43-39A-8. Any nonresident appraiser whose appraiser classification lapses for failure to  
 27 pay a renewal fee may reactivate that appraiser classification by paying the fee required of  
 28 an original applicant if such nonresident appraiser has maintained an active classification  
 29 in his or her state of residence during the period that his or her classification lapsed. The  
 30 board may refuse to renew an appraiser classification if the appraiser has continued to  
 31 perform real estate appraisal activities following the lapsing of that appraiser  
 32 classification."

#### 33 **SECTION 8.**

34 Said title is further amended in Chapter 39A by revising subsection (b) of Code Section  
 35 43-39A-14, relating to required conduct of applicants and refusal of classification, as follows:

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

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

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

9 (1.1) No person who has a conviction for:

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

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

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

24 (1.2) A person who has been convicted in a court of competent jurisdiction of this or any  
25 other state, district, or territory of the United States or of a foreign country of any  
26 criminal offense other than a traffic violation or of any traffic violation that involved  
27 driving under the influence of alcohol or drugs, homicide or feticide by vehicle, fleeing  
28 the scene of an accident, attempting to elude a police officer, or impersonating a law  
29 enforcement officer, shall be eligible to become an applicant for a classification or  
30 approval authorized by this chapter only if:

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

1 individual satisfied all terms and conditions of any sentence imposed for the last  
 2 conviction before making application for classification or approval;

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

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

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

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

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

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

## 25 SECTION 9.

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