

House Bill 315

By: Representative Barnard of the 166th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 40 of Title 43 of the Official Code of Georgia Annotated, relating to real
2 estate brokers and salespersons, so as to require that certain disclosures be made in writing;
3 to clarify that all valuable consideration obtained in a real estate transaction shall be
4 disclosed; to clarify that the amounts of referral fees shall be disclosed; to provide for related
5 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 40 of Title 43 of the Official Code of Georgia Annotated, relating to real estate
9 brokers and salespersons, is amended by revising paragraphs (6), (29), and (35) of subsection
10 (b) of Code Section 43-40-25, relating to violations by licensees, schools, and instructors,
11 sanctions, and unfair trade practices, as follows:

12 "(6) Accepting, giving, or charging any undisclosed ~~commission fee~~, rebate, ~~or~~ direct
13 profit, or other valuable consideration on expenditures made for a principal or any
14 undisclosed ~~commission fee~~, rebate, ~~or~~ direct profit, or other valuable consideration for
15 procuring a loan or insurance or for conducting a property inspection related to a real
16 estate transaction;"

17 "(29) Failing to disclose to a buyer or seller of real estate on the settlement statement the
18 amount paid or charged for any fee, including a referral fee, rebate, sales commission, or
19 other valuable consideration resulting from such transaction and the recipient thereof
20 Reserved;"

21 "(35) Failing to obtain a person's agreement to refer that person to another licensee for
22 brokerage or relocation services and to inform such person being referred whether or not
23 the licensee will receive a valuable consideration for such referral and the amount of such
24 consideration."

25 **SECTION 2.**

26 This Act shall become effective upon its approval by the Governor or upon its becoming law
27 without such approval.

28 **SECTION 3.**

29 All laws and parts of laws in conflict with this Act are repealed.