

The House Committee on Regulated Industries offers the following substitute to HB 153:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 19 of Title 15 of the Official Code of Georgia Annotated,
2 relating to the regulation of the practice of law, so as to authorize certain activities involving
3 real estate transactions; to provide for a civil action for damages; to provide for exceptions;
4 to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 3 of Chapter 19 of Title 15 of the Official Code of Georgia Annotated, relating to the
8 regulation of the practice of law, is amended by adding two new Code sections to read as
9 follows:

10 "15-19-59.

11 (a) As used in this Code section, the terms 'associate broker,' 'broker,' and 'salesperson'
12 shall have the same meanings as set forth in Code Section 43-40-1.

13 (b) A broker, associate broker, or salesperson licensed pursuant to Chapter 40 of Title 43,
14 a seller of real property, or an employee of a property management company engaged in
15 the leasing or management of commercial or multifamily properties may:

16 (1) Provide information and advice to their principals, clients, and customers in matters
17 involving the listing, management, sale, purchase, exchange, renting, lease, option, or
18 other conveyance of any real estate or the improvements thereon;

19 (2) Prepare special stipulations to forms that were prepared by an attorney that are
20 necessary for the listing, sale, purchase, exchange, renting, lease, or option for any real
21 estate or the improvements thereon;

22 (3) Provide legal forms prepared by an attorney to their principals, clients, and
23 customers; and

24 (4) Complete legal instruments prepared by an attorney for their principals, clients, and
25 customers.

26 (c) This Code section shall not authorize a broker, associate broker, or salesperson to close
27 a real estate transaction or to express, render, or issue a legal opinion as to the status of the
28 title to real or personal property. No person or voluntary association, other than an
29 attorney, shall close a real estate transaction or express, render, or issue a legal opinion as
30 to the status of the title to real or personal property.

31 15-19-60.

32 Any consumer who is a party to a one-to-four family residential real estate transaction or
33 a party to a bankruptcy proceeding that involves a one-to-four family residential real
34 property who is damaged by a violation of this article or a violation of the Supreme Court's
35 rules or opinions governing the unlicensed practice of law shall be entitled to maintain a
36 civil action to recover damages, treble damages, reasonable attorney's fees, and expenses
37 of litigation. A claim for a violation of this Code section shall be asserted in an individual
38 action only and shall not be the subject of a class action under Code Section 9-11-23. This
39 Code section shall not prevent the activities authorized by Code Section 15-19-52,
40 15-19-53, 15-19-54, 15-19-59, or 43-40-25.1."

41 **SECTION 2.**

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