15 LC 36 2777S

House Bill 153 (COMMITTEE SUBSTITUTE)

By: Representatives Weldon of the 3rd, Willard of the 51st, Reeves of the 34th, Kelley of the 16th, Oliver of the 82nd, and others

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 "<u>15-19-59.</u>
- 11 (a) As used in this Code section, the terms 'associate broker,' 'broker,' and 'salesperson'
- 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 <u>a seller of real property, or an employee of a property management company engaged in</u>
- the leasing or management of commercial or multifamily properties may:
- 16 (1) Provide information and advice to their principals, clients, and customers in matters
- involving the listing, management, sale, purchase, exchange, renting, lease, option, or
- 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 <u>necessary for the listing, sale, purchase, exchange, renting, lease, or option for any real</u>
- 21 <u>estate or the improvements thereon;</u>
- 22 (3) Provide legal forms prepared by an attorney to their principals, clients, and
- 23 <u>customers; and</u>
- 24 (4) Complete legal instruments prepared by an attorney for their principals, clients, and
- customers.

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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 <u>15-19-60.</u>

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