

House Bill 153 (AS PASSED HOUSE AND SENATE)

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 style="text-align:center">**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 the employee of a seller of real property, or an employee of a
15 property management company engaged in the leasing or management of commercial or
16 multifamily properties may:

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

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

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

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

27 (c) This Code section shall not authorize a broker, associate broker, or salesperson to close
28 a real estate transaction or to express, render, or issue a legal opinion as to the status of the
29 title to real or personal property. No person or voluntary association, other than an active
30 member in good standing of the State Bar of Georgia, shall close a real estate transaction
31 or express, render, or issue a legal opinion as to the status of the title to real or personal
32 property.

33 (d) This Code section shall not prevent the activities authorized by Code Section 15-19-52,
34 15-19-53, 15-19-54, or 43-40-25.1.

35 15-19-60.

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

45 **SECTION 2.**

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