

House Bill 39

By: Representatives Powell of the 32nd, Maxwell of the 17th, Tanner of the 9th, Tarvin of the 2nd, Hatchett of the 150th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapters 39A and 40 of Title 43 of the Official Code of Georgia Annotated,
2 relating to real estate appraisers and real estate brokers and salespersons, respectively, so as
3 to change certain provisions relating to disciplinary actions and sanctions permitted for
4 failure of such real estate professionals to provide notification of convictions of certain
5 offenses; to require notification of convictions within a certain time frame; to provide for
6 revocation of a real estate professional's license or classification under certain circumstances;
7 to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 39A of Title 43 of the Official Code of Georgia Annotated, relating to real estate
11 appraisers, is amended by revising subsection (i) of Code Section 43-39A-14, relating to
12 conduct of applicants and grounds for refusal of classification, imposition of sanctions, and
13 suspension or revocation of classification, as follows:

14 "(i) Whenever any appraiser is convicted of any offense enumerated in subsection (b) of
15 this Code section, such appraiser shall ~~immediately~~ notify the board of that conviction
16 within ten days from the date of the conviction. Such appraiser's appraiser classification
17 ~~shall automatically~~ may be revoked by the board 60 days after the conviction unless the
18 appraiser ~~makes~~ has made a written request to the board for a hearing during that 60 day
19 period. Following any such hearing ~~requested pursuant to this subsection~~, the board in its
20 discretion may impose upon ~~that~~ such appraiser any disciplinary action or sanction
21 permitted by this chapter or impose no disciplinary action or sanction. If an appraiser fails
22 to make a written request for a hearing during the 60 day period after the conviction, then
23 the board, upon discovery of the conviction, shall have the option of revoking the
24 appraiser's appraiser classification without the appraiser being entitled to a hearing or the
25 board in its discretion may impose upon such appraiser any other disciplinary action or
26 sanction permitted by this chapter or impose no disciplinary action or sanction."

27

SECTION 2.

28 Chapter 40 of Title 43 of the Official Code of Georgia Annotated, relating to real estate
 29 brokers and salespersons, is amended by revising subsection (i) of Code Section 43-40-15,
 30 relating to grant of licenses, grounds for suspension or revocation of license, other sanctions,
 31 surrender or lapse, and conviction, as follows:

32 "(i) Whenever any licensee is convicted of any offense enumerated in subsection (b) of this
 33 Code section, ~~the~~ such licensee shall ~~immediately~~ notify the commission of that conviction
 34 within ten days from the date of the conviction. ~~The~~ Such licensee's license shall
 35 ~~automatically~~ may be revoked by the commission 60 days after the licensee's conviction
 36 unless the licensee ~~makes~~ has made a written request to the commission for a hearing
 37 during that 60 day period. Following any such hearing ~~requested pursuant to this~~
 38 ~~subsection,~~ the commission in its discretion may impose upon ~~that~~ such licensee any
 39 disciplinary action or sanction permitted by this chapter or impose no disciplinary action
 40 or sanction. If a licensee fails to make a written request for a hearing during the 60 day
 41 period after the conviction, then the commission, upon discovery of the conviction, shall
 42 have the option of revoking the licensee's license without the licensee being entitled to a
 43 hearing or the commission in its discretion may impose upon such licensee any other
 44 disciplinary action or sanction permitted by this chapter or impose no disciplinary action
 45 or sanction."

46

SECTION 3.

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