

House Bill 39 (AS PASSED HOUSE AND SENATE)

By: Representatives Powell of the 32<sup>nd</sup>, Maxwell of the 17<sup>th</sup>, Tanner of the 9<sup>th</sup>, Tarvin of the 2<sup>nd</sup>, Hatchett of the 150<sup>th</sup>, 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.