

HOUSE BILL NO. 247

INTRODUCED BY S. VINTON, G. HERTZ, C. KNUDSEN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO EXEMPTIONS CONCERNING THE BOARD OF REALTY REGULATION; PROVIDING THAT CERTAIN DIGITAL MEDIA PLATFORMS ARE EXEMPT; AMENDING SECTION 37-51-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-51-103, MCA, is amended to read:

"37-51-103. Exemptions. (1) An act performed for compensation of any kind in the buying, selling, exchanging, leasing, or renting of real estate or in negotiating a real estate transaction for others, except as specified in this section, must identify the person performing any of the acts as a real estate broker, a real estate salesperson, or a property manager. The licensing provisions of this chapter do not:

(a) apply to any person who, as owner or lessor, performs any acts listed in subsection (1) with reference to property owned or leased by the person or to an auctioneer employed by the owner or lessor to aid and assist in conducting a public sale held by the owner or lessor;

(b) apply to any person acting as attorney-in-fact under a special or general power of attorney from the owner of any real estate authorizing the purchase, sale, exchange, renting, or leasing of any real estate, unless the person acting as attorney-in-fact does so regularly or consistently for a person or persons, for or with the expectation of receiving a fee, commission, or other valuable consideration in conjunction with a business or for the purpose of avoiding license requirements;

(c) include in any way the services rendered by any attorney at law in the performance of the attorney's duties;

(d) apply to any person appointed by a court for the purpose of evaluating or appraising an estate in a probate matter;

(e) include a receiver, a trustee in bankruptcy, an administrator or executor, any person selling real estate under order of any court, a trustee under a trust agreement, deed of trust, or will, or an auctioneer

1 employed by a receiver, trustee in bankruptcy, administrator, executor, or trustee to aid and assist in conducting
2 a public sale held by the officer;

3 (f) apply to public officials in the conduct of their official duties;

4 (g) apply to any person, partnership, association, or corporation, foreign or domestic, performing
5 any act with respect to prospecting, leasing, drilling, or operating land for hydrocarbons and hard minerals or
6 disposing of any hydrocarbons, hard minerals, or mining rights, whether upon a royalty basis or otherwise;

7 (h) apply to persons acting as managers of housing complexes for low-income persons, which are
8 subsidized, directly or indirectly, by Montana or an agency or subdivision of Montana or by the government of
9 the United States or an agency of the United States; or

10 (i) apply to a person performing any act with respect to the following types of land transactions:

11 (i) right-of-way transfers for roads, utilities, and other public purposes, not including conservation
12 easements or easements for recreational purposes;

13 (ii) condemnations; or

14 (iii) governmental or tribal permits.

15 (2) The provisions of this chapter do not apply to:

16 (a) a newspaper or other publication of general circulation; ~~or to~~

17 (b) a radio or television station engaged in the normal course of business; or

18 (c) digital media platforms that host advertisements for the sale of real estate but otherwise do not
19 engage in any activities generally for which a license as a real estate broker or a real estate salesperson is
20 required."

21

22 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

23

- END -