

## House Bill 39

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>, and Hatchett of the 150<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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

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

**SECTION 2.**

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

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

**SECTION 3.**

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