

January 28, 1963.

Judiciary 1.

Pass as amended 3/19

House File 86

By JARVIS, NELSON, BRILES,
DIETZ, KNOCK, LANGE,
HAGEDORN and COFFMAN.

Passed House, Date *4-29-63*

Passed Senate, Date.....

Vote: Ayes *95* Nays *0*

Vote: Ayes..... Nays.....

Approved.....

A BILL FOR

An Act to amend chapter one hundred seventeen (117), Code 1962, relating to the powers and duties of the real estate commission.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 Section 1. Section one hundred seventeen point nine (117.9),
- 2 Code 1962, is hereby amended by striking the last sentence
- 3 thereof and inserting in lieu thereof the following:

- 4 "Said commission may provide and carry on a program of
- 5 education concerning real estate practices together with matters
- 6 pertaining thereto, and in connection therewith print or cause
- 7 to have printed for distribution a real estate primer and to
- 8 reprint and revise same from time to time, as may be found
- 9 necessary within the discretion of said commission."

- 1 Sec. 2. Section one hundred seventeen point twenty-eight
- 2 (117.28), Code 1962, is hereby amended by inserting at the
- 3 end of line six (6) the following: "and on or before December
- 4 31 of the year of issuance,".

- 1 Sec. 3. Section one hundred seventeen point thirty-four
- 2 (117.34), Code 1962, is hereby amended by adding thereto
- 3 immediately preceding the last paragraph the following:

- 4 "Any licensee under this chapter who shall be guilty of a
- 5 felony, either by a plea of guilt or by conviction after trial,
- 6 shall in event thereof immediately notify the commission in

7 writing giving notice thereof, and in connection with said
8 notice surrender the license to the commission. In the event
9 of the failure on the part of any such licensee to notify the
10 commission as herein provided, the commission upon obtaining
11 a certified copy of any such record of a felony having been
12 committed by a licensee hereunder, may, without a hearing or
13 notice to such licensee, revoke the license and make demand
14 for the immediate return of said licensee's real estate
15 license. Any licensee whose license shall have been revoked
16 by reason of a felony having been committed as herein provided
17 shall be ineligible to apply to the commission for a license
18 within two years after date of revocation or within two years
19 after release from a penal institution where committed for
20 such offense, or two years after termination of parole, whichever
21 last occurs. The eligibility of a felon to apply hereunder
22 shall extend only to the grade of a salesman's license and the
23 commission shall not hereafter grant or issue a broker's
24 license to anyone having a past felonious record."

1 Sec. 4. Section one hundred seventeen point thirty-five
2 (117.35), Code 1962, is hereby amended by inserting after the
3 word "commission" in lines one (1) and two (2) the words
4 " , in all cases except those provided for in section three (3)
5 of this Act,".

6 Said section is further amended by adding at the end thereof
7 a paragraph as follows :

8 "Any licensee under this chapter upon having received
9 notice of a complaint filed for having violated any of the
10 provisions thereof, may voluntarily surrender the license
11 together with a written statement signed by the licensee or

- 12 attorney, therein waiving hearing or notice thereof in
- 13 connection with any such complaint in lieu of the rights to a
- 14 hearing as provided in this chapter."

EXPLANATION OF HOUSE FILE 86

This bill permits reprinting of the real estate primer when needed; clarifies expiration date of licenses; provides for voluntary surrender of a license in lieu of a formal hearing; makes a plea of guilty or conviction of a felony a cause for revocation of license, and provides for limited licensing of said individuals thereafter.

HOUSE FILE 86

1 Amend House File 86 as follows:

2 1. Amend Section 1 by striking from line seven (7) after

3 the word "and" the word "to".

4 2. Strike Section 2 and insert in lieu thereof the

5 following:

6 "Sec. 2. Section one hundred seventeen point twenty-eight

7 (117.28), Code 1962, is hereby amended by striking the last

8 sentence thereof and inserting in lieu thereof the following:

9 "The commission shall issue a new license for the next

10 ensuing year to any licensee who applies for a new license

11 on forms prescribed by the commission and pays the annual

12 fee therefor on or before December 31 in the year for which

13 he is licensed. The commission in its discretion, when good

14 cause therefor is shown, may issue a new license even if

15 such application and fee are received after such date."

16 3. Amend Section 3 by striking all of lines four (4)

17 through twenty-four (24), inclusive, and inserting in lieu

18 thereof the following:

19 "If a judgment of conviction of a felony under the laws

20 of the United States or any state of the United States shall

21 be rendered against any licensee under this chapter, his

22 license shall automatically be revoked without necessity of

23 any action by the commission. The licensee shall immediately

24 notify the commission in writing of any such judgment of

25 conviction and shall immediately surrender his license to

26 the commission. If he fails to do so, the commission may

27 at any time demand and require the immediate surrender of

28 his license. The requirements of section one hundred

29 seventeen point thirty-five (117.35) of the Code shall not

30 apply to any revocation of a license under the provisions

31 of this paragraph. Any person whose license shall have been

32 revoked because of a judgment of conviction of a felony shall

33 be ineligible to apply to the commission for a new license

34 within two (2) years after the date on which his license

35 is surrendered to the commission, or within two (2) years

36 after release from a penal institution to which he is

37 committed for such felony, or within two (2) years after

38 discharge from parole or probation, whichever occurs

39 last. Any person whose license shall have been revoked

40 because of a judgment of conviction of a felony may apply

41 only for a salesman's license, and the commission shall

42 not issue a broker's license to such person. However, if

43 such person shall have been pardoned by the President of

44 the United States or the governor of a state of the

45 United States, then such person may apply for a broker's

46 license and the commission shall process the application

47 and may issue or deny a broker's license as provided in

48 this chapter. If the judgment of conviction is reversed

49 or nullified by any court having jurisdiction to do so,

50 the commission shall set aside such revocation and shall

51 issue a new license to such person, but the commission in

52 its discretion may take action as provided in this section."

filed 3/19
Com. Jud. 1
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accepted 4/29

53 4. Strike Section 4 and insert in lieu thereof the
54 following:

55 "Sec. 4. Section one hundred seventeen point thirty-
56 five (117.35), Code 1962, is hereby amended by adding the
57 following paragraph at the end thereof:

58 "Any licensee under this chapter may voluntarily
59 surrender his license to the commission, and upon such
60 surrender the license shall be deemed revoked. Such surrender
61 of the license shall constitute a waiver of notice and hearing."

62 5. Add the following new section:

63 "Sec. 5. Section one hundred seventeen point
64 forty-one (117.41), Code 1962, is hereby amended by
65 inserting the following in line seven (7) after the
66 word "license": "and any new license which may have
67 been issued after the commencement of proceedings under
68 this chapter".

Filed
March 19, 1963.

adopted 4/29

COMMITTEE ON JUDICIARY 1,
JOHN L. MOWRY, *Chairman.*