

**2017 -- H 5619 SUBSTITUTE A**

LC001116/SUB A

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2017**

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - REAL ESTATE BROKERS AND SALESPERSONS

Introduced By: Representatives Jacquard, and Solomon

Date Introduced: March 01, 2017

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 5-20.5-1 of the General Laws in Chapter 5-20.5 entitled "Real  
2 Estate Brokers and Salespersons" is hereby amended to read as follows:

3 **5-20.5-1. Definitions.**

4 When used in this chapter, unless the context indicates otherwise:

5 (1) "Associate broker" means any licensed real estate broker who is employed or engaged  
6 as an independent contractor by or in behalf of a licensed real estate broker to do or deal in any  
7 activity as included or comprehended by the definitions of a real estate broker in subdivision (4)  
8 of this section, for compensation or otherwise;

9 (2) "Director" means the director of business regulation for the state;

10 (3) "Opinion of value" means an analysis, opinion, or conclusion prepared by a person  
11 licensed under chapter 20.5 of title 5, in the ordinary course of their business relating to the price  
12 of specified interests in or aspects of identified real estate or identified real property or by  
13 comparison to other real property currently or recently sold in the marketplace for the purpose of  
14 listing, purchase, or sale, excluding an appraisal prepared by a person licensed under the  
15 provisions of chapter 20.7 of title 5, that conforms to the standards adopted by the uniform  
16 standards of professional appraisal practice ("USPAP").

17 ~~(3)~~(4) "Real estate", as used in this chapter, includes leaseholds as well as any and every  
18 interest or estate in land, whether corporeal or incorporeal, freehold or non-freehold, and whether

1 the property is situated in this state or elsewhere;

2 ~~(4)~~(5) "Real estate broker":

3 (i) Within the meaning of this chapter, includes all persons, partnerships, associations,  
4 and corporations, foreign and domestic, who:

5 (A) For a fee, commission, or other valuable consideration, or who with the intention or  
6 expectation of receiving or collecting a fee, commission, or other valuable consideration, lists,  
7 sells, purchases, exchanges, rents, leases, ~~appraises residential property containing four (4) or~~  
8 ~~fewer units~~, prepares an opinion of value, or auctions any real estate, or the improvements on real  
9 estate including options or who negotiates or attempts to negotiate any such activity;

10 (B) Advertises or holds himself or herself, itself, or themselves out as engaged in those  
11 activities;

12 (C) Directs or assists in the procuring of a purchaser or prospect calculated or intended to  
13 result in a real estate transaction.

14 (ii) Also includes any person, partnership, association, or corporation employed by or on  
15 behalf of the owner or owners of lots, or other parcels of real estate, at a stated salary, or upon a  
16 fee, commission or otherwise, to sell that real estate, or any parts, in lots or other parcels, and  
17 who sells, exchanges or leases, or offers or attempts or agrees to negotiate the sale, exchange or  
18 lease of any such lot or parcel of real estate;

19 ~~(5)~~(6) "Real estate salesperson" means and includes any person employed or engaged as  
20 an independent contractor by or on behalf of a licensed real estate broker to do or deal in any  
21 activity as included or comprehended by the definitions of a real estate broker in subdivision (4)  
22 of this section, for compensation or otherwise.

23 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - REAL ESTATE BROKERS AND  
SALESPERSONS

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- 1           This act would distinguish real estate agents' duties regarding establishing property
- 2 values from the duties of professional appraisers.
- 3           This act would take effect upon passage.

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