2020 South Dakota Legislature

House Bill 1126

Introduced by: ***Representative*** *Chase*

An Act to provide authority for real estate brokers to conduct real property evaluations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 36-21A-3 be AMENDED:

36-21A-3. Appraisal or evaluation defined.

For the purposes of this chapter, an appraisal or an evaluation is the act or process of developing an opinion of value of real estate for another and for compensation.

Section 2. That § 36-21A-6 be AMENDED:

36-21A-6. Real estate broker and broker defined.

For the purposes of this chapter, a broker or a real estate broker is any person who does any of the following:

(1) For another and for compensation or consideration or with the intention or expectation of receiving compensation or consideration, directly or indirectly, lists, sells, exchanges, buys, rents, manages, offers or attempts to negotiate a sale, option, exchange, purchase, lease or rental of an interest in real property, or a mobile or manufactured home ~~which~~ that has been registered under the provisions of chapters 32-3 to 32-5B, inclusive, unless licensed under chapter 32-7A to sell used mobile or manufactured homes, or advertises or holds himself out as engaged in such activities;

(2) For another and for compensation or consideration or with the intention or expectation of receiving compensation or consideration, directly or indirectly, negotiates or offers or attempts to negotiate a loan, secured or to be secured by a mortgage or other encumbrance on real property;

(3) For another and for compensation or consideration or with the intention or expectation of receiving compensation or consideration, directly or indirectly, lists,

sells, exchanges, buys, rents, manages, offers or attempts to negotiate a sale, option, exchange, purchase, lease or rental of any business opportunity or business, or its goodwill, inventory or fixtures, or any interest therein;

(4) For another and for compensation or consideration or with the intention or expectation of receiving compensation or consideration, directly or indirectly, offers, sells or attempts to negotiate the sale of property that is subject to the registration requirements concerning subdivided land;

(5) Charges a fee for undertaking to promote the sale or lease of real property by means of listing in a publication primarily for such purpose;

(6) Engages wholly or in part in the business of selling real property to the extent that a pattern of selling real property is established, unless exempted under the provisions of this chapter;

(7) Is employed by or on behalf of any owner of lots or other parcels of real property for compensation or consideration to sell the real property or any part thereof;

(8) Appraises, evaluates, offers, attempts or agrees to appraise or evaluate real property unless licensed or certified to appraise under some other provision of South Dakota law. Any person performing an appraisal or evaluation pursuant to this subdivision shall comply with the uniform standards established by the secretary pursuant to § 36-21B-3;

(9) For another and for compensation or consideration or with the intention or expectation of receiving compensation or consideration, directly or indirectly, prepares or offers to prepare a broker price opinion or a comparative market analysis;

(10) Auctions, offers, attempts or agrees to auction real estate unless licensed to auction real property under some other provision of South Dakota law; or

(11) Buys or offers to buy or sell or otherwise deals in options to buy real property.