

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005

# A Bill

HOUSE BILL 2317

4  
5 By: Representatives Schulte, Mack  
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## For An Act To Be Entitled

9 AN ACT TO EXEMPT PROBATE ESTATE SALES FROM THE  
10 REAL ESTATE LICENSE LAW; AND FOR OTHER PURPOSES.

### Subtitle

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12 TO EXEMPT PROBATE ESTATE SALES FROM THE  
13 REAL ESTATE LICENSE LAW.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code § 17-42-104 is amended to read as follows:  
20 17-42-104. Exemptions.

21 (a) The provisions of this chapter shall not apply to:

22 (1) Any person not licensed under this chapter who performs any  
23 of the acts described in § 17-42-103(12) with regard to the property owned,  
24 leased, or purchased by him or her;

25 (2) An attorney in fact under a duly executed and recorded power  
26 of attorney from the owner or lessor authorizing the final consummation by  
27 performance of any contract for the sale, lease, or exchange of real estate,  
28 provided that the attorney in fact receives no fee, commission, or other  
29 consideration and has no expectation thereof, directly or indirectly, for  
30 performing any such act;

31 (3) An attorney at law in the performance of his or her duties  
32 as an attorney at law;

33 (4) Any person acting as a receiver, trustee in bankruptcy,  
34 administrator, executor, or guardian, or while acting under a court order or  
35 under the authority of a will or of a trust instrument;

36 (5) Any person acting as a resident manager when the resident



1 manager resides on the premises and is engaged in the leasing of real  
2 property in connection with his or her employment;

3 (6) Any officer or employee of a federal agency or state  
4 government, or any political subdivision thereof, in the performance or  
5 conduct of his or her official duties;

6 (7) Any multiple listing service wholly owned by a nonprofit  
7 organization or association of real estate licensees; ~~or~~

8 (8) An officer of a corporation or a general partner of a  
9 partnership with respect to real property owned or leased by the corporation  
10 or partnership, or in connection with the proposed purchase or leasing of  
11 real property by the corporation or partnership, provided that such acts are  
12 not performed by the officer or partner for or in expectation of special  
13 compensation and provided further that such acts are not performed as a  
14 vocation of the officer or partner; or

15 (9) With respect to real property in probate under the law of  
16 the State of Arkansas or any other state, any person who:

17 (A) Sells, exchanges, purchases, rents, or leases the real  
18 property;

19 (B) Offers to sell, exchange, purchase, rent, or lease the  
20 real property; or

21 (C) Negotiates, offers, attempts, or agrees to negotiate  
22 the sale, exchange, purchase, rent, or lease of the real property.

23 (b) Any real estate broker licensed by the Arkansas Real Estate  
24 Commission on or before January 1, 1985, who is engaged in the sale of real  
25 estate by auction only is authorized to employ real estate salespersons to  
26 work under the license of the broker even though the broker is employed in a  
27 non-real estate-related field and is only a part-time broker.

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