

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1455

Short Title: Real Estate Appraisers Priv. Lic.

(Public)

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Sponsors: Representatives Brubaker; and Bowman.

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Referred to: Finance.

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June 2, 1992

A BILL TO BE ENTITLED

AN ACT TO REQUIRE REAL ESTATE APPRAISERS TO OBTAIN PRIVILEGE  
LICENSES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-41(a) reads as rewritten:

"(a) Every practicing attorney-at-law, practicing physician, ~~veterinary,~~  
veterinarian, surgeon, osteopath, chiropractor, chiropodist, dentist, oculist, optician,  
~~optometrist, any or optometrist;~~ every person practicing any professional art of healing  
for a fee or ~~reward, reward;~~ every practicing professional engineer as defined in Chapter  
89C of the General ~~Statutes, Statutes;~~ every practicing land surveyor as defined in  
Chapter 89C of the General ~~Statutes, Statutes;~~ every architect and landscape ~~architect,~~  
architect; every photographer, canvasser for any photographer, or agent of a  
photographer in transmitting pictures or photographs to be copied, ~~enlarged or colored~~  
(~~including all persons enumerated in this section employed by the State, county, municipality, a~~  
~~corporation, firm or individual~~), enlarged, or colored; and every person, whether acting as  
an individual, as a member of a partnership, or as an officer ~~and/or or~~ agent of a  
corporation, who is engaged in the business of selling or offering ~~for sale, to sell~~ real  
estate, buying or offering to buy, buy real estate, negotiating the purchase, sale, or  
exchange of real estate, ~~or who is engaged in the business of leasing or offering to lease,~~  
lease real estate, renting or offering to rent, or of rent real estate, collecting any rents as  
agent for another for compensation, ~~or who is engaged in the business of soliciting and/or~~  
or negotiating loans on real estate as agent for another for a commission, ~~brokerage~~  
~~and/or brokerage,~~ or appraising real estate shall apply for and  
obtain from the Secretary of Revenue a statewide license for the privilege of engaging in

1 ~~such business or profession, or the doing of the act named, the profession, business, or act~~  
2 ~~and shall pay for such license fifty dollars (\$50.00); Provided, that no professional man or~~  
3 ~~woman shall be a tax of fifty dollars (\$50.00) for the license. No professional individual~~  
4 ~~is required to pay a privilege tax after he or she the individual has arrived at the age of~~  
5 ~~75 years. Further provided, that it shall be unlawful for a nonresident of this State to engage in~~  
6 ~~the real estate business in this State, as defined in this section, unless the State of residence of~~  
7 ~~such person will permit a resident of this State to engage in such business. Any person who~~  
8 ~~shall engage in the real estate business in this State in violation of the terms of this provision~~  
9 ~~shall be guilty of a misdemeanor and shall be punished in the discretion of the court; and~~  
10 ~~further provided, that the obtaining of a real estate dealer's license by such person shall not~~  
11 ~~authorize such nonresident to engage in the real estate business in this State, and provided~~  
12 ~~further that in all prosecutions under this section, a certificate under the hand and seal of the~~  
13 ~~Secretary of Revenue that the accused filed no income tax returns with his department for the~~  
14 ~~preceding taxable year shall be prima facie evidence that the accused is a nonresident and that~~  
15 ~~his license is void. years."~~

16 Sec. 2. G.S. 93A-9 reads as rewritten:

17 **"§ 93A-9. Licensing nonresidents.**

18 An applicant from another state, which offers licensing privileges to residents of  
19 North Carolina, may be licensed by conforming to all the provisions of this Chapter and,  
20 in the discretion of the Commission, ~~such any~~ other terms and conditions as are required  
21 of North Carolina residents applying for license in ~~such other state; provided that the the~~  
22 other state. The Commission may exempt from the examination prescribed in G.S.  
23 93A-4 a broker or salesman duly licensed in another state if a similar exemption is  
24 extended to licensed brokers and salesmen from ~~North Carolina. North Carolina.~~

25 In all prosecutions under this section, a certificate under the hand and seal of the  
26 Secretary of Revenue that the accused filed no income tax returns with the Department  
27 of Revenue for the preceding taxable year is prima facie evidence that the accused is a  
28 nonresident and that the license is void."

29 Sec. 3. This act becomes effective July 1, 1992.