

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

400B0227

SENATE BILL NO. 55

Introduced by: The Committee on Commerce at the request of the Department of Commerce
and Regulation

1 FOR AN ACT ENTITLED, An Act to revise certain real estate licensing application and
2 examination procedures and to authorize the increase of license application fees.

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

4 Section 1. That § 36-21A-41 be amended to read as follows:

5 36-21A-41. No person may be licensed until ~~he has~~ qualified by examination, except as
6 otherwise provided by this chapter. ~~An individual who fails the examination may take a second~~
7 ~~examination within nine months from the notification by the commission of his failure. If an~~
8 ~~applicant fails the test the second time or if the applicant fails to take a second test within the~~
9 ~~nine-month period, his application is void, but he may submit a new application accompanied by~~
10 ~~a new filing fee and again be eligible for examination.~~

11 Section 2. That § 36-21A-42 be amended to read as follows:

12 36-21A-42. ~~An applicant~~ A person is required to retake only the failed portions of the
13 ~~examination that he failed.~~ If ~~he~~ the person fails any part twice, ~~he~~ the person shall ~~make a new~~
14 ~~application and~~ rewrite both parts of the examination.

15 Section 3. That chapter 36-21A be amended by adding thereto a NEW SECTION to read

1 as follows:

2 Upon notification in writing that the person has passed the examination, the person shall file
3 the appropriate application for license with all the required documents to the Real Estate
4 Commission within sixty days of the notice date. If the person fails to file an application and
5 proof of required education within the sixty-day period, the person's registration and all rights
6 deriving from a passing score are canceled.

7 Section 4. That § 36-21A-43 be amended to read as follows:

8 36-21A-43. An applicant currently licensed in another state who, ~~within the last five years,~~
9 has successfully passed the real estate licensing examination given in another state need ~~not take~~
10 ~~the uniform~~ only take the state portion of the examination in South Dakota.

11 Section 5. That § 36-21A-49 be amended to read as follows:

12 36-21A-49. The commission shall set, by rule promulgated pursuant to chapter 1-26, an
13 application fee not to exceed ~~one~~ two hundred dollars. This fee shall accompany an application
14 for a real estate ~~salesman's~~ salesperson's, broker associate's, or broker's license including
15 restricted licenses. ~~If the applicant successfully passes the examination, no additional fee is~~
16 ~~required for the issuance of a license. If the applicant fails the examination, he shall pay an~~
17 ~~additional twenty-five dollars before he may take a succeeding examination. If a new application~~
18 ~~is necessary, the applicant shall submit with his application a fee set by rule promulgated pursuant~~
19 ~~to chapter 1-26. This fee may not exceed one hundred dollars. A second examination, if~~
20 ~~necessary in connection with the new application, shall be accompanied by an additional~~
21 ~~twenty-five dollar fee.~~