

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

400B0267

SENATE BILL NO. 59

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 exemptions to real estate licensing
2 requirements.

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

4 Section 1. That § 36-21A-29 be amended to read as follows:

5 36-21A-29. This chapter does not apply to the following:

- 6 (1) Any person who as a bona fide owner or lessor, performs any of the acts described
7 in §§ 36-21A-6 and 36-21A-12 with reference to property owned, or leased by ~~him~~
8 the person, or to any regular employees thereof, if such acts are performed in the
9 regular course of, or as an incident to the management of such property or investment
10 in such property;
- 11 (2) Any public officer while performing ~~his~~ the officer's duties;
- 12 (3) Any person owning and operating a cemetery and selling lots solely for use as burial
13 plots;
- 14 (4) Any person acting as a receiver, trustee, administrator, executor, guardian or under
15 court order, or while acting under authority of a deed, trust, or will;

- 1 (5) Any custodian, janitor, or employee of the owner or manager of a residential building
2 who exhibits a residential unit therein to prospective tenants, accepts applications for
3 leases and furnishes prospective tenants with information relative to the rental of the
4 unit, terms and conditions of leases required by the owner or manager and similar
5 information;
- 6 (6) Any owner, manager, or employee of a business holding a lodging license while
7 engaging in the lodging business;
- 8 (7) Any attorney at law, admitted to practice in South Dakota, unless ~~he~~ the attorney
9 holds himself or herself out to be in the real estate business or solicits real estate
10 business, in which event ~~he~~ the attorney may obtain a real estate license without
11 examination, but ~~he shall~~ the attorney is otherwise ~~be~~ subject to the provisions of this
12 chapter;
- 13 (8) Any bank, bank holding company or subsidiary thereof, trust company, savings and
14 loan association, public utility or any land mortgage or farm loan association
15 organized under the laws of this state or the United States, if engaged in the
16 transaction of business within the scope of its corporate powers as provided by law;
- 17 (9) Any person holding, in good faith, a duly executed power of attorney from the owner,
18 authorizing the final consummation and execution for the sale, purchase, leasing, or
19 exchange of real property if such acts are not of a recurrent nature and done with the
20 intention of evading this chapter; and
- 21 (10) Any employee of any person enumerated in this section whose principal duties are
22 other than those duties described in §§ 36-21A-6 and 36-21A-12, if engaged in the
23 specific performance of ~~his~~ the employee's duties.