

LEGISLATIVE BILL 68

Approved by the Governor January 24, 1979

Introduced by Duis, 39

AN ACT to amend section 81-885.01, Revised Statutes Supplement, 1978, relating to the State Real Estate Commission; to delete an erroneous internal reference; to repeal the original section; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 81-885.01, Revised Statutes Supplement, 1978, be amended to read as follows:

81-885.01. As used in sections 81-885.01 to 81-885.47, unless the context otherwise requires:

(1) Real estate shall mean and include condominiums and leaseholds, as well as any other interest or estate in land, whether corporeal, incorporeal, freehold, or nonfreehold, and whether the real estate is situated in this state or elsewhere;

(2) Broker shall mean any person who for a fee, commission, or any other valuable consideration, or with the intent or expectation of receiving the same from another, negotiates or attempts to negotiate the listing, sale, purchase, exchange, rent, or lease or option for any real estate or improvements thereon, or assists in procuring prospects or holds himself out as a referral agent for the purpose of securing prospects for the listing, sale, purchase, exchange, renting, leasing, or optioning of any real estate or collects rents or attempts to collect rents, or holds himself out as engaged in any of the foregoing. Broker shall also include any person: (a) Employed by or on behalf of the owner or owners of lots or parcels or real estate at a salary, fee, commission, or any other valuable consideration to sell such real estate or any part thereof in lots or parcels or make other disposition thereof; (b) who engages in the business of charging an advance fee in connection with any contract whereby he undertakes primarily to promote the sale of real estate either through its listing in a publication issued primarily for such purpose, or for referral of information concerning such real estate to brokers, or both; (c) who auctions, offers, attempts, or agrees to auction real estate; or (d) who buys or offers to buy or sell or otherwise deals in options to buy real estate;

(3) Associate broker shall mean a person who has a broker's license and who is employed by another broker to participate in any activity described in subdivision (2) of this section;

(4) Salesperson shall mean any person, other than an associate broker, who is employed by a broker to participate in any activity described in subdivision (2) of this section; ~~except as provided in subdivision (2) of this section;~~

(5) Person shall mean and include individuals, corporations, and partnerships, except that when referring to a person licensed under this act, it shall mean an individual;

(6) Subdivision or subdivided land shall mean any real estate offered for sale and which has been registered under the Interstate Land Sales Full Disclosure Act, 82 Stat. 590 and following, 15 U.S.C. 1701 and following, as such act existed on January 1, 1973, or real estate located out of this state which is divided or proposed to be divided into twenty-five or more lots, parcels, or units;

(7) Subdivider shall mean any person who causes land to be subdivided into a subdivision for himself or others, or who undertakes to develop a subdivision, but shall not include a public agency or officer authorized by law to create subdivisions;

(8) Purchaser shall mean a person who acquires or attempts to acquire or succeeds to an interest in land; and

(9) Commission shall mean the State Real Estate Commission.

Sec. 2. That original section 81-885.01, Revised Statutes Supplement, 1978, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.