

(a) *The proposed comprehensive plan including estimated project costs and the proposed order establishing the waiver shall be filed with the Secretary of the Senate and Chief Clerk of the House of Representatives at least 60 days prior to its effective date.*

(b) *The secretary of health, education, and welfare of the United States has agreed, for the same project, to waive state plan requirements relative to state-wide uniformity.*

(c) *A comprehensive plan, including estimated project costs, shall be approved by the legislative advisory committee and filed with the commissioner of administration.*

Approved May 24, 1969.

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#### CHAPTER 704—H. F. No. 1068

[Coded in Part]

*An act relating to the licensing and regulation of real estate brokers and salesmen; amending Minnesota Statutes 1967, Sections 82.02, Subdivision 1; 82.035; 82.04; 82.09; 82.11, Subdivision 2; and 82.16, by adding a subdivision.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1967, Section 82.02, Subdivision 1, is amended to read:

**82.02 Real estate brokers or salesmen; license.** Subdivision

1. **Persons.** Sections 82.01 to 82.16, do not apply to a person who performs any of the following acts:

(a) Acts as an attorney at law, attorney in fact, receiver, trustee in bankruptcy, administrator, executor, or under an order of court, a trust, or a will;

(b) Any person owning and operating a cemetery and selling lots therein solely for use as burial plots, or any officer or employee thereof who sells such lots solely for use as burial plots;

(c) Any person *except a real estate broker or salesmen licensed under this chapter* who, as owner, lessor, or prospective purchaser, performs any act with reference to property owned, leased, or to be acquired by him, or to his regular employees, where such acts

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are performed in the regular course of, or as incident to, the management of such property and the investment therein;

(d) Acts as an auctioneer bonded in conformance with section 330.02, and such auctioneer may engage in the sale of real estate incidental to his work as an auctioneer, as defined and regulated by chapter 82, without any additional license or bond.

Sec. 2. Minnesota Statutes 1967, Section 82.035, is amended to read:

**82.035 Examination.** *Subdivision 1.* Each applicant for a license shall be required to pass an examination conducted by the commissioner or his authorized representative. This examination shall be of a true or false or multiple choice type of examination and shall be of such scope and wording as to be sufficient, in the judgment of the commissioner, to establish the competency of the applicant to act as a real estate broker or as a real estate salesman.

*Subd. 2.* Each licensed salesman, within two years of the date his license was first granted, shall be required to pass a second examination more difficult in degree than the one required for granting of his salesman's license. Such examination may, however, be waived as provided in subdivision 3 hereof. No renewal of a salesman's license shall be effective beyond a date two years after the date of granting such salesman's license unless such second examination is passed or waived.

*Subd. 3.* The second examination required by subdivision 2 hereof shall be waived by the commissioner upon proof satisfactory to the commissioner or his authorized representative that the licensee shall have satisfactorily completed a course of study in the real estate field consisting of not less than 30 hours of instruction approved by the commissioner or his authorized representative.

*Subd. 4.* The commissioner shall have power to adopt standards and regulations governing the approval of such courses of study.

*Subd. 5.* Subdivisions 2, 3, and 4 shall not apply to salesmen licensed in Minnesota prior to the effective date of such sections.

*Subd. 6.* The examination for a real estate broker's license shall be more exacting than ~~that~~ those for a real estate salesman, and will require a higher standard of knowledge as to the fundamentals of real estate practices and general knowledge of the real estate licensing law. An applicant for a real estate broker's license shall satisfactorily show to the commissioner that he understands and has the general knowledge of the legal effect of earnest money contracts, deeds, mort-

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gages, contracts for deed, and leases, and understands generally the liability of the agent to his principal.

*Subd. 7.* Every application for broker's examination shall be accompanied with proof that the applicant has had a minimum of two years of actual experience as a licensed real estate salesman in this or in another state having comparable requirements or is, in the opinion of the commissioner, otherwise or similarly qualified by reason of education or practical experience.

*Subd. 8.* *Except as provided in subdivision 2, no examination* shall be required for the renewal of any license, unless such license had theretofore been revoked or suspended. Provided, however, any licensee having been licensed as a broker or salesman in the state of Minnesota and who shall fail to renew his license may be required by the commissioner to again take an examination.

*Subd. 9.* No applicant shall be eligible to take the examination if his license as a real estate broker or salesman has been revoked in this or any other state within two years of the date of the application.

*Subd. 10.* The commissioner or his duly authorized representative shall hold examinations at such times and places as he may determine, except that the commissioner or his duly authorized representative shall hold said examinations at least every 45 days. The examination shall be predicated upon material contained in a manual to be prepared and made available by the commissioner.

*Subd. 11.* An examination fee of \$10 shall be paid by each applicant for each examination, in addition to the license fee, which examination fee shall be retained by the commissioner whether or not the applicant passes the examination. The examination fee shall be forfeited if the applicant does not take the examination within six months of the application date.

Sec. 3. Minnesota Statutes 1967, Section 82.04, is amended to read:

**82.04 Issuance or refusal to issue; revocation or suspension.** The commissioner shall issue a license as a real estate broker or real estate salesman to any person who qualifies for such license under the terms of Minnesota Statutes, Sections 82.01 to 82.16. The commissioner may refuse to issue a license to any person or may suspend or revoke the license of any real estate broker or real estate salesman when he finds that any of the following conditions exist:

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(a) That the real estate broker or real estate salesman has violated any condition of the bond required by this chapter;

(b) That the person, real estate broker, or real estate salesman has personally engaged in a fraudulent, deceptive, or dishonest practice;

(c) That the person, real estate broker, or real estate salesman has violated any provision of Minnesota Statutes, Sections 82.01 to 82.16;

(d) *That the person, real estate broker, or real estate salesman has been convicted of a felony in this state or of an act committed elsewhere which, if committed in this state, would constitute a felony.*

This section shall not be construed to relieve any person from civil liability or from criminal prosecution under Minnesota Statutes, Sections 82.01 to 82.16, or under law of this state.

Sec. 4. Minnesota Statutes 1967, Section 82.09, is amended to read:

**82.09 Change of name, address.** Notice in writing shall be given to the commissioner by each licensee of any change of name, address, employment or business location not later than ten days after such change, whereupon the commissioner shall issue a new license for the unexpired period, *and, with respect to a real estate broker, without charge.* Failure to give such notice to the commissioner shall be sufficient cause for suspension or revocation of the license theretofore issued.

Sec. 5. Minnesota Statutes 1967, Section 82.11, Subdivision 2, is amended to read:

Subd. 2: ~~Notwithstanding the provisions of Minnesota Statutes, Section 82.02, Subdivision 1, Clause (d), this section and the bonding provisions of Minnesota Statutes, Section 82.03 shall apply to~~ Any licensed real estate broker or salesman acting in the capacity of principal in the sale of interests in real estate owned by him ~~and shall require the deposit of in a Minnesota bank or trust company, or any foreign bank which authorizes the commissioner of securities to examine its records of such deposits, in a trust account, those parts of all payments received on contracts which are necessary to meet any amounts currently due and payable on any existing mortgages, contracts for deed or other conveyancing instruments, and reserves for taxes and insurance or any other encumbrance on such receipts. Such deposits shall be maintained until disbursement is made under the~~

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terms of the encumbrance pertaining thereto and proper accounting on such property made to the parties entitled thereto:

Sec. 6. Minnesota Statutes 1967, Section 82.16, is amended by adding a subdivision to read:

*Subd. 3. No duly licensed real estate broker or salesman shall bring or maintain any action in the courts for any commission, fee, or other compensation with respect to the sale, lease or other disposition or conveyance of real property, or with respect to the negotiation or attempt to negotiate any sale, lease or other disposition or conveyance of real property unless such property was first listed in writing for sale, lease or other disposition with the licensed real estate broker or salesman bringing or maintaining the action.*

Approved May 24, 1969.

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#### CHAPTER 705—H. F. No. 1233

*An act relating to elections; providing for the voting procedures for certain absent persons; amending Minnesota Statutes 1967, Section 207.18.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1967, Section 207.18, is amended to read:

**207.18 Elections; voting procedures; armed forces and temporary nonresidents.** The term "armed forces" as used in sections 207.16 to 207.29 shall refer to and include the Army and Navy, the Air Force, the Marine Corps and the Coast Guard of the United States, or the Merchant Marine of the United States, ~~or the American Red Cross, the Society of Friends, the Women's Auxiliary Service Pilots, the Salvation Army, the United Service Organizations and all other persons connected in any capacity with the Army or Navy of the United States, including all civilian employees of the United States Government outside the United States or the spouses or dependents of such persons if actually accompanying such persons and residing with them;~~ the same. The voting rights and procedures of sections 207.16 to 207.29 shall also extend in like manner as for the armed forces to a citizen of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia

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