

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 850

Session of
1979INTRODUCED BY MESSRS. BENNETT, MACKOWSKI, IRVIS AND CIANCIULLI,
MARCH 27, 1979AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 24, 1980

AN ACT

1 Amending the act of ~~May 1, 1929 (P.L.1216, No.427)~~, FEBRUARY 19, <—
2 1980 (NO.9), entitled "An ~~act to define real estate brokers~~ <—
3 ~~and real estate salesmen; and providing for the licensing,~~
4 ~~regulation, and supervision of resident and nonresident real~~
5 ~~estate brokers and real estate salesmen and their business,"~~
6 ACT ESTABLISHING THE STATE REAL ESTATE COMMISSION AND <—
7 PROVIDING FOR THE LICENSING OF REAL ESTATE BROKERS AND
8 SALESMEN," requiring persons engaged in the sale of cemetery
9 lots to be licensed, imposing powers upon the real estate
10 commission with respect to cemeteries and providing
11 penalties.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section ~~6.1~~ 531, act of ~~May 1, 1929 (P.L.1216,~~ <—
15 ~~No.427)~~, FEBRUARY 19, 1980 (NO.9), known as the "Real Estate <—
16 ~~Brokers License Act of one thousand nine hundred and twenty-~~
17 ~~nine,"~~ "REAL ESTATE LICENSING ACT," is amended ~~by adding a~~ <—
18 ~~subsection~~ to read:

19 ~~Section 6.1. * * *~~ <—

20 SECTION 531. QUALIFICATIONS FOR LICENSE. <—

21 (A) EACH APPLICANT FOR A LIMITED BROKER'S LICENSE SHALL AS A
22 CONDITION TO OBTAINING A LICENSE TAKE THE LIMITED BROKER'S

1 LICENSE EXAMINATION AND SCORE A PASSING GRADE. PRIOR TO TAKING
2 THE EXAMINATION:

3 (1) THE APPLICANT SHALL BE AT LEAST 21 YEARS OF AGE.

4 (2) THE APPLICANT SHALL HAVE BEEN ENGAGED FULL TIME AS A
5 SALESPERSON OR LIMITED SALESPERSON FOR AT LEAST THREE YEARS
6 OR POSSESS EDUCATIONAL OR EXPERIENCE QUALIFICATIONS WHICH THE
7 COMMISSION DEEMS TO BE THE EQUIVALENT THEREOF.

8 ~~(f)~~ (B) The commission shall have the power to investigate <—
9 licensees engaged in a business which applies to cemetery lots,
10 plots and mausoleum spaces, openings or foundations and to
11 suspend or revoke the license in accordance with the provisions
12 of section 10 604 if it is determined that the licensee has <—
13 violated any of the provisions of this act, of Chapter 3, of
14 Title 9 of the Pennsylvania Consolidated Statutes (relating to
15 the regulation of cemetery companies), or the act of August 14,
16 1963 (P.L.1059, No.459), relating to future need sales for death
17 and interment.

18 ~~Section 2. The act is amended by adding a section to read:~~ <—

19 ~~Section 6.4.~~ (a) (C) No person, copartnership, association <—
20 or corporation shall engage in or carry on a business within the
21 Commonwealth within the limited field or branch of such a
22 business which applies to cemetery lots, plots and mausoleum
23 spaces, openings or foundations without first obtaining a
24 license pursuant to this section unless such cemetery is owned
25 or controlled by a bonafide church or religious congregation or
26 any association created by any such bonafide church or religious
27 congregation. Any person, copartnership, association or
28 corporation violating the provisions of this subsection shall be
29 subject to the penalties provided in section 12. 303. <—

30 ~~(b) It shall be the duty of the department, upon payment of~~ <—

1 ~~a license fee of twenty dollars (\$20), to issue a license to any~~
2 ~~person, copartnership, association or corporation desiring to~~
3 ~~engage in or carry on a business within the Commonwealth within~~
4 ~~the limited field or branch of such a business which applies to~~
5 ~~cemetery lots, plots and mausoleum spaces, openings or~~
6 ~~foundations. Such licenses, unless suspended or revoked, shall~~
7 ~~be renewed on a biennial basis for a fee of twenty dollars~~
8 ~~(\$20).~~

9 Section 3- 2. This act shall take effect in 90 days.

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