

No. 1980-206

AN ACT

SB 1430

Amending the act of February 19, 1980 (No.9), entitled "An act establishing the State Real Estate Commission and providing for the licensing of real estate brokers and salesmen," further providing for exclusions.

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

Section 1. Section 304, act of February 19, 1980 (No.9), known as the "Real Estate Licensing Act," is amended to read:

Section 304. Exclusions.

The provisions of this act shall not apply to an owner of real estate with respect to property owned or leased by such owner, provided that in the case of a partnership or corporation, this exclusion shall not extend to more than five of its partners or officers, respectively, but to no other partnership or corporation personnel or employee, except the employees of a public utility acting in the ordinary course of utility related business under the provisions of Title 66 of the Pennsylvania Consolidated Statutes (relating to public utilities), with respect to negotiating the purchase, sale or lease of property, *nor shall this act apply to officers or employees of a partnership or corporation whose principal business is the discovery, extraction, distribution or transmission of energy or mineral resources, provided that the purchase, sale or lease of real estate is a common and necessary transaction in the conduct of such principal business*; nor shall this act be construed to include in any way the services rendered by an attorney in fact under a duly executed and recorded power of attorney from the owner or lessor (provided such power of attorney is not utilized to circumvent the intent of this act); nor by an attorney at law, nor shall it be held to include a person acting as receiver, trustee in bankruptcy, administrator, executor, trustee or guardian while acting under a court order or under the authority of a will or of a trust instrument, nor shall this act apply to the duly elected officer of any banking institution or trust company operating under Federal or State banking laws where real estate of the banking institution or trust company only is involved, nor shall they be held to include any officer or employee of a cemetery company who, as incidental to his principal duties and without remuneration therefor, shows lots in such company's cemetery to persons for their use as a family burial lot, and who accepts deposits on such lots for the representatives of the cemetery company, legally authorized to sell the same, nor shall it be held to include any properly licensed auctioneer, under statutes of this State, while performing authorized duties at any bona fide auction.

Section 2. This act shall take effect immediately.

APPROVED—The 9th day of December, A. D. 1980.

DICK THORNBURGH