



Overview of the Division of Real Estate

Utah Legislature

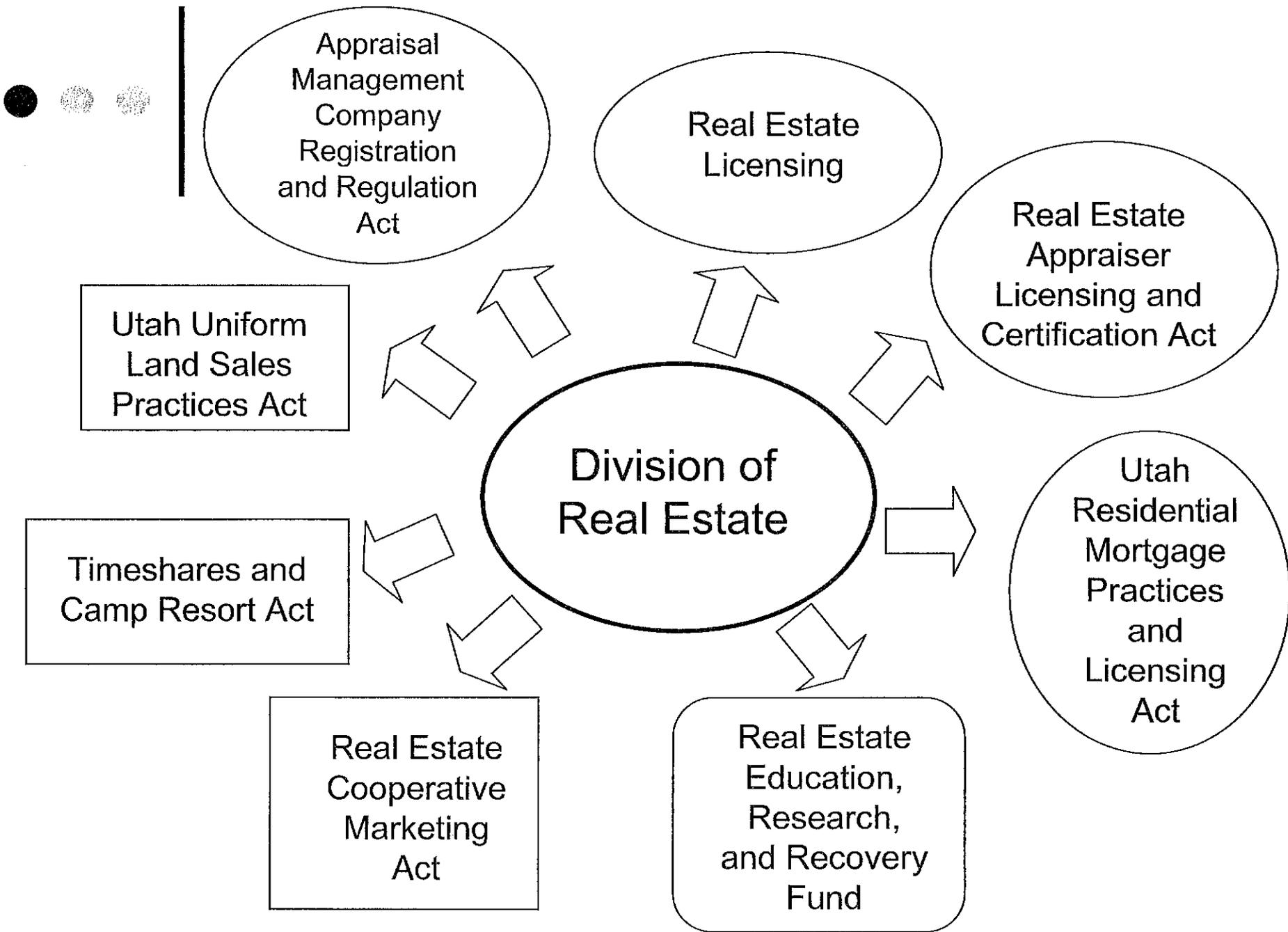
Business and Labor Interim
Committee

June 17, 2009



Division of Real Estate

- o Located within Department of Commerce
- o FY 2010 Appropriation: \$2,081,200



Appraisal Management Company Registration and Regulation Act

Real Estate Licensing

Real Estate Appraiser Licensing and Certification Act

Utah Residential Mortgage Practices and Licensing Act

Real Estate Education, Research, and Recovery Fund

Real Estate Cooperative Marketing Act

Timeshares and Camp Resort Act

Utah Uniform Land Sales Practices Act

Division of Real Estate

Highlights of Licensing Statutes Administered and Enforced by the Division of Real Estate

Prepared for:
Utah Legislature
Business and Labor Interim Committee

June 17, 2009

This document highlights certain aspects of the Title and Chapter indicated and is not a comprehensive analysis. For more detailed information, please review the Title and Chapter indicated or contact the Office of Legislative Research and General Counsel.

Name of Act/ Title and Chapter	Name of Board	Highlights of Board's Powers	License/Certification/ Registration	License/Certification/ Registration Required to:
Real Estate Title 61, Chapter 2	Real Estate Commission	<ul style="list-style-type: none"> - Rulemaking - Establish fees - Conduct Administrative Hearings 	Principal brokers, associate brokers, sales agents, real estate companies	<p>"Engage in the business, act in the capacity of, advertise, or assume to act as a principal real estate broker, associate real estate broker, or real estate sales agent."</p> <p>(Subsection 61-2-1 (1))</p>

Name of Act/ Title and Chapter	Name of Board	Highlights of Board's Powers	License/Certification/ Registration	License/Certification/ Registration Required to:
Real Estate Appraiser Licensing and Certification Act Title 61, Chapter 2b	Real Estate Appraiser Licensing and Certification Board	<ul style="list-style-type: none"> - Provide technical assistance to the Division of Real Estate relating to real estate appraisal standards and real estate appraiser qualifications - Determine the experience, education, and examination requirements appropriate for a person to be licensed - Develop programs to improve the experience, education, and examinations - Determine continuing education requirements - Determine examination questions 	State-certified general appraiser, state-certified residential appraiser, state-licensed appraiser, trainee, clerks	<p>"Prepare for valuable consideration, an appraisal, an appraisal report, a certified appraisal report, or perform a a consultation service relating to real estate or real property in this state."</p> <p>(Subsection 61-2b-3 (1))</p>
Appraisal Management Company Registration and Regulation Act Title 61, Chapter 2e	Real Estate Appraiser Licensing and Certification Board	Make rules necessary to implement Title 61, Chapter 2e	Appraisal management company	Engage in business as an appraisal management company, perform an appraisal management service, or advertise as engaging in or conducting business as an appraisal management company

Name of Act/ Title and Chapter	Name of Board	Highlights of Board's Powers	License/Certification/ Registration	License/Certification/ Registration Required to:
Utah Residential Mortgage Practices and Licensing Act Title 61, Chapter 2c	Residential Mortgage Regulatory Commission	<ul style="list-style-type: none"> - Concur in the licensure or denial of licensure of individuals or entities - Advise the Division of Real Estate regarding enforcement of Title 61, Chapter 2c - Determine requirements for licensure examination, continuing education requirements, and prelicensing education requirements 	Individual or entity who directly transacts the business of residential mortgage loans	"Transact the business of residential mortgage loans." (Subsection 61-2c-201(1))

**Highlights of Business Practices Regulated by the Division of Real Estate
Highlights of the Real Estate Education, Research, and Recovery Fund**

Prepared for:
Utah Legislature
Business and Labor Interim Committee

June 17, 2009

This document highlights certain aspects of the Title and Chapter indicated and is not a comprehensive analysis. For more detailed information, please review the Title and Chapter indicated or contact the Office of Legislative Research and General Counsel.

Name of Act/ Title and Chapter	Highlights of General Provisions	Highlights of Prohibited Acts	Highlights of Remedies and Enforcement Options by the Division of Real Estate
Utah Uniform Land Sales Practices Act Title 57, Chapter 10	<p>"No person may offer or dispose of any interest in subdivided lands in this state nor offer or dispose in this state of any interest in subdivided lands located outside of this state prior to the time the subdivided lands are registered in accordance with this chapter."</p> <p>(Subsection 57-11-5(1))</p> <p>Act also outlines requirements for public offering statements</p>	<ul style="list-style-type: none"> - Dispose of subdivided land without registering with the division - Make an untrue statement of a material fact - Omit a material fact required to be stated in a registration statement, public offering statement, statement of record or public report, necessary to make the statement not misleading 	<ul style="list-style-type: none"> - Issue a cease and desist order - Impose a fine - Void agreement and allow purchaser to recover consideration paid, plus interest

Name of Act/ Title and Chapter	Highlights of General Provisions	Highlights of Prohibited Acts	Highlights of Remedies and Enforcement Options by the Division of Real Estate
<p>Timeshare and Camp Resort Marketing Act</p> <p>Title 57, Chapter 19</p>	<p>A person may not offer to sell or to sell an interest in a camp resort or timeshare development unless registered under Title 57, Chapter 19</p>	<ul style="list-style-type: none"> - Deceptive, false, or misleading advertising or sales techniques - Failure to file with the Division of Real Estate copies of advertisements, promotional literature, or contract forms - Failure to comply with any provision of Title 57, Chapter 19 - Representing that certain accommodations, related facilities, or amenities are planned without reasonable grounds to believe that they will be completed within a reasonable time 	<ul style="list-style-type: none"> - Deny application for registration - Suspend or revoke existing registration - Impose a fine - Issue a cease and desist order - Void an agreement and allow purchaser to recover consideration paid - Seek a criminal conviction and penalty
<p>Real Estate Cooperative Marketing Act</p> <p>Title 57, Chapter 23</p>	<p>An individual may not offer, sell, or otherwise dispose of a cooperative interest unless licensed as a principal real estate broker, associate real estate broker, or real estate sales agent</p>	<p>An individual may not offer, sell, or otherwise dispose of a cooperative interest without making certain oral and written disclosures to the prospective buyer</p>	<ul style="list-style-type: none"> - Issue a cease and desist order - Void an agreement and allow purchaser to recover consideration paid - Attorney General may institute appropriate civil or criminal proceedings

Name of Act/ Title and Chapter	Highlights of General Provisions	Highlights of Prohibited Acts	Highlights of Remedies and Enforcement Options by the Division of Real Estate
<p>Real Estate Recovery Fund</p> <p>Title 61, Chapter 2a</p>	<p>Purposes of the act are to:</p> <p>(1) to reimburse the public for damages up to \$10,000 caused by real estate licensees in a real estate transaction; and</p> <p>(2) to provide revenue for improving the real estate profession through education and research.</p>	<p>Not applicable</p>	<p>"A person may bring a claim against the Real Estate Education, Research, and Recovery Fund only if he sends a signed notification to the Division of Real Estate at the time he files an action against a real estate licensee alleging fraud, misrepresentation, or deceit."</p> <p>"If the person making a claim against the fund obtains a final judgment in a court of competent jurisdiction in this state against the licensee based upon fraud, misrepresentation, or deceit in any real estate transaction, the person making the claim may . . . file a verified petition . . . for an order directing payment from the Real Estate Education, Research, and Recovery Fund."</p> <p>(Section 61-2a-5)</p>