

# MINNESOTA STATUTES 1975 SUPPLEMENT

## REAL ESTATE BROKERS AND SALESPERSONS 82.19

lease on the premises of the lessor as long as such business is incidental to the business conducted by the lessor on such premises, including, without limitation, leased departments and concessions.

[1975 c 181 s 1]

[For text of subs 5 to 16, see M.S.1974]

### CHAPTER 82. REAL ESTATE BROKERS AND SALESPERSONS

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#### 82.18 Exceptions.

Unless a person is licensed or otherwise required to be licensed under this chapter, the term real estate broker does not include:

- (a) A licensed practicing attorney acting solely as an incident to the practice of law, provided, however, that the attorney complies in all respects with the trust account provisions of this chapter;
- (b) A receiver, trustee, administrator, guardian, executor, or other person appointed by or acting under the judgment or order of any court;
- (c) Any person owning and operating a cemetery and selling lots therein solely for use as burial plots;
- (d) Any custodian, janitor, employee or agent of the owner or manager of a residential building who exhibits a residential unit therein to prospective tenants, accepts applications for leases and furnishes such prospective tenants with information relative to the rental of such unit, terms and conditions of leases required by the owner or manager and similar information;
- (e) Any bank, trust company, savings and loan association, public utility, or any land mortgage or farm loan association organized under the laws of this state or the United States, when engaged in the transaction of business within the scope of its corporate powers as provided by law;
- (f) Public officers while performing their official duties;
- (g) Employees of persons enumerated in clauses (b), (e) and (f), when engaged in the specific performance of their duties;
- (h) Any person who acts as an auctioneer bonded in conformity with section 330.02, when he is engaged in the specific performance of his duties as an auctioneer;
- (i) Any person who acquires such real estate for the purpose of engaging in and does engage in, or who is engaged in the business of constructing residential, commercial or industrial buildings for the purpose of resale, provided that no more than 25 such transactions occur in any 12 month period;
- (j) Any person who offers to sell or sells an interest or estate in real estate which is a security registered pursuant to chapter 80, when acting solely as an incident to the sale of such securities;
- (k) Any person who offers to sell or sells a business opportunity which is a franchise registered pursuant to chapter 80C, when acting solely to sell the franchise.

[1975 c 38 s 1]

#### 82.19 Prohibitions.

[For text of subs 1 and 2, see M.S.1974]

# MINNESOTA STATUTES 1975 SUPPLEMENT

## 82.19 REAL ESTATE BROKERS AND SALESPERSONS

Subd. 3. No real estate broker or salesperson shall offer, pay or give, and no person shall accept, any compensation or other thing of value from any real estate broker or salesperson by way of commission-splitting, rebate, finder's fees or otherwise, in connection with any real estate or business opportunity transaction; provided this subdivision does not apply to transactions (1) between a licensed real estate broker or salesperson and the person by whom he is engaged to purchase or sell real estate or business opportunity, (2) among persons licensed as provided herein, and (3) between a licensed real estate broker or salesperson and persons from other jurisdictions similarly licensed in that jurisdiction.

[1975 c 38 s 2]

[For text of subd 4, see M.S.1974]

## 82.22 Examinations.

[For text of subds 1 to 5, see M.S.1974]

**Subd. 6. Instruction; new licenses.** (a) Every salesperson, licensed after July 1, 1973 and before July 1, 1976 shall, within two years of the date his license was first granted be required to successfully complete a course of study in the real estate field consisting of not less than 60 hours of instruction, approved by the commissioner. Upon appropriate showing of hardship by the licensee, the commissioner may waive or modify the requirements of this subdivision. Every salesperson licensed after July 1, 1976 shall, within three years of the date his license was first issued, be required to successfully complete a course of study in the real estate field consisting of not less than 90 hours of instruction, approved by the commissioner;

(b) The commissioner may approve courses of study in the real estate field offered in educational institutions of higher learning in this state or courses of study in the real estate field developed by and offered under the auspices of the national association of realtors, or private real estate schools licensed by the state department of education. The commissioner may by rule prescribe the curriculum and qualification of those employed as instructors.

[For text of subds 7 to 11, see M.S.1974]

**Subd. 12. Reciprocity.** The requirements of this section may be waived for individuals of other jurisdictions, provided: (1) a written reciprocal licensing agreement is in effect between the commissioner and the licensing officials of that jurisdiction, (2) the individual is licensed in that jurisdiction, and (3) the licensing requirements of that jurisdiction are substantially similar to the provisions of this chapter.

[1975 c 38 s 3,4]

## 82.24 Trust account requirements.

[For text of subds 1 to 6, see M.S.1974]

**Subd. 7. Interest bearing accounts.** Notwithstanding the provisions of sections 82.17 to 82.31, a real estate broker may establish and maintain interest bearing accounts for the purpose of receiving deposits in accordance with the provisions of section 504.20.

# MINNESOTA STATUTES 1975 SUPPLEMENT

## DEPARTMENT OF NATURAL RESOURCES 84.029

[1975 c 38 s 5]

### 82.30 Advisory commission.

Subdivision 1. There shall be a real estate advisory commission of seven members to be appointed by the commissioner of securities. Five members shall be real estate brokers with at least five years experience as licensed real estate brokers in Minnesota and two members shall be public members. They shall meet at the call of the commissioner, and advise and consult with him on all major policy matters relating to the licensing of real estate brokers in Minnesota. The commission shall expire and the terms, compensation, and removal of members shall be as provided in section 15.059.

**Subd. 2.** [Repealed, 1975 c 315 s 26]

**Subd. 3.** [Repealed, 1975 c 315 s 26]

[1975 c 315 s 8]

## CHAPTER 84. DEPARTMENT OF NATURAL RESOURCES

Sec.		Sec.	
84.0272	Procedure in acquiring lands.	84.14	Director of wild rice harvest.
84.029	Recreational areas on public land.	84.64	Conservation restrictions.
84.03	Additional duties and powers.	84.65	Conservation restrictions; effect of recording; release of restrictions; enforcement.
84.033	Scientific and natural areas.		

### 84.0272 Procedure in acquiring lands.

When the commissioner of administration is authorized to acquire lands or interests in lands for the commissioner of natural resources, the procedure set forth in this section shall apply. The commissioner of natural resources shall first submit a written request to the commissioner of administration showing the lands to be acquired, the legal authority for their acquisition, the qualities of the land that make it a desirable acquisition and a maximum purchase price. The commissioner of administration shall not purchase land for greater than the maximum purchase price without further consultation and written authorization and justification from the commissioner of natural resources. The commissioner of administration shall cause the lands to be appraised. An appraiser shall before entering upon the duties of his office take and subscribe an oath that he will faithfully and impartially discharge his duties as appraiser according to the best of his ability and that he is not interested directly or indirectly in any of the lands to be appraised or the timber or improvements thereon or in the sale thereof and has entered into no agreement or combination to purchase the same or any part thereof, which oath shall be attached to the report of the appraisal. The commissioner of administration shall not agree to pay more than ten percent above the appraised value. New appraisals may be made but not until at least six months after completion of an earlier series of appraisals.

[1975 c 144 s 1]

### 84.029 Recreational areas on public land.

**Subdivision 1. Establishment, development, maintenance and operation.** In addition to other lawful authority, the commissioner of natural resources may establish, develop, maintain, and operate recreational areas, including but not limited to trails and canoe routes, for the use and enjoyment of the public on any state owned or leased land under his jurisdiction. Each employee of the department of natural resources, while engaged in his employment in connection with such recreational areas, has and possesses the authority and power of a peace officer when so designated by the commissioner.

[1975 c 353 s 13]

[For text of subd 2, see M.S.1974]