

SENATE BILL NO. 442

INTRODUCED BY S. VINTON

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A BILL FOR AN ACT ENTITLED: "AN ACT EXCLUDING MANAGERS OF LICENSED LODGING ESTABLISHMENTS AS DEFINED IN 50-51-102 FROM REAL PROPERTY MANAGER LICENSING REQUIREMENTS; AMENDING SECTION 37-56-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-56-104, MCA, is amended to read:

"37-56-104. Exemptions from requirement of property manager license. (1) The property manager licensing provisions of this part do not apply to:

- (a) an owner of a business entity that owns the property;
- (b) an owner of a business entity that manages the property for an owner that is exempt under subsection (1)(a). However, all owners of the business entity that owns the property and all owners of the business entity that manages the property must be relatives as provided in subsection (1)(c) or (1)(d).
- (c) the spouse of the property owner;
- (d) the child, descendant of a child, sibling, parent, niece, nephew, aunt, or uncle of either the property owner or the spouse of the property owner;
- (e) a person who leases no more than four residential real estate units;
- (f) a person acting as attorney-in-fact under a power of attorney;
- (g) an attorney at law in the performance of duties as an attorney;
- (h) a person acting pursuant to a court order or a trustee;
- (i) an officer of the state or a political subdivision in the conduct of official duties;
- (j) a person who receives reduced rent or salary, unless that person holds signatory authority on the trust account;
- (k) a person employed by the owner of the real estate if that person's property management duties

1 are incidental to the person's other employment-related duties; or

2 (l) a person managing an establishment licensed under Title 50, chapter 51; or

3 ~~(m)~~ a person employed on a salaried basis by only one person.

4 (2) A broker or salesperson licensed under Title 37, chapter 51, may act as a property manager. A
5 salesperson may not act as a property manager without a supervising broker.

6 (3) For the purposes of subsections (1)(a) and (1)(b), "owner" means a person who is a:

7 (a) sole proprietor;

8 (b) managing member of a limited liability company;

9 (c) shareholder of a corporation; or

10 (d) partner in a partnership."

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12 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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