

House Bill 1258

By: Representative Kendrick of the 95th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 40 of Title 43 of the Official Code of Georgia Annotated, related to real
2 estate brokers and salespersons, so as to require qualifying brokers at property management
3 firms to ensure timely responses to homeowner requests for documents; to provide for
4 authorization; to provide for an effective date; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 40 of Title 43 of the Official Code of Georgia Annotated, related to real estate
9 brokers and salespersons, is amended by revising Code Section 43-40-3, relating to
10 determination of fees by commission, as follows:

11 "43-40-3.

12 (a) The commission is authorized to establish the amount of any fee which it is authorized
13 by this chapter to charge and collect. Each fee so established shall be reasonable and shall
14 be determined in such a manner that the total amount of fees charged and collected by the
15 commission shall approximate the total of the direct and indirect costs to the state of the
16 operations of the commission.

17 (b) The commission shall also be authorized to fine qualifying brokers of firms performing
18 property management services determined by the commission to have acted in violation of
19 subsection (b) of Code Section 43-40-17. All fines collected shall be deposited by the
20 commission into the state treasury."

21 **SECTION 2.**

22 Said chapter is further amended by adding a new subsection to Code Section 43-40-15,
23 relating to grant of licenses, grounds for suspension or revocation of licensure, other
24 sanctions, surrender or lapse, and conviction, to read as follows:

25 "(n) Where an applicant or licensee has violated subsection (b) of Code Section 43-40-17,
26 such violation may, in itself, be sufficient ground for the refusal, suspension, or revocation
27 of the license."

28 **SECTION 3.**

29 Said chapter is further amended by revising Code Section 43-40-17, which is reserved, as
30 follows:

31 "43-40-17.

32 (a) The qualifying broker of a firm performing property management services shall ensure
33 that, upon such firm's receipt of a written request from a homeowner for documents relating
34 to the management of one or more properties of such homeowner under the management
35 of such firm, such firm shall provide such requested documents within seven business days.
36 This Code section shall not be construed to require such firm to release any documentation
37 which it is prohibited by law from releasing.

38 (b) Any firm referenced in subsection (a) of this Code section that is determined by the
39 commission to have acted in violation of such subsection may be fined by the commission
40 \$10,000.00 for each day that such firm is in such violation. Such fine shall be submitted

41 to the commission within 30 days of the commission issuing such a determination or within
42 such other period of time as the commission determines is reasonably necessary.
43 (c) The commission shall promulgate such rules and regulations as it deems necessary to
44 enforce this Code section. Reserved."

45 **SECTION 4.**

46 This Act shall become effective July 1, 2025.

47 **SECTION 5.**

48 All laws and parts of laws in conflict with this Act are repealed.