

Repeal.

Section 3. All acts and parts of acts inconsistent herewith are hereby repealed.

APPROVED—The 26th day of June, A. D. 1931.

GIFFORD PINCHOT

No. 359

AN ACT

To amend section six, clauses (b) and (c) of section seven, section eight, section nine, and clauses (a) and (d) of section ten, of the act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred and sixteen), entitled "An act to define real estate brokers and real estate salesmen; and providing for the licensing, regulation, and supervision of resident and nonresident real estate brokers and real estate salesmen and their business," defining the qualifications of applicants for licensure; repealing the expiration date of licenses; providing for the annual renewal of licenses, and the fees to be charged therefor; providing penalties for failure to renew; eliminating reduced fees after July 1st; requiring real estate brokers to display certain signs, and providing penalty for violation thereof; enumerating the reasons for which licenses may be revoked or suspended; limiting the evidence which courts may entertain upon appeals from actions of the Department of Public Instruction.

Real Estate
Brokers License
Act of 1929.

Section 6, act
of May 1, 1929
(P. L. 1216),
amended.

Section 1. Be it enacted, &c., That section six of the act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred and sixteen), entitled "An act to define real estate brokers and real estate salesmen; and providing for the licensing, regulation, and supervision of resident and nonresident real estate brokers and real estate salesmen and their business," is hereby amended to read as follows:

License required.

Section 6. From and after January 1, 1930, it shall be unlawful for any person, copartnership, association, or corporation to engage in or carry on the business, or act in the capacity of a real estate broker, or a real estate salesman, within this Commonwealth, without first obtaining a license as a real estate broker or real estate salesman from the department.

Qualifications of
applicants.

No person, copartnership, association, or corporation may be licensed by the department as a real estate broker unless such person and all of the members of any such copartnership or association who are actively engaged in the real estate business and all of the officers of any such corporation who are actively engaged are of the age of twenty-one years and upwards, and are citizens of the United States.

Clauses (b) and
(c) of section 7
amended.

Section 2. That clauses (b) and (c) of section seven of said act are hereby amended to read as follows:

(b) Applications for licenses as real estate broker shall be made, in writing, to the department, upon a blank provided for the purpose by the department, and shall contain such information as to the applicant, or, when the application is made by a copartnership, association, or a corporation, as to its members or officers, as the department shall require. The application shall be signed by the applicant, and shall be accompanied by the recommendation of at least two citizens not related to the applicant, or, in the case of a copartnership or corporation, to any member or officer thereof, who shall be owners of real estate within, and residents of, the county in which the applicant resides, or has his, their, or its place of business, certifying to the honesty, truthfulness, and good repute of the applicant, or, in the case of a copartnership, or association, or corporation, its members or officers by name, and recommending that a license be granted the applicant. If the applicant, or, in the case of a copartnership or corporation, any of its members or officers, shall have resided, or shall have engaged in business for less than one year in the county from which the application is made, such application shall also be accompanied by the recommendation of at least two (2) real estate owners, not related to the applicant, of each of the counties where he or each of such members or officers has formerly resided or engaged in business during the said period of one year prior to the filing of such application, certifying to the honesty, truthfulness, and good repute of the applicant, or its members or officers by name, and recommending that the license be granted. Where the applicant for a real estate broker's license maintains more than one place of business within the Commonwealth, he shall be required to apply for and procure a duplicate license for each branch office so maintained by him, such duplicate license to be issued with an additional charge of two dollars and fifty cents (\$2.50) for each additional office or place of business. Every such application shall state the name of the person, copartnership, association, or corporation, and the location of the place or places of business for which such license is desired. [and the license shall expire December thirty-first, of the year issued, unless sooner revoked by the department.]

Application for
broker's license.

Recommendations.

License for
additional offices.

(c) Application for license as real estate salesman shall be made in writing to the department, signed by the applicant, setting forth the period of time during which he has been engaged in the business, stating the name of the last employer, and the name and place of business of the person, firm, copartnership, association, or corporation then employing him, or into whose employ he is then about to enter. All applications shall be made upon a blank provided for the purpose by the

Application for
salesman's
license.

department, and shall contain such information as to the applicant, in addition to the above prescribed, as the department shall require. The application shall be accompanied by the recommendation of his employer, or prospective employer, certifying that the applicant is honest, truthful, and of good repute, and recommending that such license be granted. [All such licenses shall expire December thirty-first, of the year issued, unless sooner revoked by the department.]

Section 8
amended.

Fees for licenses
and renewals.

Section 3. That section eight of said act is hereby amended to read as follows:

Section 8. The fees to be charged by and paid to the department by licensees for all licenses *and renewals thereof* issued shall be as follows:

(1) For each real estate broker's license, a fee of ten dollars (\$10.00), *and an annual fee of five dollars (\$5.00) for the renewal thereof*: Provided, That there shall be an additional license fee of two and one-half (\$2.50) dollars, *annually*, for each additional office or place of business.

(2) For each license as real estate broker, issued to an officer of a corporation or association or member of a copartnership other than the [office] *officer* or member named in the license issued to such association, corporation, or copartnership, a fee of five dollars (\$5.00), *and an annual fee of two and one-half dollars (\$2.50) for the renewal thereof*.

(3) For each real estate salesman's license, a fee of five dollars (\$5.00), *and an annual fee of two and one-half dollars (\$2.50) for the renewal thereof*.

[(4) Provided, however, That for any and all licenses issued subsequently to the first day of July in any year, the license fee charge shall be but one-half of the annual license fee, as respectively above prescribed. The fees herein prescribed for real estate brokers' and real estate salesman's license shall be in addition to any and all other license fees or license taxes imposed, or to be imposed, upon real estate brokers and real estate salesmen by this Commonwealth, or any subdivision thereof.]

Failure to renew
license.

(4) *Upon failure of any broker or salesman to renew his, her, or its license annually, the department shall notify the licensee of such failure to apply for the renewal of said license. Unless the licensee shall make application for renewal of such license within thirty (30) days of the giving of such written notice by the department, the department may revoke his, her, or its license for such failure to renew, but the licensee may be reinstated by complying with the provisions specified in this act for original licensure.*

Revocation.

Reinstatement.

Section 9
amended.

Place of business
to be maintained.

Section 4. That section nine of said act is hereby amended to read as follows:

Section 9. (a) Every person, copartnership, asso-

ciation, or corporation, licensed as a real estate broker under the provisions of this act, shall be required to have and maintain a definite place of business within the Commonwealth, which shall serve as his, their, or its office for the transaction of business under the authority of the said license, and where the license shall be prominently displayed. The said place of business shall be specified in the application for license, and designated in the license, and no license issued under the authority of this act shall authorize the licensee to transact business from any office other than that designated in the license, unless notice in writing shall be given within ten days to the department of any change of business location, designating the new location of such office, whereupon the department shall forthwith issue a new license for the new location for the unexpired period without charge. The change of the specified business location, without notification to the department, shall automatically cancel the license theretofore issued. *Every real estate broker shall display on the outside of his place of business a sign containing the words REAL ESTATE OR REALTOR.*

Change of office.

Display of sign.

(b) All real estate brokers shall also prominently display in their place or places of business the licenses of all real estate salesmen employed by them therein or in connection therewith. All licenses issued to real estate salesmen shall designate the employer of such salesmen by name. Prompt notice in writing, within ten (10) days, shall be given to the department by the real estate salesmen of any change of employer, and of the name of the new employer into whose service such salesman is about to enter or has entered, and a new license shall thereupon be issued, without charge, by the department to such salesmen for the unexpired term of the original license: Provided, That such new employer shall be a duly licensed real estate broker. The change of employer or employment by any licensed real estate salesman, without notice to the department as aforesaid, shall automatically cancel the license to him theretofore issued, and it shall be the duty of the employer named in such license to notify the department promptly of any such change of employer or employment.

Display of salesmen's licenses.

Notice of change of employer.

Proviso.

Employer to give notice of change.

(c) *The violation of any of the provisions of this section by any licensee shall be sufficient cause for the suspension or revocation of his, her, or its license, in the discretion of the department.*

Violation.

Suspension or revocation of license.

Section 5. That clause (a) of section ten of said act is hereby amended to read as follows:

Clause (a) of section 10 amended.

Section 10. (a) The department may, upon its own motion, and shall, promptly, upon the verified complaint in writing of any person setting forth specifically the wrongful act or acts complained of, investigate any

Investigation of complaints.

action or business transaction of any licensed real estate broker or real estate salesman; and shall have the power temporarily to suspend or permanently to revoke licenses theretofore issued by the department, under the provisions of this act, at any time when, after due proceedings as hereinafter provided, it shall find the holder thereof to have been guilty, in the performance or attempt to perform any of the acts prohibited to others than licensed real estate brokers or real estate salesmen under the provisions of this act,

Causes for which license may be suspended or revoked.

(1) Of knowingly making any substantial misrepresentation; or

(2) Of knowingly making any false promise of a character likely to influence, persuade or induce; or

(3) Of a continued or flagrant course of misrepresentation, or making of false promises through agents or salesmen; or

(4) [Of any other conduct, whether of the same or of a different character than that hereinbefore specified, which shall constitute a tort, or] When it shall be shown that the licensee, within five years prior to the issuance of the license then in force, has been convicted in a court of competent jurisdiction of this or any other state of forgery, embezzlement, obtaining money under false pretenses, extortion, conspiracy to defraud, or other like offense or offenses.

(5) *Of any failure to account for, or to pay over, moneys belonging to others, which has come into his, her, or its possession arising out of a real estate transaction; or*

(6) *Of any misleading or untruthful advertising; or*

(7) *Of any act or conduct in connection with a real estate transaction which demonstrates incompetency, bad faith, or dishonesty.*

Section 6. That clause (d) of section ten of said act is hereby amended to read as follows:

(d) The decision of the department in suspending or revoking any license issued under this act shall be subject to review by the court of common pleas of Dauphin County. The department shall maintain in its main office a public docket or other record, in which it shall record, from time to time as made, the rulings or decisions upon all complaints filed with it, and all investigations instituted by it in the first instance, upon or in connection with which any such hearing shall have been had, or in which the licensee charged shall have made no defense. The department shall also give immediate notice in writing of such ruling or decision to the licensee affected thereby, and as well, where the investigation shall have been instituted by complaint filed, to the party or parties by whom the complaint was made. If such ruling shall be to the prejudice of,

Clause (d) of section 10 amended.

Review of decision.

Docket.

Notice of decision.

or shall injuriously affect, the licensee, the department shall also state in said notice the date upon which the said ruling or decision shall become effective, if not theretofore appealed from, and such date shall be not less than thirty (30) days from and after the date of the said notice. If the licensee cannot at such time be found, his whereabouts being then unknown, such notice may be given by the department by advertisement inserted in one issue of a newspaper of general circulation published within the county where was located the principal office of the licensee as designated in the license.

Such ruling or decision of the department shall be final when in favor of the licensee and in dismissal of the complaint filed, if any. If against the licensee, or in any way to the licensee's injury or prejudice, the licensee may, at any time prior to the date fixed by the department in its said notice as the date it shall become effective, appeal from such decision to the court of common pleas of Dauphin County, by serving upon the department written notice of such appeal, *together with reasons for such appeal*. Such service shall be made either by filing the said notice of appeal in the office of the department, or by delivering the same to the deputy, whether general or special, before whom the hearing in the case was had.

Appeal to court
of common pleas
of Dauphin
County.

Reasons.

Within thirty (30) days after the service of such notice of appeal, the department shall file with the prothonotary of the said court of common pleas a transcript of the records of the proceedings in its office, duly certified over the seal of the department, which record shall include all papers on file with the department affecting or relating to the inquiry or investigation conducted by the department, and all the evidence taken in the said hearing, including the stenographic notes of testimony. Notice of the filing of the said transcript, with the term and number to which filed, shall be forthwith given by the department to the licensee, and as well to the party or parties, if any, upon whose complaint the proceedings before the department were instituted. The cost of the said transcript, at twenty-five cents per folio, and one dollar for certification, shall be entered as part of the record costs in the cause, to be paid as the said court may direct. In all proceedings upon such appeal, the Department of Justice shall appear for and represent the Commonwealth.

Record to be
filed with pro-
thonotary.

Costs of record.

The appeal shall thereupon be heard, in due course, by the judge or judges of the said court of common pleas, without a jury, by whom the proceedings before the department, its findings and rulings, shall be given similar weight, force, and effect as are accorded to the findings and report of a referee selected or appointed under the provisions of the act, entitled "An act to pro-

Hearing of appeal.

vide for the submission of civil cases by agreement of the parties to a referee learned in the law," approved the fourteenth day of May, one thousand eight hundred and seventy-four, and its supplements. [The court may, however, in its discretion, receive and consider any additional pertinent evidence, whether oral or written, either in open court or by deposition as the said court shall direct, and the decision of the department shall be reviewed in the light of such evidence, provided the court shall order a trial by jury upon demand of any appellant.]

When effective.

Section 7. This act shall become effective upon the date of its approval by the Governor.

APPROVED—The 26th day of June, A. D. 1931.

GIFFORD PINCHOT

—
No. 360

AN ACT

Making an appropriation to the Pennsylvania Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington.

Commission for
Celebration of
Two Hundredth
Anniversary of
Birth of George
Washington.

Appropriation.

Resolution of
May 6, 1925,
(P. L. 820),
cited.

Section 1. Be it enacted, &c., That the sum of twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary, is hereby specifically appropriated to the Pennsylvania Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington, for the purpose of paying the expenses of the members of said commission, for the compensation and expenses of a secretary and clerks, for office rent, printing supplies, postage, and miscellaneous expenses, and generally for carrying into effect the provisions of the resolution of May sixth, one thousand nine hundred and twenty-five (Pamphlet Laws, eight hundred twenty), pursuant to which said commission was created.

APPROVED—The 26th day of June, A. D. 1931.

GIFFORD PINCHOT

—
No. 361

AN ACT

To apportion the State into congressional districts.

Congressional
apportionment.

Section 1. Be it enacted, &c., That for the purpose of electing representatives of the people of Pennsylvania to serve in the House of Representatives in the