S T A T E O F N E W Y O R K

10226

I N A S S E M B L Y

May 15, 2012

Introduced by M. of A. LIFTON -- read once and referred to the Committee on Economic Development

AN ACT to amend the general business law, in relation to licensure of land leasing agents

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general business law is amended by adding a new article 12-A to read as follows:

ARTICLE 12-A

LAND LEASING AGENT

SECTION 210. DEFINITIONS.
211. APPLICATION FOR LICENSE.
212. DOING BUSINESS WITHOUT LICENSE PROHIBITED.
213. REGULATIONS.
214. SEPARABILITY.

S 210. DEFINITIONS. WHEN USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "LAND LEASING AGENT" MEANS ANY PERSON WHO IS:

(A) A CERTIFIED LAND LEASING AGENT (COMMONLY REFERRED TO AS A "LANDMAN"), CERTIFIED BY THE AMERICAN ASSOCIATION OF PROFESSIONAL LANDMEN;

(B) A REGISTERED LAND LEASING AGENT, REGISTERED WITH THE AMERICAN ASSOCIATION OF PROFESSIONAL LANDMEN; OR

(C) A REGISTERED LAND LEASING AGENT, REGISTERED WITH THE AMERICAN ASSOCIATION OF PROFESSIONAL LANDMEN.

2. "SECRETARY" MEANS THE SECRETARY OF STATE.

3. "LICENSEE" MEANS A LAND LEASING AGENT THAT HAS BEEN ISSUED A LICENSE IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

S 211. APPLICATION FOR LICENSE. 1. APPLICATION FOR A LICENSE REQUIRED UNDER THIS ARTICLE SHALL BE IN WRITING, UNDER OATH, AND IN THE FORM PRESCRIBED BY THE SECRETARY, AND SHALL CONTAIN THE FOLLOWING:

(A) THE NAME AND ADDRESS OF THE APPLICANT;

(B) THE PLACE OR PLACES, INCLUDING THE COMPLETE ADDRESS OR ADDRESSES WHERE THE BUSINESS IS TO BE CONDUCTED;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(C) A SUMMARY OF ALL RELEVANT EXPERIENCE OF THE APPLICANT AS A LAND LEASING AGENT AND/OR THE MANAGEMENT OF FUNDS;

(D) SATISFACTORY EVIDENCE OF GOOD MORAL CHARACTER; AND

(E) SUCH FURTHER INFORMATION AS THE SECRETARY OF STATE MAY PRESCRIBE BY RULE OR REGULATION.

2. UPON ORIGINAL APPLICATION FOR A LICENSE TO PRACTICE AS A LAND LEASING AGENT, THE APPLICANT SHALL PAY AN APPLICATION FEE, IN SUCH AMOUNT AS MAY BE DETERMINED BY THE SECRETARY, NOT TO EXCEED THREE HUNDRED DOLLARS. UPON APPLICATION FOR A LICENSE RENEWAL, THE LICENSEE SHALL PAY A RENEWAL PROCESSING FEE IN SUCH AMOUNT AS SHALL BE DETERMINED BY THE SECRETARY, NOT TO EXCEED THREE HUNDRED DOLLARS.

3. A LICENSE GRANTED UNDER THE PROVISIONS OF THIS ARTICLE MAY BE RENEWED BY THE SECRETARY UPON THE APPLICATION THEREFOR BY THE LICENSEE, IN SUCH FORM AS THE SECRETARY MAY PRESCRIBE, ACCOMPANIED BY THE NONREFUNDABLE RENEWAL PROCESSING FEE PURSUANT TO SUBDIVISION TWO OF THIS SECTION. IN NO EVENT SHALL RENEWAL BE GRANTED MORE THAN SIX MONTHS AFTER THE DATE OF EXPIRATION OF A LICENSE. NO INDIVIDUAL SHALL ENGAGE IN THE BUSINESS OF A LAND LEASING AGENT SUBJECT TO THIS ARTICLE DURING ANY PERIOD WHICH MAY EXIST BETWEEN THE DATE OF EXPIRATION OF A LICENSE AND THE RENEWAL THEREOF.

S 212. DOING BUSINESS WITHOUT LICENSE PROHIBITED. NO LAND LEASING AGENT SHALL OPERATE IN THE STATE EXCEPT AS AUTHORIZED BY THIS ARTICLE AND WITHOUT FIRST BEING LICENSED BY THE SECRETARY. ALL LAND LEASING AGENTS PRACTICING IN THE STATE ON THE EFFECTIVE DATE OF THIS ARTICLE SHALL BECOME LICENSED WITHIN ONE YEAR OF SUCH DATE.

S 213. REGULATIONS. THE SECRETARY IS HEREBY AUTHORIZED AND EMPOWERED TO MAKE SUCH RULES AND REGULATIONS NECESSARY FOR THE PROPER CONDUCT OF THE PROFESSION AUTHORIZED UNDER THIS ARTICLE, AND NOT INCONSISTENT HEREWITH.

S 214. SEPARABILITY. IN THE EVENT IT IS DETERMINED BY A COURT OF COMPETENT JURISDICTION THAT ANY PHRASE, CLAUSE, PART, SUBDIVISION, PARAGRAPH OR SECTION, OR ANY OF THE PROVISIONS OF THIS ARTICLE IS UNCONSTITUTIONAL OR OTHERWISE INVALID OR INOPERATIVE, SUCH DETERMINATION SHALL NOT AFFECT THE VALIDITY OR EFFECT OF THE REMAINING PROVISIONS OF THIS ARTICLE.

S 2. This act shall take effect on the sixtieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.