

10226

I N   A S S E M B L Y

May 15, 2012

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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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. The general business law is amended by adding a new article  
2     12-A to read as follows:

3                             ARTICLE 12-A  
4                             LAND LEASING AGENT

5     SECTION 210. DEFINITIONS.

6             211. APPLICATION FOR LICENSE.

7             212. DOING BUSINESS WITHOUT LICENSE PROHIBITED.

8             213. REGULATIONS.

9             214. SEPARABILITY.

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

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

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

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

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

19     2. "SECRETARY" MEANS THE SECRETARY OF STATE.

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

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

25         (A) THE NAME AND ADDRESS OF THE APPLICANT;

26         (B) THE PLACE OR PLACES, INCLUDING THE COMPLETE ADDRESS OR ADDRESSES  
27     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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1 (C) A SUMMARY OF ALL RELEVANT EXPERIENCE OF THE APPLICANT AS A LAND  
2 LEASING AGENT AND/OR THE MANAGEMENT OF FUNDS;

3 (D) SATISFACTORY EVIDENCE OF GOOD MORAL CHARACTER; AND

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

6 2. UPON ORIGINAL APPLICATION FOR A LICENSE TO PRACTICE AS A LAND LEAS-  
7 ING AGENT, THE APPLICANT SHALL PAY AN APPLICATION FEE, IN SUCH AMOUNT AS  
8 MAY BE DETERMINED BY THE SECRETARY, NOT TO EXCEED THREE HUNDRED DOLLARS.  
9 UPON APPLICATION FOR A LICENSE RENEWAL, THE LICENSEE SHALL PAY A RENEWAL  
10 PROCESSING FEE IN SUCH AMOUNT AS SHALL BE DETERMINED BY THE SECRETARY,  
11 NOT TO EXCEED THREE HUNDRED DOLLARS.

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

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

26 S 213. REGULATIONS. THE SECRETARY IS HEREBY AUTHORIZED AND EMPOWERED  
27 TO MAKE SUCH RULES AND REGULATIONS NECESSARY FOR THE PROPER CONDUCT OF  
28 THE PROFESSION AUTHORIZED UNDER THIS ARTICLE, AND NOT INCONSISTENT HERE-  
29 WITH.

30 S 214. SEPARABILITY. IN THE EVENT IT IS DETERMINED BY A COURT OF  
31 COMPETENT JURISDICTION THAT ANY PHRASE, CLAUSE, PART, SUBDIVISION, PARA-  
32 GRAPH OR SECTION, OR ANY OF THE PROVISIONS OF THIS ARTICLE IS UNCONSTI-  
33 TUTIONAL OR OTHERWISE INVALID OR INOPERATIVE, SUCH DETERMINATION SHALL  
34 NOT AFFECT THE VALIDITY OR EFFECT OF THE REMAINING PROVISIONS OF THIS  
35 ARTICLE.

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