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

45

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. LATIMER -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property law, in relation to prohibiting real estate brokers from providing legal advice or preparing legal documents in real estate matters unless such person is a New York state licensed attorney

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

Section 1. The real property law is amended by adding a new section 440-c to read as follows:

S 440-C. PROHIBITIONS ON THE PROVISION OF LEGAL ADVICE OR PREPARATION OF LEGAL DOCUMENTS BY REAL ESTATE BROKERS. 1. A REAL ESTATE BROKER, ASSOCIATE REAL ESTATE BROKER, REAL ESTATE SALESMAN OR ANY OTHER PERSON DULY LICENSED TO SELL REAL ESTATE SHALL BE PROHIBITED FROM PROVIDING LEGAL ADVICE OR PREPARING LEGAL DOCUMENTS FOR REAL ESTATE MATTERS, UNLESS SUCH PERSON IS AN ATTORNEY LICENSED IN THE STATE PURSUANT TO ARTICLE FIFTEEN OF THE JUDICIARY LAW.

2. ANY REAL ESTATE BROKER, ASSOCIATE REAL ESTATE BROKER, REAL ESTATE SALESMAN OR ANY OTHER PERSON DULY LICENSED TO SELL REAL ESTATE SHALL RECEIVE A WARNING UPON THE FIRST VIOLATION OF SUBDIVISION ONE OF THIS SECTION. A SECOND OFFENSE SHALL BE PUNISHABLE BY A FINE OF ONE THOUSAND DOLLARS AND EACH SUBSEQUENT OFFENSE SHALL BE PUNISHABLE BY A FINE OF FIVE THOUSAND DOLLARS.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.

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

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