

SENATE, No. 664

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Senator BASSANO

1 AN ACT concerning real estate brokers and salespersons and amending
2 R.S.45:15-3.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. R.S.45:15-3 is amended to read as follows:

8 45:15-3. A real estate broker, for the purposes of this article, is
9 defined to be a person, firm or corporation who, for a fee, commission
10 or other valuable consideration, or by reason of a promise or
11 reasonable expectation thereof, lists for sale, sells, exchanges, buys or
12 rents, or offers or attempts to negotiate a sale, exchange, purchase or
13 rental of real estate or of a business or business opportunity which
14 includes real estate or an interest therein, or collects or offers or
15 attempts to collect rent for the use of real estate or of a business or
16 business opportunity which includes real estate or solicits for
17 prospective purchasers or assists or directs in the procuring of
18 prospects or the negotiation or closing of any transaction which does
19 or is contemplated to result in the sale, exchange, leasing, renting or
20 auctioning of any real estate or business or business opportunity which
21 includes real estate or negotiates, or offers or attempts or agrees to
22 negotiate a loan secured or to be secured by mortgage or other
23 encumbrance upon or transfer of any real estate or business or
24 business opportunity which includes real estate for others, or any
25 person who, for pecuniary gain or expectation of pecuniary gain
26 conducts a public or private competitive sale of lands or any interest
27 in lands. In the sale of lots pursuant to the provisions of this article,
28 the term "real estate broker" shall also include any person, partnership,
29 association or corporation employed by or on behalf of the owner or
30 owners of lots or other parcels of real estate, at a stated salary, or
31 upon a commission, or upon a salary and commission, or otherwise, to
32 sell such real estate, or any parts thereof, in lots or other parcels, and
33 who shall sell or exchange, or offer or attempt or agree to negotiate
34 the sale or exchange, of any such lot or parcel of real estate.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 A real estate salesperson, for the purposes of this article, is defined
2 to be any person who, for compensation, valuable consideration or
3 commission, or other thing of value, or by reason of a promise or
4 reasonable expectation thereof, is employed by and operates under the
5 supervision of a licensed real estate broker to sell or offer to sell, buy
6 or offer to buy or negotiate the purchase, sale or exchange of real
7 estate or of a business or business opportunity which includes real
8 estate, or offers or attempts to negotiate a loan secured or to be
9 secured by a mortgage or other encumbrance upon or transfer of real
10 estate or of a business or business opportunity which includes real
11 estate, or to lease or rent, or offer to lease or rent any real estate or
12 business or business opportunity which includes real estate for others,
13 or to collect rents for the use of real estate or of a business or business
14 opportunity which includes real estate, or to solicit for prospective
15 purchasers or lessees of real estate or of a business or business
16 opportunity which includes real estate, or who is employed by a
17 licensed real estate broker to sell or offer to sell lots or other parcels
18 of real estate, at a stated salary, or upon a commission, or upon a
19 salary and commission, or otherwise to sell real estate, or any parts
20 thereof, in lots or other parcels.

21 A real estate broker-salesperson, for the purposes of this
22 amendatory and supplementary act, is defined to be any person who is
23 qualified to be licensed as a real estate broker but who, for
24 compensation, valuable consideration or commission, or other thing of
25 value, or by reason of a promise or reasonable expectation thereof, is
26 employed by and operates under the supervision of a licensed real
27 estate broker to perform the functions of a real estate salesperson as
28 defined herein.

29 No person, firm, partnership, association or corporation shall bring
30 or maintain any action in the courts of this State for the collection of
31 compensation for the performance of any of the acts mentioned in this
32 article without alleging and proving that he was a duly licensed real
33 estate broker at the time the alleged cause of action arose.

34 No person claiming to be entitled to compensation as a salesperson
35 or broker-salesperson for the performance of any of the acts
36 mentioned in chapter 15 of Title 45 of the Revised Statutes shall bring
37 or maintain any action in the courts of this State for the collection of
38 compensation against any person, firm, partnership or corporation
39 other than the licensed broker with whom the salesperson or
40 broker-salesperson was employed at the time the alleged cause of
41 action arose and no action shall be brought or maintained without the
42 claimant alleging and proving that he was a duly licensed real estate
43 salesperson or broker-salesperson at the time the alleged cause of
44 action arose.

45 (cf: P.L.1993, c.51, s.3)

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47 2. This act shall take effect immediately.

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STATEMENT

This bill amends current law to include a business broker within the definition of a real estate broker or real estate salesperson. A business broker is a person who for a fee or commission negotiates the transfer or sale of a business.



Includes business broker in definition of real estate broker and salesperson.