



ARIZONA STATE SENATE
Fifty-Fourth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR S.B. 1129

real estate; employee; rent collection.

Purpose

Allows an unlicensed person who works for a real estate broker or real estate salesperson to collect rent and related fees on behalf of the licensee as part of the person's clerical duties.

Background

A person, corporation, partnership or limited liability company must obtain a license before engaging in any business, occupation or activity as a real estate broker. Any act included in the statutory definition of *real estate broker* constitutes the person offering or attempting to perform the act of a real estate broker or salesperson ([A.R.S. § 32-2122](#)). Licensure requirements do not apply to a person employed by a licensee who: 1) is unlicensed; 2) performs clerical, bookkeeping, accounting or other administrative and support duties; and 3) does not engage in acts that require a license ([A.R.S. § 32-2121](#)).

A *real estate broker* is a person who, for another and for compensation, engages in outlined transactions and acts relating to real estate, businesses and business opportunities, or timeshare interests, including a person who collects, or offers, attempts or agrees to collect, rent for the use of real estate, businesses and business opportunities or timeshare interests ([A.R.S. § 32-2101](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Allows an unlicensed person to collect rent and related fees in person for the use of real estate as part of the person's clerical duties if the person works for a licensee, collects the rent on the licensee's behalf and a receipt is provided upon payment.
2. Excludes, from the definition of *real estate broker*, a person who:
 - a) is not a licensee;
 - b) works for a real estate broker or real estate salesperson;
 - c) collects rent and related fees in person on behalf of the real estate broker or real estate salesperson for the use of real estate as part of the person's clerical duties; and
 - d) provides a receipt upon payment.
3. Makes technical and conforming changes.
4. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

1. Allows an unlicensed person who meets the outlined criteria to collect related fees, in addition to rent, as part of their clerical duties and requires the rent collection to be in person.
2. Requires an unlicensed person who collects rent and related fees to provide a receipt upon payment.

Senate Action

COM 2/12/20 DP 7-0-1

Prepared by Senate Research

February 12, 2020

LB/gs