

By: Senator(s) Flowers, White, Lee (35th),
Doxey, Davis

To: Business and Financial
Institutions; Judiciary,
Division B

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2697

1 AN ACT TO AMEND SECTION 73-35-31, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT NO FEE, COMMISSION OR OTHER VALUABLE CONSIDERATION
3 MAY BE PAID TO ANY PERSON FOR REAL ESTATE BROKERAGE ACTIVITIES
4 UNLESS THE PERSON PROVIDES EVIDENCE OF LICENSURE OR EVIDENCE OF A
5 COOPERATIVE AGREEMENT; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 73-35-31, Mississippi Code of 1972, is
8 amended as follows:

9 73-35-31. (1) Any person violating a provision of this
10 chapter shall, upon conviction of a first violation thereof, if a
11 person, be punished by a fine or not less than Five Hundred
12 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),
13 or by imprisonment for a term not to exceed ninety (90) days, or
14 both; and if a corporation, be punished by a fine of not more than
15 Two Thousand Dollars (\$2,000.00). Upon conviction of a second or
16 subsequent violation, if a person, shall be punished by a fine of
17 not less than One Thousand Dollars (\$1,000.00) nor more than Two
18 Thousand Dollars (\$2,000.00), or by imprisonment for a term not to
19 exceed six (6) months, or both; and if a corporation, be punished
20 by a fine of not less than Two Thousand Dollars (\$2,000.00) nor
21 more than Five Thousand Dollars (\$5,000.00). Any officer or agent
22 of a corporation, or any member or agent of a partnership or
23 association, who shall personally participate in or be accessory
24 to any violation of this chapter by such corporation, partnership
25 or association, shall be subject to the penalties herein
26 prescribed for individuals.

27 (2) In case any person, partnership, association or
28 corporation shall have received any sum of money, or the

29 equivalent thereto, as commission, compensation or profit by or in
30 consequence of his violation of any provision of this chapter,
31 such person, partnership, association or corporation shall also be
32 liable to a penalty of not less than the amount of the sum of
33 money so received and not more than four (4) times the sum so
34 received, as may be determined by the court, which penalty may be
35 sued for and recovered by any person aggrieved and for his use and
36 benefit, in any court of competent jurisdiction.

37 (3) No fee, commission or other valuable consideration may
38 be paid to a person for real estate brokerage activities as
39 described in subsection (1) of Section 73-35-3 unless the person
40 provides evidence of licensure under the provisions of this
41 chapter or provides evidence of a cooperative agreement provided
42 under the authority of Section 73-35-11.

43 **SECTION 2.** This act shall take effect and be in force from
44 and after July 1, 2005.