

AN ACT relating to auctioneers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 330 IS CREATED TO READ AS FOLLOWS:

(1) A licensed auctioneer shall not sell real estate at auction without a real estate broker's license.

(2) A licensed real estate broker shall not sell real estate at auction without an auctioneer's license.

(3) Notwithstanding the provisions set forth in KRS 426.522, an auctioneer and real estate broker may collaborate in conducting the sale of real estate at auction. When an auctioneer and real estate broker collaborate in the conduct of a sale of real estate at auction, a real estate broker shall be paid for services rendered as a broker; and an auctioneer shall be paid for services rendered as an auctioneer.

➔Section 2. KRS 324.020 is amended to read as follows:

- (1) It shall be unlawful for any person who is not licensed as a real estate broker or sales associate to hold himself or herself out to the public as a real estate broker or sales associate or use any terms, titles, or abbreviations which express, infer, or imply that the person is licensed as a real estate broker or sales associate.
- (2) No person shall practice real estate brokerage with respect to real estate located in this state unless:
 - (a) The person holds a license to practice real estate brokerage under this chapter;
or
 - (b) The person has complied with KRS 324.235 to 324.238.
- (3) A licensee who is an owner or a builder-developer shall comply with the provisions of this chapter and the administrative regulations applying to real estate brokers and sales associates.
- (4) No broker shall split fees with or compensate any person who is not licensed to

perform any of the acts regulated by this chapter, except that a broker may:

- (a) Pay a referral fee to a broker licensed outside of Kentucky for referring a client to the Kentucky broker;~~[-or]~~
 - (b) Pay a commission or other compensation to a broker licensed outside of Kentucky in compliance with KRS 324.235 to 324.238;or
 - (c) *Pay a licensed auctioneer for services rendered in cases where an auctioneer and real estate broker collaborate in the conduct of a sale of real estate at auction.*
- (5) Except as authorized in KRS 324.112(1) and 324.425, no sales associate shall supervise another licensed sales associate or manage a real estate brokerage office.
- (6) The Kentucky Real Estate Commission may seek and obtain injunctive relief against any individual acting in violation of this chapter by filing a civil action in the Circuit Court where the commission is located or where the unlawful activity took place.