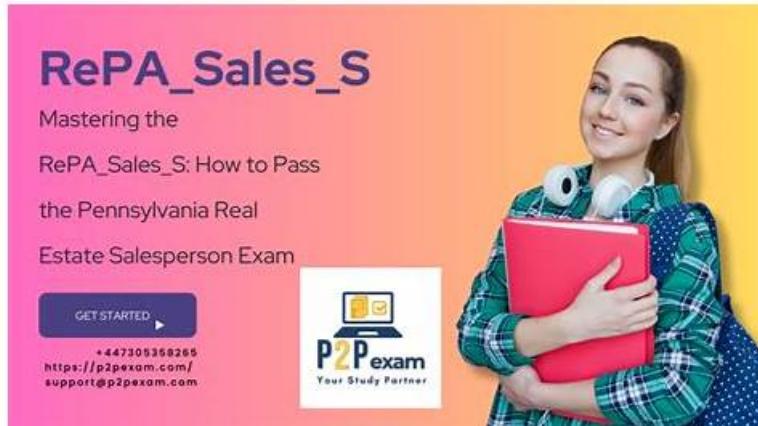


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## Pennsylvania Real Estate Commission PA Salesperson State Exam Sample Questions (Q12-Q17):

### NEW QUESTION # 12

According to the Real Estate Commission, which of the following is REQUIRED to hold a real estate license in Pennsylvania?

- A. A home builder selling his brand new houses
- B. An attorney who holds himself out as a provider of brokerage services
- C. An individual selling five unimproved lots that she owns
- D. A bank selling its foreclosed properties

**Answer: B**

Explanation:

In Pennsylvania, any person engaging in brokerage activities (such as negotiating sales or leases for compensation) must hold a real estate license unless specifically exempted.

\* 49 Pa. Code § 35.201 (Definitions) & 63 P.S. § 455.304 (Exemptions) allow attorneys to practice real estate without a license ONLY IF the services are incidental to their legal practice.

\* If an attorney advertises as a real estate broker or regularly engages in real estate transactions beyond legal services, they must obtain a real estate license.

Why the other answers are incorrect:

\* Option B (Home Builder Selling New Houses): Builders are exempt when selling their own newly constructed homes.

\* Option C (Banks Selling Foreclosures): Banks are exempt under 63 P.S. § 455.304 (a)(5) since they are not in the business of selling real estate for profit.

\* Option D (Selling Five Unimproved Lots): Individuals selling their own property do not need a license, even for multiple lots.

References:

63 P.S. § 455.304- Exemptions from Licensing

**NEW QUESTION # 13**

Can a licensed real estate broker prepare an appraisal for a new loan on property that the broker has listed for sale?

- **A. No, real property appraisals are not within the scope of practice for a real estate broker.**
- B. Yes, if the appraisal is identified as a comparative market analysis.
- C. Yes, if the appraisal is done before an offer to purchase is accepted by the seller.
- D. Yes, with proper disclosure to the lender about the broker's qualifications.

**Answer: A**

Explanation:

Under The Pennsylvania Real Estate Appraisers Certification Act (63 P.S. § 457.1-457.19), only a state-certified or licensed appraiser can perform real estate appraisals for loan purposes.

\* Real estate brokers and salespersons can perform Comparative Market Analyses (CMAs) but cannot legally perform an appraisal for a lender.

\* This restriction ensures that appraisals used for lending purposes meet state and federal standards.

Why the other answers are incorrect:

\* Option A (CMAs as Appraisals): CMAs are not appraisals.

\* Option B (Before Offer Accepted): The timing of the appraisal does not change licensing requirements.

\* Option C (Disclosure to Lender): Even with disclosure, brokers are not permitted to conduct appraisals for loans.

**NEW QUESTION # 14**

What MAXIMUM length of time may a salesperson's real estate license be inactive before reactivation ceases to be possible without retaking and passing the licensing examination?

- A. 2 years
- B. 4 years
- **C. 5 years**
- D. 3 years

**Answer: C**

Explanation:

If a real estate license is inactive for more than 5 years, the licensee must retake and pass the licensing exam to reinstate their license.

\* 49 Pa. Code § 35.251 (Relicensure Following Revocation or Inactive Status) states that a licensee who has been inactive for over 5 years must complete all initial licensing requirements again, including the exam.

\* A licensee can keep their license in inactive status indefinitely, but after 5 years, it requires reexamination.

Why the other answers are incorrect:

\* Option A (2 Years) & Option B (3 Years): Licensees may reactivate their license within this period without retaking the exam.

\* Option C (4 Years): The limit is 5 years, not 4.

Reference:

### NEW QUESTION # 15

What is the status of a person's real estate license after a claim has been paid from the Real Estate Recovery Fund to settle a claim against that licensee?

- A. Inactive
- B. Reinstated
- C. **Suspended**
- D. Active

#### Answer: C

Explanation:

Under 63 P.S. § 455.803 (Real Estate Recovery Fund), if the Pennsylvania Real Estate Commission pays out money from the Real Estate Recovery Fund due to a licensee's misconduct, the license is automatically suspended.

\* A suspended license means the person cannot legally practice real estate until they reimburse the Recovery Fund for the full amount paid, plus interest.

\* This is a consumer protection measure to ensure that licensees who cause financial harm cannot continue practicing until restitution is made.

\* Once repayment is made, the licensee must apply for reinstatement, which is not automatic and may require a hearing.

Why the other answers are incorrect:

\* Option A (Active): The license does not remain active after a payout from the fund.

\* Option B (Inactive): "Inactive" means the licensee voluntarily stopped practicing, which is not the case here.

\* Option C (Reinstated): Reinstatement does not occur automatically; the licensee must repay the fund and petition for reinstatement.

Reference:

63 P.S. § 455.803 - Real Estate Recovery Fund Suspension Rules

### NEW QUESTION # 16

A real estate licensee may be disciplined by the Pennsylvania Real Estate Commission for which of the following reasons?

- A. Inability to obtain automobile liability insurance
- B. Nonpayment of Federal income taxes
- C. Any felony conviction
- D. **Habitual intoxication or drug addiction**

#### Answer: D

Explanation:

Under 49 Pa. Code § 35.291 (Reporting of Crimes and Disciplinary Actions), a real estate licensee may face disciplinary action for engaging in unethical conduct, fraud, or incompetence. One of the reasons listed is habitual intoxication or drug addiction, as this impairs the licensee's ability to properly conduct real estate activities.

\* A felony conviction (Option D - Incorrect) does not automatically result in discipline but is reviewed by the Commission.

\* Failure to pay taxes (Option C - Incorrect) is a federal issue, not a licensing violation.

\* Car insurance (Option A - Incorrect) is unrelated to a real estate license.

### NEW QUESTION # 17

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