

HOUSE BILL 704

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2002 Regular Session
(2r2153)

ENROLLED BILL

-- Economic Matters/Education, Health, and Environmental Affairs --

Introduced by **Delegate Brown**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER 583

1 AN ACT concerning

2 **Business Occupations and Professions - Real Estate Salespersons and**
3 **Associate Real Estate Brokers - Use of Trade Name**

4 FOR the purpose of prohibiting licensed real estate salespersons and licensed
5 associate real estate brokers from advertising unless certain requirements
6 relating to the inclusion of certain information in the advertisement are met;
7 requiring licensed real estate salespersons and licensed associate real estate
8 brokers to include certain information on certain advertising; ~~permitting~~
9 authorizing licensed real estate salespersons and licensed associate real estate
10 brokers to provide real estate brokerage services under certain circumstances;
11 ~~permitting~~ authorizing licensed real estate salespersons and licensed associate
12 real estate brokers to add a trade name on a license certificate and pocket card
13 under certain circumstances; requiring a license certificate and pocket card to
14 display certain information; providing for the denial, suspension, or revocation
15 of a license or reprimand of a licensee under certain circumstances; defining
16 certain terms; and generally relating to real estate salespersons and associate
17 real estate brokers.

1 BY repealing and reenacting, with amendments,
2 Article - Business Occupations and Professions
3 Section 17-322(b)(19)
4 Annotated Code of Maryland
5 (2000 Replacement Volume and 2001 Supplement)

6 BY adding to
7 Article - Business Occupations and Professions
8 Section 17-527.2 and 17-527.3
9 Annotated Code of Maryland
10 (2000 Replacement Volume and 2001 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - Business Occupations and Professions**

14 17-322.

15 (b) Subject to the hearing provisions of § 17-324 of this subtitle, the
16 Commission may deny a license to any applicant, reprimand any licensee, or suspend
17 or revoke a license if the applicant or licensee:

18 (19) advertises in any misleading or untruthful manner OR VIOLATES §
19 17-527.2 OF THIS TITLE;

20 17-527.2.

21 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
22 INDICATED.

23 (2) "ADVERTISE" MEANS THE USE OF ANY ORAL, WRITTEN, OR VISUAL
24 ADVERTISEMENT BY A LICENSED REAL ESTATE SALESPERSON, LICENSED
25 ASSOCIATE REAL ESTATE BROKER, OR OTHER PERSON ON BEHALF OF A LICENSED
26 REAL ESTATE SALESPERSON OR LICENSED ASSOCIATE REAL ESTATE BROKER.

27 (3) (I) "ADVERTISEMENT" MEANS, UNLESS THE CONTEXT REQUIRES
28 OTHERWISE, ANY ORAL, WRITTEN, OR PRINTED MEDIA ADVERTISEMENT.

29 (II) "ADVERTISEMENT" INCLUDES ANY CORRESPONDENCE,
30 MAILING, NEWSLETTER, BROCHURE, BUSINESS CARD, FOR SALE OR FOR LEASE SIGN
31 AND SIGN RIDER, PROMOTIONAL ITEM, AUTOMOBILE SIGNAGE, TELEPHONE
32 DIRECTORY LISTING, TELEVISION ANNOUNCEMENT, RADIO ANNOUNCEMENT,
33 TELEPHONE SOLICITATION, AND WORLD WIDE WEB AND INTERNET VOICE-OVERS.

34 (4) (I) "TRADE NAME" MEANS THE INDIVIDUAL NAME OF A LICENSED
35 REAL ESTATE SALESPERSON OR LICENSED ASSOCIATE REAL ESTATE BROKER OTHER

1 THAN THE LICENSED REAL ESTATE SALESPERSON'S OR LICENSED ASSOCIATE REAL
2 ESTATE BROKER'S FULL LEGAL NAME.

3 (II) "TRADE NAME" INCLUDES A FIRST NAME, NICKNAME, OR LAST
4 NAME ~~OR THE NAME OF A JOINT VENTURE, PARTNERSHIP, CORPORATION, OR~~
5 ~~LIMITED LIABILITY COMPANY.~~

6 (B) A LICENSED REAL ESTATE SALESPERSON OR LICENSED ASSOCIATE REAL
7 ESTATE BROKER MAY NOT ADVERTISE UNLESS:

8 (1) THE NAME OR TRADE NAME OF THE LICENSED REAL ESTATE
9 SALESPERSON OR LICENSED ASSOCIATE REAL ESTATE BROKER, AS THE NAME OR
10 TRADE NAME APPEARS ON THE LICENSE CERTIFICATE AND POCKET CARD ISSUED BY
11 THE COMMISSION, IS MEANINGFULLY AND CONSPICUOUSLY INCLUDED IN THE
12 ADVERTISEMENT; AND

13 (2) THE NAME OF THE BUSINESS WITH WHICH THE LICENSED REAL
14 ESTATE SALESPERSON OR LICENSED ASSOCIATE REAL ESTATE BROKER IS
15 AFFILIATED ~~IS~~:

16 (I) IS MEANINGFULLY AND CONSPICUOUSLY INCLUDED IN THE
17 ADVERTISEMENT;

18 (II) ON OR BEFORE OCTOBER 1, 2003, IS DISPLAYED IN A SIZE THAT
19 IS AT LEAST AS LARGE AS THE SIZE OF THE NAME OR TRADE NAME OF THE LICENSED
20 REAL ESTATE SALESPERSON OR LICENSED ASSOCIATE REAL ESTATE BROKER; AND

21 (III) IS THE FULL NAME OF THE BUSINESS AND NOT A LOGO USED
22 BY THE BUSINESS.

23 17-527.3.

24 (A) A LICENSED REAL ESTATE SALESPERSON OR LICENSED ASSOCIATE REAL
25 ESTATE BROKER MAY PROVIDE REAL ESTATE BROKERAGE SERVICES UNDER A
26 TRADE NAME THAT HAS BEEN APPROVED BY THE COMMISSION.

27 (B) SUBJECT TO THE APPROVAL OF THE COMMISSION, A LICENSED REAL
28 ESTATE SALESPERSON OR LICENSED ASSOCIATE REAL ESTATE BROKER MAY ADD A
29 TRADE NAME ON A LICENSE CERTIFICATE AND POCKET CARD IF THE LICENSEE
30 SUBMITS TO THE COMMISSION:

31 (1) AN APPLICATION ON THE FORM THAT THE COMMISSION PROVIDES;

32 (2) THE LICENSE CERTIFICATE AND POCKET CARD OF THE LICENSEE;

33 (3) ANY DOCUMENTATION ABOUT THE TRADE NAME THAT THE
34 COMMISSION REQUIRES; AND

35 (4) A FEE OF \$5.

1 (C) THE FULL LEGAL NAME OF THE LICENSEE AND THE APPROVED TRADE
2 NAME SHALL BE DISPLAYED ON THE NEW LICENSE CERTIFICATE AND POCKET CARD.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2002.