

HOUSE BILL 55

C2, G1

8lr0526

(PRE-FILED)

By: **Delegate J. Lewis**

Requested: August 24, 2017

Introduced and read first time: January 10, 2018

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Business Occupations – Obligations of Real Estate Brokers – Voter Registration**

3 FOR the purpose of requiring a certain licensed real estate broker, licensed associate real
4 estate broker, or licensed real estate salesperson to provide a voter registration
5 application and certain information regarding voter registration to a client on the
6 date of closing, under certain circumstances; providing that a certain violation is not
7 subject to a general penalty provision; and generally relating to obligations of real
8 estate brokers.

9 BY repealing and reenacting, without amendments,
10 Article – Business Occupations and Professions
11 Section 17–528(a) and (f), 17–529, and 17–532(a)
12 Annotated Code of Maryland
13 (2010 Replacement Volume and 2017 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Business Occupations and Professions
16 Section 17–532(b) and 17–613(a)
17 Annotated Code of Maryland
18 (2010 Replacement Volume and 2017 Supplement)

19 BY adding to
20 Article – Business Occupations and Professions
21 Section 17–613(e)
22 Annotated Code of Maryland
23 (2010 Replacement Volume and 2017 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Business Occupations and Professions

17–528.

(a) In this Part III of this subtitle the following words have the meanings indicated.

(f) “Buyer’s agent” means a licensed real estate broker, licensed associate real estate broker, or licensed real estate salesperson who, in accordance with a written brokerage agreement, represents a prospective buyer or lessee in the acquisition of real estate for sale or for lease.

17–529.

(a) This Part III of this subtitle applies only to:

(1) the sale or lease of real property improved by one, two, three, or four single-family units; and

(2) unimproved real property zoned for residential use by the local zoning authority of the county or municipality in which the real property is located.

(b) This Part III of this subtitle does not apply to a lease of 125 days or less.

17–532.

(a) A licensee shall comply with the provisions of this section when providing real estate brokerage services.

(b) (1) A licensee shall:

(i) act in accordance with the terms of the brokerage agreement;

(ii) promote the interests of the client by:

1. seeking a sale or lease of real estate at a price or rent specified in the brokerage agreement or at a price or rent acceptable to the client;

2. seeking a sale or lease of real estate on terms specified in the brokerage agreement or on terms acceptable to the client; and

3. unless otherwise specified in the brokerage agreement, presenting in a timely manner all written offers or counteroffers to and from the client, even if the real estate is subject to an existing contract of sale or lease;

(iii) disclose to the client all material facts as required under § 17–322 of this title;

1 (iv) treat all parties to the transaction honestly and fairly and
2 answer all questions truthfully;

3 (v) in a timely manner account for all trust money received;

4 (vi) exercise reasonable care and diligence; [and]

5 (vii) comply with all:

6 1. requirements of this title;

7 2. applicable federal, State, and local fair housing laws and
8 regulations; and

9 3. other applicable laws and regulations; AND

10 (VIII) WHEN ACTING AS A BUYER'S AGENT, ON THE DATE OF
11 CLOSING, PROVIDE THE CLIENT WITH A VOTER REGISTRATION APPLICATION AND
12 INFORMATION ON REGISTERING TO VOTE IN THE LOCAL JURISDICTION.

13 (2) Unless the client consents in writing to the disclosure, a licensee may
14 not disclose confidential information received from or about a client to any other party or
15 licensee acting as the agent of that party or other representative of that party.

16 (3) Unless the client to whom the confidential information relates consents
17 in writing to a disclosure of that confidential information, a licensee who receives
18 confidential information from or about the licensee's own past or present client or a past or
19 present client of the licensee's broker may not disclose that information to:

20 (i) any of the licensee's other clients;

21 (ii) any of the clients of the licensee's broker;

22 (iii) any other party;

23 (iv) any licensee acting as an agent for another party; or

24 (v) any representative of another party.

25 (4) Unless otherwise specified in the brokerage agreement, a licensee is not
26 required to seek additional offers to purchase or lease real estate while the real estate is
27 subject to an existing contract of sale or lease.

28 (5) An intra-company agent may disclose confidential information to the
29 broker or dual agent for whom the intra-company agent works but the broker or dual agent

1 may not disclose that confidential information to the other party or the intra-company
2 agent for the other party, as provided in § 17-530.1(b) of this subtitle.

3 17-613.

4 (a) Subject to the provisions of [subsection] **SUBSECTIONS (d) AND (E)** of this
5 section, a person who violates any provision of the following sections of this title is guilty of
6 a misdemeanor and on conviction for a first offense is subject to a fine not exceeding \$5,000
7 or imprisonment not exceeding 1 year or both:

8 (1) § 17-502;

9 (2) § 17-525;

10 (3) § 17-526;

11 (4) § 17-527;

12 (5) § 17-530;

13 (6) § 17-532;

14 (7) § 17-601;

15 (8) § 17-602;

16 (9) § 17-603;

17 (10) § 17-604;

18 (11) § 17-605;

19 (12) § 17-606;

20 (13) § 17-607;

21 (14) § 17-608;

22 (15) § 17-609;

23 (16) § 17-610; and

24 (17) § 17-611.

25 **(E) A PERSON IS NOT SUBJECT TO PENALTY OR CONVICTION UNDER**
26 **SUBSECTION (A) OF THIS SECTION FOR A VIOLATION OF ONLY § 17-532(B)(1)(VIII)**
27 **OF THIS TITLE.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2018.