

HOUSE BILL 844

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2000 Regular Session
(01r2083)

ENROLLED BILL

-- Economic Matters/Economic and Environmental Affairs --

Introduced by **Delegates Minnick and DeCarlo**

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 _____

1 AN ACT concerning

2 **Real Estate Brokers - Continuing Education Requirements**

3 FOR the purpose of requiring that certain continuing education courses relate to real
4 estate or the provision of real estate services; authorizing a member association
5 of the Maryland Association of Realtors ~~or a qualified instructor~~ to conduct
6 certain continuing education courses; ~~prohibiting the State Real Estate~~
7 ~~Commission from requiring that a qualified instructor or educational institution~~
8 ~~have a certain certificate of approval as a postsecondary education institution;~~
9 requiring the State Real Estate Commission to accept as evidence of certain
10 licensees' completion of certain continuing education requirements evidence of
11 any course attended in another state, United States territory, or the District of
12 Columbia, regardless of whether there is a reciprocal agreement with that
13 location; requiring the State Real Estate Commission to provide for the conduct
14 of continuing education courses by certain methods of transmission by a certain
15 date; making a stylistic change; and generally relating to continuing education
16 requirements for real estate brokers, associate real estate brokers, and real
17 estate salespersons.

1 BY repealing and reenacting, with amendments,
2 Article - Business Occupations and Professions
3 Section 17-315
4 Annotated Code of Maryland
5 (1995 Replacement Volume and 1999 Supplement)

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

8 **Article - Business Occupations and Professions**

9 17-315.

10 (a) (1) To qualify for renewal of a license under this subtitle, a licensee shall
11 complete[:

12 (i) in the license term that begins in 1992, at least 12 clock hours of
13 continuing education instruction, as provided in this section, during each 2-year
14 license term; and

15 (ii) in and after the license term that begins in 1996,] at least 15
16 clock hours of continuing education instruction, as provided in this section, during the
17 preceding 2-year term.

18 (2) Notwithstanding paragraph (1) of this subsection:

19 (i) a licensee who is granted a license during the second year of a
20 license term may renew a license for the next full term without complying with the
21 continuing education requirements of this section; and

22 (ii) a licensee who has been licensed for 10 years or more may
23 satisfy the continuing education requirements and renew a license for the next full
24 term by completing 6 clock hours of continuing education instruction that outlines
25 relevant changes that have occurred in federal, State, or local laws, or any
26 combination of those laws.

27 (b) (1) The Commission shall approve the form, substance, and, as provided
28 under paragraph (2) of this subsection, subject matter of all continuing education
29 courses.

30 (2) The subject matter approved by the Commission shall:

31 (i) relate to real estate OR THE PROVISION OF REAL ESTATE
32 BROKERAGE SERVICES;

33 (ii) every 2 years, include, AS PART OF, AND NOT IN ADDITION TO
34 THE 15 CLOCK HOURS REQUIRED BY THIS SECTION, at least [one 3-hour course] 3
35 CLOCK HOURS that [outlines relevant changes that have occurred in] INCLUDE

1 federal, State, or local laws AND REGULATIONS, or any combination of those [laws,
2 during the preceding 5 years] LAWS AND REGULATIONS; and

3 (iii) every 2 years, include, AS PART OF, AND NOT IN ADDITION TO
4 THE 15 CLOCK HOURS REQUIRED BY THIS SECTION, at least one 1.5 clock hour course
5 that [outlines] INCLUDES federal, State, [and] OR local fair housing laws and
6 regulations, including fair housing advertising, OR ANY COMBINATION OF THOSE
7 LAWS AND REGULATIONS.

8 (3) The requirement of paragraph (2)(iii) of this subsection does not
9 apply to a licensee who provides real estate brokerage services solely in connection
10 with nonresidential real estate.

11 (4) To be acceptable for credit as a continuing education course under
12 this section, the course shall cover 1 or more topics approved by the Commission.

13 (c) (1) Continuing education courses may be conducted by:

14 (i) the Maryland Association of Realtors or its member boards AND
15 ASSOCIATIONS;

16 (ii) the Real Estate Brokers of Baltimore City, Inc.;

17 (iii) any similar professional association; or

18 (iv) ~~{an} A QUALIFIED INSTRUCTOR OR~~ educational institution
19 approved by the Commission.

20 ~~(2) FOR THE PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION, THE~~
21 ~~COMMISSION MAY NOT REQUIRE THAT THE QUALIFIED INSTRUCTOR OR~~
22 ~~EDUCATIONAL INSTITUTION HAVE A CERTIFICATE OF APPROVAL, AS DESCRIBED~~
23 ~~UNDER § 11-202 OF THE EDUCATION ARTICLE.~~

24 ~~{(2)}~~ ~~(3)~~ Continuing education courses shall be taught by a qualified
25 instructor who is experienced in the real estate industry.

26 ~~(4)~~ ~~(3)~~ THE COMMISSION SHALL ACCEPT AS EVIDENCE OF A
27 LICENSEE'S COMPLETION OF THE CONTINUING EDUCATION REQUIREMENTS OF THIS
28 SECTION EVIDENCE OF THE LICENSEE'S ATTENDANCE AT ANY COURSE ATTENDED
29 BY A LICENSEE APPROVED BY THE REAL ESTATE LICENSING AUTHORITY IN
30 ANOTHER STATE, UNITED STATES TERRITORY, OR THE DISTRICT OF COLUMBIA
31 REGARDLESS OF WHETHER OR NOT THE COMMISSION HAS A WRITTEN RECIPROCAL
32 AGREEMENT WITH THE REAL ESTATE LICENSING AUTHORITY OF THAT OTHER
33 STATE, UNITED STATES TERRITORY, OR THE DISTRICT OF COLUMBIA, ~~UNLESS THE~~
34 ~~COURSE DOES NOT SATISFY THE REQUIREMENTS OF THIS SECTION~~ PROVIDED THAT
35 THE COURSE MEETS OR EXCEEDS THE REQUIREMENTS FOR APPROVAL AS
36 PROVIDED IN SUBSECTION (B) OF THIS SECTION.

1 ~~(5)~~ (4) ON OR BEFORE JANUARY 1, 2002, THE COMMISSION SHALL
2 ADOPT REGULATIONS THAT PROVIDE FOR THE CONDUCT OF CONTINUING
3 EDUCATION INSTRUCTION COURSES BY:

4 (I) REMOTE ACCESS SATELLITE;

5 (II) CLOSED-CIRCUIT VIDEO;

6 (III) COMPUTER, INCLUDING TRANSMISSION OVER THE INTERNET
7 AND THE WORLD WIDE WEB;

8 (IV) HOME STUDY; AND

9 (V) ANY OTHER DELIVERY SYSTEM APPROVED BY THE
10 COMMISSION.

11 (d) If feasible, continuing education courses shall be offered at reasonable
12 intervals in each county and in each major geographic area of the larger counties.

13 (e) On completion of a continuing education course by a licensee, the entity
14 that conducted the course or the instructor shall issue to the licensee [a certificate]
15 EVIDENCE of completion that states the number of clock hours of [that] THE
16 COMPLETED course.

17 (f) The Commission may waive the requirements of this section for a licensee
18 if the licensee shows good cause for being unable to meet the requirements.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2000.