

SENATE BILL 324

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2001 Regular Session  
1lr0644  
CF 1lr2497

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By: **Chairman, Economic and Environmental Affairs Committee**

Introduced and read first time: January 31, 2001

Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Real Estate Commission - Sunset Extension and Program**  
3 **Evaluation**

4 FOR the purpose of continuing the Maryland Real Estate Commission in accordance  
5 with the provisions of the Maryland Program Evaluation Act (Sunset Law) by  
6 extending to a certain date the termination provisions relating to the statutory  
7 and regulatory authority of the Commission; requiring the Commission to adopt  
8 certain regulations to provide for the conduct of continuing education courses by  
9 certain methods of transmission on or before a certain date; requiring that an  
10 evaluation of the Commission and the statutes and regulations that relate to the  
11 Commission be performed on or before a certain date; requiring the Commission  
12 to submit a certain report to certain committees on or before a certain date; and  
13 generally relating to the Maryland Real Estate Commission.

14 BY repealing and reenacting, with amendments,  
15 Article - Business Occupations and Professions  
16 Section 17-315 and 17-702  
17 Annotated Code of Maryland  
18 (2000 Replacement Volume and 2000 Supplement)

19 BY repealing and reenacting, without amendments,  
20 Article - State Government  
21 Section 8-403(a)  
22 Annotated Code of Maryland  
23 (1999 Replacement Volume and 2000 Supplement)

24 BY repealing and reenacting, with amendments,  
25 Article - State Government  
26 Section 8-403(b)(59)  
27 Annotated Code of Maryland  
28 (1999 Replacement Volume and 2000 Supplement)

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

3 **Article - Business Occupations and Professions**

4 17-315.

5 (a) (1) To qualify for renewal of a license under this subtitle, a licensee shall  
6 complete:

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

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

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

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

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

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

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

26 (i) relate to real estate;

27 (ii) every 2 years, include at least one 3-hour course that outlines  
28 relevant changes that have occurred in federal, State, or local laws, or any  
29 combination of those laws, during the preceding 5 years; and

30 (iii) every 2 years, include at least one 1.5 clock hour course that  
31 outlines federal, State, and local fair housing laws and regulations, including fair  
32 housing advertising.

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

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

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

- 4 (i) the Maryland Association of Realtors or its member boards;
- 5 (ii) the Real Estate Brokers of Baltimore City, Inc.;
- 6 (iii) any similar professional association; or
- 7 (iv) an educational institution approved by the Commission.

8 (2) Continuing education courses shall be taught by a qualified  
9 instructor who is experienced in the real estate industry.

10 (3) ON OR BEFORE JANUARY 1, 2003, THE COMMISSION SHALL ADOPT  
11 REGULATIONS THAT PROVIDE FOR THE CONDUCT OF CONTINUING EDUCATION  
12 INSTRUCTION COURSES BY:

- 13 (I) REMOTE ACCESS SATELLITE;
- 14 (II) CLOSED-CIRCUIT VIDEO;
- 15 (III) COMPUTER, INCLUDING TRANSMISSION OVER THE INTERNET  
16 AND THE WORLD WIDE WEB;
- 17 (IV) HOME STUDY; AND
- 18 (V) ANY OTHER DELIVERY SYSTEM APPROVED BY THE  
19 COMMISSION.

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

22 (e) On completion of a continuing education course by a licensee, the entity  
23 that conducted the course or the instructor shall issue to the licensee a certificate of  
24 completion that states the number of clock hours of that course.

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

27 17-702.

28 Subject to the evaluation and reestablishment provisions of the Maryland  
29 Program Evaluation Act, this title and all regulations adopted under this title shall  
30 terminate and be of no effect after July 1, [2002] 2012.

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**Article - State Government**

2 8-403.

3 (a) On or before December 15 of the 2nd year before the evaluation date of a  
4 governmental activity or unit, the Legislative Policy Committee, based on a  
5 preliminary evaluation, may waive as unnecessary the evaluation required under this  
6 section.

7 (b) Except as otherwise provided in subsection (a) of this section, on or before  
8 the evaluation date for the following governmental activities or units, an evaluation  
9 shall be made of the following governmental activities or units and the statutes and  
10 regulations that relate to the governmental activities or units:

11 (59) Real Estate Commission, State (§ 17-201 of the Business  
12 Occupations and Professions Article: July 1, [2001] 2011);

13 SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Real  
14 Estate Commission shall report to the Senate Economic and Environmental Affairs  
15 Committee and the House Economic Matters Committee on or before October 1, 2001,  
16 in accordance with § 2-1246 of the State Government Article, on the implementation  
17 of the recommendations of the Department of Legislative Services contained in the  
18 sunset evaluation report dated October 31, 2000.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2001.