

SENATE BILL 324

Unofficial Copy  
C2

2001 Regular Session  
11r0644  
CF 11r2497

---

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

Introduced and read first time: January 31, 2001

Assigned to: Economic and Environmental Affairs

---

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 28, 2001

---

CHAPTER \_\_\_\_\_

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; altering a provision relating to the  
8 subject matter of a certain continuing education course to be approved by the  
9 Commission; requiring the Commission to adopt certain regulations to provide  
10 for the conduct of continuing education courses by certain methods of  
11 transmission on or before a certain date; requiring that an evaluation of the  
12 Commission and the statutes and regulations that relate to the Commission be  
13 performed on or before a certain date; requiring the Commission to submit a  
14 certain report to certain committees on or before a certain date; and generally  
15 relating to the Maryland Real Estate Commission.

16 BY repealing and reenacting, with amendments,  
17 Article - Business Occupations and Professions  
18 Section 17-315 and 17-702  
19 Annotated Code of Maryland  
20 (2000 Replacement Volume and 2000 Supplement)

21 BY repealing and reenacting, without amendments,  
22 Article - State Government  
23 Section 8-403(a)  
24 Annotated Code of Maryland  
25 (1999 Replacement Volume and 2000 Supplement)

1 BY repealing and reenacting, with amendments,  
 2 Article - State Government  
 3 Section 8-403(b)(59)  
 4 Annotated Code of Maryland  
 5 (1999 Replacement Volume and 2000 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;

32 (ii) every 2 years, include at least one 3-hour course that outlines  
 33 relevant changes that have occurred in federal, State, or local laws AND  
 34 REGULATIONS, or any combination of those laws AND REGULATIONS, ~~during the~~  
 35 ~~preceding 5 years~~; and

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

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

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

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

10 (i) the Maryland Association of Realtors or its member boards;

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

12 (iii) any similar professional association; or

13 (iv) an educational institution approved by the Commission.

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

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

19 (I) REMOTE ACCESS SATELLITE;

20 (II) CLOSED-CIRCUIT VIDEO;

21 (III) COMPUTER, INCLUDING TRANSMISSION OVER THE INTERNET  
22 AND THE WORLD WIDE WEB;

23 (IV) HOME STUDY; AND

24 (V) ANY OTHER DELIVERY SYSTEM APPROVED BY THE  
25 COMMISSION.

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

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

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

1 17-702.

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

5

**Article - State Government**

6 8-403.

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

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

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

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

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