

HOUSE BILL 52

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2002 Regular Session
2lr0715

(PRE-FILED)

By: **Delegate Fulton**
Requested: October 23, 2001
Introduced and read first time: January 9, 2002
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Real Estate Agents and Brokers - Ethics Course for Licensure and Renewal**

3 FOR the purpose of requiring an applicant for licensure as a real estate salesperson,
4 associate real estate broker, or real estate broker to take a course in real estate
5 ethics; requiring a licensee seeking renewal of a real estate salesperson license,
6 associate real estate broker license, or real estate broker license to take a course
7 in real estate ethics; and generally relating to the licensure of real estate agents
8 and brokers.

9 BY repealing and reenacting, with amendments,
10 Article - Business Occupations and Professions
11 Section 17-303(d), 17-305(d), and 17-315(a) and (b)
12 Annotated Code of Maryland
13 (2000 Replacement Volume and 2001 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article - Business Occupations and Professions
16 Section 17-303(a), (b), and (c), 17-304, and 17-305(a), (b), and (c)
17 Annotated Code of Maryland
18 (2000 Replacement Volume and 2001 Supplement)

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

21 **Article - Business Occupations and Professions**

22 17-303.

23 (a) To qualify for a real estate salesperson license, an applicant shall be an
24 individual who meets the requirements of this section.

25 (b) An applicant shall be of good character and reputation.

26 (c) An applicant shall be at least 18 years old.

1 (d) An applicant shall have completed successfully:

2 (1) a basic course in real estate approved by the Commission that does
3 not require more than 60 clock hours of classroom instruction; or

4 (2) if approved by the Commission as an alternative, courses in real
5 estate subjects in any college; AND

6 (3) A 3 CLOCK HOUR COURSE IN REAL ESTATE ETHICS APPROVED BY
7 THE COMMISSION.

8 17-304.

9 (a) To qualify for an associate real estate broker license, an applicant shall be
10 an individual who meets the requirements of this section.

11 (b) An applicant shall meet the requirements for a real estate broker license
12 under § 17-305 of this subtitle.

13 (c) An applicant shall obtain, from a licensed real estate broker, a
14 commitment providing that the applicant shall become affiliated with the licensed
15 real estate broker as an associate real estate broker on the granting of an associate
16 real estate broker license to the applicant.

17 17-305.

18 (a) To qualify for a real estate broker license, an applicant shall be an
19 individual who meets the requirements of this section.

20 (b) An applicant shall be of good character and reputation.

21 (c) An applicant shall be at least 18 years old.

22 (d) (1) Except as provided in paragraph (2) of this subsection, an applicant
23 shall:

24 (i) have completed successfully a course in real estate approved by
25 the Commission for real estate brokers THAT INCLUDES A 3 CLOCK HOUR COURSE IN
26 REAL ESTATE ETHICS APPROVED BY THE COMMISSION; and

27 (ii) have been a licensed real estate salesperson and have actively
28 and lawfully provided real estate brokerage services for at least 3 years.

29 (2) If an applicant is qualified to practice law in the State, the
30 Commission shall waive the educational and experience requirements of paragraph
31 (1) of this subsection for that applicant.

32 17-315.

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

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

4 (ii) in and after the license term that begins in 1996, at least 15
5 clock hours of continuing education instruction THAT INCLUDES 3 CLOCK HOURS OF
6 REAL ESTATE ETHICS, as provided in this section, during the preceding 2-year term.

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

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

11 (ii) a licensee who has been licensed for 10 years or more may
12 satisfy the continuing education requirements and renew a license for the next full
13 term by completing 6 clock hours of continuing education instruction that:

14 1. INCLUDES 3 CLOCK HOURS OF REAL ESTATE ETHICS; AND

15 2. outlines relevant changes that have occurred in federal,
16 State, or local laws, or any combination of those laws.

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

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

21 (i) relate to real estate;

22 (ii) every 2 years, include at least one 3-hour course that outlines
23 relevant changes that have occurred in federal, State, or local laws and regulations, or
24 any combination of those laws and regulations; [and]

25 (iii) every 2 years, include at least one 1.5 clock hour course that
26 outlines federal, State, and local fair housing laws and regulations, including fair
27 housing advertising; AND

28 (IV) EVERY 2 YEARS, INCLUDE AT LEAST ONE 3 CLOCK HOUR
29 COURSE IN REAL ESTATE ETHICS.

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

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

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

