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By: **Delegate Brown**

Introduced and read first time: February 6, 2002

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Business Occupations and Professions - Real Estate Salespersons and**  
3                                   **Associate Real Estate Brokers - Use of Trade Name**

4 FOR the purpose of prohibiting licensed real estate salespersons and licensed  
5 associate real estate brokers from advertising unless certain requirements  
6 relating to the inclusion of certain information in the advertisement are met;  
7 requiring licensed real estate salespersons and licensed associate real estate  
8 brokers to include certain information on certain advertising; permitting  
9 licensed real estate salespersons and licensed associate real estate brokers to  
10 provide real estate brokerage services under certain circumstances; permitting  
11 licensed real estate salespersons and licensed real estate brokers to add a trade  
12 name on a license certificate and pocket card under certain circumstances;  
13 requiring a license certificate and pocket card to display certain information;  
14 providing for the denial, suspension, or revocation of a license or reprimand of a  
15 licensee under certain circumstances; defining certain terms; and generally  
16 relating to real estate salespersons and associate real estate brokers.

17 BY repealing and reenacting, with amendments,  
18 Article - Business Occupations and Professions  
19 Section 17-322(b)(19)  
20 Annotated Code of Maryland  
21 (2000 Replacement Volume and 2001 Supplement)

22 BY adding to  
23 Article - Business Occupations and Professions  
24 Section 17-527.2 and 17-527.3  
25 Annotated Code of Maryland  
26 (2000 Replacement Volume and 2001 Supplement)

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

1 **Article - Business Occupations and Professions**

2 17-322.

3 (b) Subject to the hearing provisions of § 17-324 of this subtitle, the  
4 Commission may deny a license to any applicant, reprimand any licensee, or suspend  
5 or revoke a license if the applicant or licensee:

6 (19) advertises in any misleading or untruthful manner OR VIOLATES §  
7 17-527.2 OF THIS TITLE;

8 17-527.2.

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
10 INDICATED.

11 (2) "ADVERTISE" MEANS THE USE OF ANY ORAL, WRITTEN, OR VISUAL  
12 ADVERTISEMENT BY A LICENSED REAL ESTATE SALESPERSON, LICENSED  
13 ASSOCIATE REAL ESTATE BROKER, OR OTHER PERSON ON BEHALF OF A LICENSED  
14 REAL ESTATE SALESPERSON OR LICENSED REAL ESTATE BROKER.

15 (3) (I) "ADVERTISEMENT" MEANS, UNLESS THE CONTEXT REQUIRES  
16 OTHERWISE, ANY ORAL, WRITTEN, OR PRINTED MEDIA ADVERTISEMENT.

17 (II) "ADVERTISEMENT" INCLUDES ANY CORRESPONDENCE,  
18 MAILING, NEWSLETTER, BROCHURE, BUSINESS CARD, FOR SALE OR FOR LEASE SIGN  
19 AND SIGN RIDER, PROMOTIONAL ITEM, AUTOMOBILE SIGNAGE, TELEPHONE  
20 DIRECTORY LISTING, TELEVISION ANNOUNCEMENT, RADIO ANNOUNCEMENT,  
21 TELEPHONE SOLICITATION, AND WORLD WIDE WEB AND INTERNET VOICE-OVERS.

22 (4) (I) "TRADE NAME" MEANS THE INDIVIDUAL NAME OF A LICENSED  
23 REAL ESTATE SALESPERSON OR LICENSED ASSOCIATE REAL ESTATE BROKER OTHER  
24 THAN THE LICENSED REAL ESTATE SALESPERSON'S OR LICENSED ASSOCIATE REAL  
25 ESTATE BROKER'S FULL LEGAL NAME.

26 (II) "TRADE NAME" INCLUDES A FIRST NAME, NICKNAME, OR LAST  
27 NAME OR THE NAME OF A JOINT VENTURE, PARTNERSHIP, CORPORATION, OR  
28 LIMITED LIABILITY COMPANY.

29 (B) A LICENSED REAL ESTATE SALESPERSON OR LICENSED ASSOCIATE REAL  
30 ESTATE BROKER MAY NOT ADVERTISE UNLESS:

31 (1) THE NAME OR TRADE NAME OF THE LICENSED REAL ESTATE  
32 SALESPERSON OR LICENSED ASSOCIATE REAL ESTATE BROKER, AS THE NAME OR  
33 TRADE NAME APPEARS ON THE LICENSE CERTIFICATE AND POCKET CARD ISSUED BY  
34 THE COMMISSION, IS MEANINGFULLY AND CONSPICUOUSLY INCLUDED IN THE  
35 ADVERTISEMENT; AND

36 (2) THE NAME OF THE BUSINESS WITH WHICH THE LICENSED REAL  
37 ESTATE SALESPERSON OR LICENSED ASSOCIATE REAL ESTATE BROKER IS

1 AFFILIATED IS MEANINGFULLY AND CONSPICUOUSLY INCLUDED IN THE  
2 ADVERTISEMENT.

3 17-527.3.

4 (A) A LICENSED REAL ESTATE SALESPERSON OR LICENSED ASSOCIATE REAL  
5 ESTATE BROKER MAY PROVIDE REAL ESTATE BROKERAGE SERVICES UNDER A  
6 TRADE NAME THAT HAS BEEN APPROVED BY THE COMMISSION.

7 (B) SUBJECT TO THE APPROVAL OF THE COMMISSION, A LICENSED REAL  
8 ESTATE SALESPERSON OR LICENSED ASSOCIATE REAL ESTATE BROKER MAY ADD A  
9 TRADE NAME ON A LICENSE CERTIFICATE AND POCKET CARD IF THE LICENSEE  
10 SUBMITS TO THE COMMISSION:

11 (1) AN APPLICATION ON THE FORM THAT THE COMMISSION PROVIDES;

12 (2) THE LICENSE CERTIFICATE AND POCKET CARD OF THE LICENSEE;

13 (3) ANY DOCUMENTATION ABOUT THE TRADE NAME THAT THE  
14 COMMISSION REQUIRES; AND

15 (4) A FEE OF \$5.

16 (C) THE FULL LEGAL NAME OF THE LICENSEE AND THE APPROVED TRADE  
17 NAME SHALL BE DISPLAYED ON THE NEW LICENSE CERTIFICATE AND POCKET CARD.

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