
By: **Delegate Brown**
Introduced and read first time: February 6, 2002
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 20, 2002

CHAPTER _____

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 authorizing licensed real estate salespersons and licensed associate real estate
10 brokers to provide real estate brokerage services under certain circumstances;
11 ~~permitting~~ authorizing licensed real estate salespersons and licensed associate
12 real estate brokers to add a trade name on a license certificate and pocket card
13 under certain circumstances; requiring a license certificate and pocket card to
14 display certain information; providing for the denial, suspension, or revocation
15 of a license or reprimand of a licensee under certain circumstances; defining
16 certain terms; and generally relating to real estate salespersons and associate
17 real estate brokers.

18 BY repealing and reenacting, with amendments,
19 Article - Business Occupations and Professions
20 Section 17-322(b)(19)
21 Annotated Code of Maryland
22 (2000 Replacement Volume and 2001 Supplement)

23 BY adding to
24 Article - Business Occupations and Professions
25 Section 17-527.2 and 17-527.3

1 Annotated Code of Maryland
2 (2000 Replacement Volume and 2001 Supplement)

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

5 **Article - Business Occupations and Professions**

6 17-322.

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

10 (19) advertises in any misleading or untruthful manner OR VIOLATES §
11 17-527.2 OF THIS TITLE;

12 17-527.2.

13 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
14 INDICATED.

15 (2) "ADVERTISE" MEANS THE USE OF ANY ORAL, WRITTEN, OR VISUAL
16 ADVERTISEMENT BY A LICENSED REAL ESTATE SALESPERSON, LICENSED
17 ASSOCIATE REAL ESTATE BROKER, OR OTHER PERSON ON BEHALF OF A LICENSED
18 REAL ESTATE SALESPERSON OR LICENSED ASSOCIATE REAL ESTATE BROKER.

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

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

26 (4) (I) "TRADE NAME" MEANS THE INDIVIDUAL NAME OF A LICENSED
27 REAL ESTATE SALESPERSON OR LICENSED ASSOCIATE REAL ESTATE BROKER OTHER
28 THAN THE LICENSED REAL ESTATE SALESPERSON'S OR LICENSED ASSOCIATE REAL
29 ESTATE BROKER'S FULL LEGAL NAME.

30 (II) "TRADE NAME" INCLUDES A FIRST NAME, NICKNAME, OR LAST
31 NAME ~~OR THE NAME OF A JOINT VENTURE, PARTNERSHIP, CORPORATION, OR~~
32 ~~LIMITED LIABILITY COMPANY.~~

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

35 (1) THE NAME OR TRADE NAME OF THE LICENSED REAL ESTATE
36 SALESPERSON OR LICENSED ASSOCIATE REAL ESTATE BROKER, AS THE NAME OR

1 TRADE NAME APPEARS ON THE LICENSE CERTIFICATE AND POCKET CARD ISSUED BY
2 THE COMMISSION, IS MEANINGFULLY AND CONSPICUOUSLY INCLUDED IN THE
3 ADVERTISEMENT; AND

4 (2) THE NAME OF THE BUSINESS WITH WHICH THE LICENSED REAL
5 ESTATE SALESPERSON OR LICENSED ASSOCIATE REAL ESTATE BROKER IS
6 AFFILIATED IS:

7 (I) MEANINGFULLY AND CONSPICUOUSLY INCLUDED IN THE
8 ADVERTISEMENT;

9 (II) DISPLAYED IN A SIZE THAT IS AT LEAST AS LARGE AS THE SIZE
10 OF THE NAME OR TRADE NAME OF THE LICENSED REAL ESTATE SALESPERSON OR
11 LICENSED ASSOCIATE REAL ESTATE BROKER; AND

12 (III) THE FULL NAME OF THE BUSINESS AND NOT A LOGO USED BY
13 THE BUSINESS.

14 17-527.3.

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

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

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

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

24 (3) ANY DOCUMENTATION ABOUT THE TRADE NAME THAT THE
25 COMMISSION REQUIRES; AND

26 (4) A FEE OF \$5.

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

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

