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By: **Senators Collins and Hollinger**

Introduced and read first time: February 1, 2002

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Business Occupations and Professions - Real Estate Licenses - Continuing**  
3 **Education Requirements**

4 FOR the purpose of altering the circumstances under which a real estate licensee  
5 qualifies for renewal of a license; authorizing certain licensees holding a license  
6 from another state to substitute certain clock hours of continuing education  
7 instruction; expanding the subject matter for continuing education instruction  
8 that is approved by the State Real Estate Commission; adding a requirement for  
9 a certain course in continuing education instruction to be offered during certain  
10 years; adding a provision through which a certain licensee may otherwise satisfy  
11 the continuing education instruction requirement; changing a certain provision  
12 with regard to who may conduct a continuing education course; requiring the  
13 Commission to approve certain courses; requiring the Commission to submit a  
14 written basis for disapproval of a certain course; and generally relating to the  
15 continuing education requirements for real estate licensees.

16 BY repealing and reenacting, with amendments,  
17 Article - Business Occupations and Professions  
18 Section 17-315  
19 Annotated Code of Maryland  
20 (2000 Replacement Volume and 2001 Supplement)

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

23 **Article - Business Occupations and Professions**

24 17-315.

25 (a) (1) To qualify for renewal of a license under this subtitle, a licensee shall  
26 [complete:

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

1 (ii) in and after the license term that begins in 1996,] COMPLETE  
2 at least 15 clock hours of continuing education instruction IN AND AFTER THE  
3 LICENSE TERM THAT BEGINS IN 1996, as provided in this section, during the  
4 preceding 2-year term.

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

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

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

14 (II) A LICENSEE WHO POSSESSES A GRADUATE DEGREE IN LAW,  
15 BUSINESS, OR REAL ESTATE FROM AN ACCREDITED COLLEGE OR UNIVERSITY, OR  
16 HAS BEEN LICENSED FOR 10 CONSECUTIVE YEARS AND HOLDS A REAL ESTATE  
17 DESIGNATION FROM A NATIONALLY RECOGNIZED REAL ESTATE TRADE  
18 ASSOCIATION INCLUDING THE NATIONAL ASSOCIATION OF REALTORS AND THE  
19 MARYLAND ASSOCIATION OF REALTORS MAY SATISFY THE CONTINUING EDUCATION  
20 REQUIREMENTS AND RENEW A LICENSE FOR THE NEXT FULL TERM BY COMPLETING  
21 7.5 CLOCK HOURS OF CONTINUING EDUCATION INSTRUCTION AS PROVIDED FOR IN  
22 SUBSECTION (B) OF THIS SECTION.

23 (3) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION:

24 (I) A LICENSEE HOLDING A LICENSE FROM ANOTHER STATE MUST  
25 COMPLETE AT LEAST 15 CLOCK HOURS OF CONTINUING EDUCATION INSTRUCTION  
26 DURING EACH 2-YEAR LICENSE TERM AND MAY SUBSTITUTE CLOCK HOURS OF  
27 CONTINUING EDUCATION INSTRUCTION EARNED IN ANOTHER STATE, IF THOSE  
28 CLOCK HOURS ARE APPROVED AS REAL ESTATE CONTINUING EDUCATION IN THAT  
29 STATE; AND

30 (II) THE COMMISSION SHALL GRANT THE SUBSTITUTION OF CLOCK  
31 HOURS IN SUBPARAGRAPH (I) OF THIS PARAGRAPH ONLY IF THE OTHER STATE  
32 PERMITS THE SUBSTITUTION OF CLOCK HOURS OF CONTINUING EDUCATION  
33 INSTRUCTION APPROVED BY THE COMMISSION FOR A LICENSEE OF THIS STATE.

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

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

38 (i) relate to real estate OR TO A SUBJECT MATTER INTENDED TO  
39 ASSIST A LICENSEE IN PROVIDING REAL ESTATE BROKERAGE SERVICES TO THE  
40 PUBLIC IN A MORE EFFICIENT AND EFFECTIVE MANNER INCLUDING

1 TECHNOLOGICAL AND COMPUTER APPLICATIONS, SALES AND MARKETING  
2 TECHNIQUES, AND OTHER COURSES AS APPROVED BY THE COMMISSION INTENDED  
3 TO ASSIST A LICENSEE IN PROVIDING REAL ESTATE BROKERAGE SERVICES TO THE  
4 PUBLIC;

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

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

11 (IV) EVERY 2 YEARS, INCLUDE AT LEAST ONE 3 CLOCK-HOUR  
12 COURSE THAT OUTLINES THE DUTIES OF LICENSEES UNDER THE CODE OF ETHICS  
13 AS ADOPTED BY THE COMMISSION, THE NATIONAL ASSOCIATION OF REALTORS, OR  
14 SUCH OTHER GOVERNMENTAL AGENCY OR TRADE ASSOCIATION AS APPROVED BY  
15 THE COMMISSION.

16 (3) [The] EXCEPT FOR THE requirement of paragraph (2)(iii) of this  
17 [subsection does not apply to] SUBSECTION, a licensee who provides real estate  
18 brokerage services solely in connection with nonresidential real estate MAY SATISFY  
19 CONTINUING EDUCATION REQUIREMENTS AND RENEW A LICENSE FOR THE NEXT  
20 FULL TERM BY COMPLETING 15 CLOCK HOURS OF INSTRUCTION, UNLESS THE  
21 LICENSEE MEETS THE REQUIREMENTS OF SUBSECTION (A)(2)(II) OF THIS SECTION.

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

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

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

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

27 (iii) any similar professional association; or

28 (iv) an [educational institution] EDUCATION PROVIDER approved  
29 by the Commission.

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

32 (3) THE COMMISSION SHALL APPROVE ANY CONTINUING EDUCATION  
33 COURSE WHICH SATISFIES THE REQUIREMENTS OF SUBSECTIONS (B)(2)(I) AND (C) OF  
34 THIS SECTION WITHIN 14 DAYS OF THE SUBMISSION OF THE COURSE OUTLINE TO  
35 THE COMMISSION.

1 (4) IF THE COMMISSION DOES NOT APPROVE A COURSE AS SUBMITTED,  
2 THE COMMISSION SHALL PROVIDE IN WRITING THE REASONS FOR THE  
3 DISAPPROVAL.

4 (5) On or before January 1, 2003, the Commission shall adopt  
5 regulations that provide for the conduct of continuing education instruction courses  
6 by:

7 (i) remote access satellite;

8 (ii) closed-circuit video;

9 (iii) computer, including transmission over the Internet and the  
10 World Wide Web;

11 (iv) home study; and

12 (v) any other delivery system approved by the Commission.

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

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

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

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