
By: **Delegates Owings, Brown, and Fulton**
Introduced and read first time: February 5, 2004
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of prohibiting licensed real estate brokers from advertising unless
5 certain requirements relating to the inclusion of certain information in the
6 advertisement are met; requiring licensed real estate brokers to include certain
7 information on certain advertising; authorizing licensed real estate brokers to
8 provide real estate brokerage services under certain circumstances; authorizing
9 licensed real estate brokers to add a trade name on a license certificate and
10 pocket card under certain circumstances; defining certain terms; and generally
11 relating to real estate brokers.

12 BY repealing and reenacting, with amendments,
13 Article - Business Occupations and Professions
14 Section 17-527.2 and 17-527.3
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2003 Supplement)

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

19 **Article - Business Occupations and Professions**

20 17-527.2.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) "Advertise" means the use of any oral, written, or visual
23 advertisement by a licensed real estate salesperson, LICENSED REAL ESTATE
24 BROKER, licensed associate real estate broker, or other person on behalf of a licensed
25 real estate [salesperson] SALESPERSON, LICENSED REAL ESTATE BROKER, or
26 licensed associate real estate broker.

27 (3) (i) "Advertisement" means, unless the context requires otherwise,
28 any oral, written, or printed media advertisement.

1 (ii) "Advertisement" includes any correspondence, mailing,
2 newsletter, brochure, business card, for sale or for lease sign and sign rider,
3 promotional item, automobile signage, telephone directory listing, television
4 announcement, radio announcement, telephone solicitation, and World Wide Web and
5 Internet voice-overs.

6 (4) (i) "Trade name" means the individual name of a licensed real
7 estate [salesperson] SALESPERSON, LICENSED REAL ESTATE BROKER, or licensed
8 associate real estate broker other than the licensed real estate [salesperson's]
9 SALESPERSON'S, LICENSED REAL ESTATE BROKER'S, or licensed associate real estate
10 broker's full legal name.

11 (ii) "Trade name" includes a first name, nickname, or last name.

12 (b) A licensed real estate [salesperson] SALESPERSON, LICENSED REAL
13 ESTATE BROKER, or licensed associate real estate broker may not advertise unless:

14 (1) the name or trade name of the licensed real estate [salesperson]
15 SALESPERSON, LICENSED REAL ESTATE BROKER, or licensed associate real estate
16 broker, as the name or trade name appears on the license certificate and pocket card
17 issued by the Commission, is meaningfully and conspicuously included in the
18 advertisement; and

19 (2) the name of the business with which the licensed real estate
20 [salesperson] SALESPERSON, LICENSED REAL ESTATE BROKER, or licensed associate
21 real estate broker is affiliated:

22 (i) is meaningfully and conspicuously included in the
23 advertisement;

24 (ii) on or before October 1, 2004, is displayed in a size that is at
25 least as large as the size of the name or trade name of the licensed real estate
26 [salesperson] SALESPERSON, LICENSED REAL ESTATE BROKER, or licensed associate
27 real estate broker; and

28 (iii) is the full name of the business and not a logo used by the
29 business.

30 17-527.3.

31 (a) A licensed real estate [salesperson] SALESPERSON, LICENSED REAL
32 ESTATE BROKER, or licensed associate real estate broker may provide real estate
33 brokerage services under a trade name that has been approved by the Commission.

34 (b) Subject to the approval of the Commission, a licensed real estate
35 [salesperson] SALESPERSON, LICENSED REAL ESTATE BROKER, or licensed associate
36 real estate broker may add a trade name on a license certificate and pocket card if the
37 licensee submits to the Commission:

38 (1) an application on the form that the Commission provides;

- 1 (2) the license certificate and pocket card of the licensee;
- 2 (3) any documentation about the trade name that the Commission
3 requires; and
- 4 (4) a fee of \$5.
- 5 (c) The full legal name of the licensee and the approved trade name shall be
6 displayed on the new license certificate and pocket card.
- 7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2004.