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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 16, 2004

CHAPTER _____

1 AN ACT concerning

2 **Business Occupations and Professions - Real Estate Brokers - Use of Trade**
3 **Designated 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~~ designated name on a license
10 certificate and pocket card under certain circumstances; ~~defining certain terms~~
11 altering certain definitions and certain terminology; and generally relating to
12 real estate brokers.

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

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

20 **Article - Business Occupations and Professions**

21 17-527.2.

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

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

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

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

13 (4) (i) "~~Trade~~ DESIGNATED name" means the individual name of a
14 licensed real estate [salesperson] SALESPERSON, LICENSED REAL ESTATE BROKER,
15 or licensed associate real estate broker other than the licensed real estate
16 [salesperson's] SALESPERSON'S, LICENSED REAL ESTATE BROKER'S, or licensed
17 associate real estate broker's full legal name.

18 (ii) "~~Trade~~ DESIGNATED name" includes a first name, nickname, or
19 last name.

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

22 (1) the name or ~~trade~~ DESIGNATED name of the licensed real estate
23 [salesperson] SALESPERSON, LICENSED REAL ESTATE BROKER, or licensed associate
24 real estate broker, as the name or ~~trade~~ DESIGNATED name appears on the license
25 certificate and pocket card issued by the Commission, is meaningfully and
26 conspicuously included in the advertisement; and

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

30 (i) is meaningfully and conspicuously included in the
31 advertisement;

32 (ii) on or before October 1, 2004, is displayed in a size that is at
33 least as large as the size of the name or ~~trade~~ DESIGNATED name of the licensed real
34 estate [salesperson] SALESPERSON, LICENSED REAL ESTATE BROKER, or licensed
35 associate real estate broker; and

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

1 17-527.3.

2 (a) A licensed real estate [salesperson] SALESPERSON, LICENSED REAL
3 ESTATE BROKER, or licensed associate real estate broker may provide real estate
4 brokerage services under a ~~trade~~ DESIGNATED name that has been approved by the
5 Commission.

6 (b) Subject to the approval of the Commission, a licensed real estate
7 [salesperson] SALESPERSON, LICENSED REAL ESTATE BROKER, or licensed associate
8 real estate broker may add a ~~trade~~ DESIGNATED name on a license certificate and
9 pocket card if the licensee submits to the Commission:

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

11 (2) the license certificate and pocket card of the licensee;

12 (3) any documentation about the ~~trade~~ DESIGNATED name that the
13 Commission requires; and

14 (4) a fee of \$5.

15 (c) The full legal name of the licensee and the approved ~~trade~~ DESIGNATED
16 name shall be displayed on the new license certificate and pocket card.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2004.