
By: **Senator Middleton**

Introduced and read first time: February 8, 2006

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Real Estate Brokers and Salespersons - Advertisements - Trade Names**

3 FOR the purpose of prohibiting a licensed associate real estate broker, licensed real
4 estate broker, and licensed real estate salesperson from advertising unless the
5 trade name of the business with which the broker or salesperson is affiliated is
6 meaningfully and conspicuously included in the advertisement; prohibiting a
7 licensed real estate broker from advertising unless the trade name of the broker,
8 as it appears on the license certificate and pocket card issued by the State Real
9 Estate Commission or as it appears on a certain notice filed with the
10 Commission, is meaningfully and conspicuously included in the advertisement;
11 authorizing a licensed real estate broker to provide real estate brokerage
12 services under a trade name if the broker registers the trade name with the
13 State Department of Assessments and Taxation and files with the Commission a
14 notice of intention to use the trade name; authorizing a licensed real estate
15 broker to add a trade name on a license certificate and pocket card; authorizing
16 the Commission to require certain documentation about the trade name under
17 certain circumstances; requiring that an approved trade name be displayed on
18 the licensed real estate broker's new license certificate and pocket card; making
19 conforming changes; defining a certain term; and generally relating to real
20 estate brokers and salespersons.

21 BY repealing and reenacting, with amendments,
22 Article - Business Occupations and Professions
23 Section 17-527.2 and 17-527.3
24 Annotated Code of Maryland
25 (2004 Replacement Volume and 2005 Supplement)

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

28 **Article - Business Occupations and Professions**

29 17-527.2.

30 (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 broker,
3 licensed associate real estate broker, or other person on behalf of a licensed real estate
4 salesperson, licensed real estate broker, or licensed associate real estate broker.

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

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

12 (4) (i) "Designated name" means the individual name of a licensed
13 real estate salesperson, licensed real estate broker, or licensed associate real estate
14 broker other than the licensed real estate salesperson's, licensed real estate broker's,
15 or licensed associate real estate broker's full legal name.

16 (ii) "Designated name" includes a first name, nickname, or last
17 name.

18 (5) "TRADE NAME" MEANS A DESIGNATION, TITLE, OR NAME OTHER
19 THAN A PERSON'S OWN NAME UNDER WHICH A PERSON CONDUCTS BUSINESS.

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

22 (1) the name or designated name of the licensed real estate salesperson[,
23 licensed real estate broker,] or licensed associate real estate broker, as the name or
24 designated name appears on the license certificate and pocket card issued by the
25 Commission, is meaningfully and conspicuously included in the advertisement; and

26 (2) the name OR TRADE NAME of the business with which the licensed
27 real estate salesperson[, licensed real estate broker,] or licensed associate real estate
28 broker is affiliated:

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

31 (ii) is the full name of the business and not a logo used by the
32 business.

33 (C) A LICENSED REAL ESTATE BROKER MAY NOT ADVERTISE UNLESS:

34 (1) THE NAME, DESIGNATED NAME, OR TRADE NAME OF THE LICENSED
35 REAL ESTATE BROKER, AS THE NAME, DESIGNATED NAME, OR TRADE NAME APPEARS
36 ON THE LICENSE CERTIFICATE AND POCKET CARD ISSUED BY THE COMMISSION, OR
37 AS THE TRADE NAME APPEARS ON THE NOTICE OF INTENTION TO USE A TRADE

1 NAME FILED WITH THE COMMISSION UNDER § 17-527.3 OF THIS SUBTITLE, IS
2 MEANINGFULLY AND CONSPICUOUSLY INCLUDED IN THE ADVERTISEMENT; AND

3 (2) THE NAME OR TRADE NAME OF THE BUSINESS WITH WHICH THE
4 LICENSED REAL ESTATE BROKER IS AFFILIATED:

5 (I) IS MEANINGFULLY AND CONSPICUOUSLY INCLUDED IN THE
6 ADVERTISEMENT; AND

7 (II) IS THE FULL NAME OF THE BUSINESS AND NOT A LOGO USED
8 BY THE BUSINESS.

9 17-527.3.

10 (a) (1) A licensed real estate salesperson, licensed real estate broker, or
11 licensed associate real estate broker may provide real estate brokerage services under
12 a designated name that has been approved by the Commission.

13 (2) A LICENSED REAL ESTATE BROKER MAY PROVIDE REAL ESTATE
14 BROKERAGE SERVICES UNDER A TRADE NAME IF THE LICENSED REAL ESTATE
15 BROKER:

16 (I) REGISTERS THE TRADE NAME WITH THE STATE DEPARTMENT
17 OF ASSESSMENTS AND TAXATION; AND

18 (II) FILES WITH THE COMMISSION A NOTICE OF INTENTION TO USE
19 THE TRADE NAME.

20 (b) (1) Subject to the approval of the Commission, a licensed real estate
21 salesperson, licensed real estate broker, or licensed associate real estate broker may
22 add a designated name, AND A LICENSED REAL ESTATE BROKER MAY ADD A TRADE
23 NAME, on a license certificate and pocket card if the licensee submits to the
24 Commission:

25 [(1)] (I) an application on the form that the Commission provides;

26 [(2)] (II) the license certificate and pocket card of the licensee;

27 [(3)] (III) any documentation about the designated name OR TRADE
28 NAME that the Commission requires; and

29 [(4)] (IV) a fee of \$5.

30 [(c)] (2) The full legal name of the licensee and the approved designated
31 name OR TRADE NAME shall be displayed on the new license certificate and pocket
32 card.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2006.