

SENATE BILL 181

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EMERGENCY BILL
ENROLLED BILL

(8lr0094)

—*Education, Health, and Environmental Affairs / Economic Matters*—

Introduced by **Chair, Education, Health, and Environmental Affairs Committee**
(By Request – Departmental – Labor, Licensing and Regulation)

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **State Real Estate Commission – Summary Suspension of License – Grounds**

3 FOR the purpose of authorizing the State Real Estate Commission to suspend
4 summarily a license if the licensee has been convicted of ~~certain crimes~~ a felony
5 or fails to disclose that the licensee has been convicted of certain crimes; making
6 this Act an emergency measure; and generally relating to the grounds for which
7 the State Real Estate Commission may suspend summarily a license.

8 BY repealing and reenacting, without amendments,
9 Article – Business Occupations and Professions
10 Section 17-322(b)(24)
11 Annotated Code of Maryland
12 (2004 Replacement Volume and 2007 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 BY repealing and reenacting, with amendments,
 2 Article – Business Occupations and Professions
 3 Section 17–328
 4 Annotated Code of Maryland
 5 (2004 Replacement Volume and 2007 Supplement)

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

8 **Article – Business Occupations and Professions**

9 17–322.

10 (b) Subject to the hearing provisions of § 17–324 of this subtitle, the
 11 Commission may deny a license to any applicant, reprimand any licensee, or suspend
 12 or revoke a license if the applicant or licensee:

13 (24) under the laws of the United States or of any state, is convicted of:

14 (i) a felony;

15 (ii) a misdemeanor that is directly related to the fitness and
 16 qualification of the applicant or licensee to provide real estate brokerage services; or

17 (iii) a crime that constitutes a violation of any provision of this
 18 title;

19 17–328.

20 (a) Subject to the provisions of subsection (b) of this section, the Commission
 21 may order summarily the suspension of the license of a licensee if the licensee:

22 (1) fails to account promptly for any money held in trust; [or]

23 (2) on demand, fails to display to the Commission all records, books,
 24 and accounts of any money held in trust; ~~OR~~

25 (3) ~~HAS BEEN CONVICTED OF A CRIME AS DEFINED IN §~~
 26 ~~17-322(B)(24) OF THIS SUBTITLE FELONY UNDER THE LAWS OF THE UNITED~~
 27 ~~STATES OR OF ANY STATE; OR~~

28 (4) WITHIN 10 DAYS AFTER THE CONVICTION OR WITHIN 10 DAYS
 29 FOLLOWING RELEASE FROM INCARCERATION AS A RESULT OF THE CONVICTION,
 30 WHICHEVER IS LATER, FAILS TO DISCLOSE TO THE COMMISSION THAT THE
 31 LICENSEE HAS BEEN CONVICTED OF A ~~CRIME AS DEFINED IN § 17-322(B)(24) OF~~

1 ~~THIS SUBTITLE~~ FELONY UNDER THE LAWS OF THE UNITED STATES OR OF ANY
2 STATE.

3 (b) The Commission may order summarily a suspension under this section
4 only if the Commission gives the licensee:

5 (1) written notice of the suspension and the finding on which the
6 suspension is based; and

7 (2) after the summary suspension is effective, an opportunity to be
8 heard promptly before the Commission or, as provided under § 17-326 of this subtitle,
9 before a hearing board.

10 (c) A summary suspension ordered by the Commission under this section:

11 (1) may start immediately or at any later date, as set by the order; and

12 (2) shall continue until:

13 (i) the licensee complies with the conditions set forth by the
14 Commission in its order; or

15 (ii) the Commission orders a different disposition after a
16 hearing held under this section.

17 (d) (1) Rather than order summarily a suspension of a license under this
18 section, the Commission may elect not to suspend the license until after the licensee is
19 given an opportunity for a hearing.

20 (2) If the Commission elects to give the licensee an opportunity for a
21 hearing before suspending the license for the grounds set forth in this section, the
22 Commission shall give notice and hold the hearing in the same manner as required
23 under § 17-324 of this subtitle.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect~~
25 ~~October 1, 2008~~ is an emergency measure, is necessary for the immediate preservation
26 of the public health or safety, has been passed by a yea and nay vote supported by
27 three-fifths of all the members elected to each of the two Houses of the General
28 Assembly, and shall take effect from the date it is enacted.