

SENATE BILL 181

C2

8lr0094

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

Introduced and read first time: January 18, 2008

Rules suspended

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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 fails to disclose that the licensee has been
5 convicted of certain crimes; and generally relating to the grounds for which the
6 State Real Estate Commission may suspend summarily a license.

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

12 BY repealing and reenacting, with amendments,
13 Article – Business Occupations and Professions
14 Section 17–328
15 Annotated Code of Maryland
16 (2004 Replacement Volume and 2007 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 17–322.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (i) a felony;

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

5 (iii) a crime that constitutes a violation of any provision of this
6 title;

7 17-328.

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

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

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

13 **(3) FAILS TO DISCLOSE TO THE COMMISSION THAT THE LICENSEE**
14 **HAS BEEN CONVICTED OF A CRIME AS DEFINED IN § 17-322(B)(24) OF THIS**
15 **SUBTITLE.**

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

18 (1) written notice of the suspension and the finding on which the
19 suspension is based; and

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

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

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

25 (2) shall continue until:

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

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

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

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2008.