

SENATE BILL 181

C2

EMERGENCY BILL

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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 19, 2008

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 or fails
5 to disclose that the licensee has been convicted of certain crimes; making this
6 Act an emergency measure; and generally relating to the grounds for which the
7 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)

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

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.



1 17-322.

2 (b) Subject to the hearing provisions of § 17-324 of this subtitle, the
3 Commission may deny a license to any applicant, reprimand any licensee, or suspend
4 or revoke a license if the applicant or licensee:

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

6 (i) a felony;

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

9 (iii) a crime that constitutes a violation of any provision of this
10 title;

11 17-328.

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

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

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

17 **(3) HAS BEEN CONVICTED OF A CRIME AS DEFINED IN §**
18 **17-322(B)(24) OF THIS SUBTITLE; OR**

19 **(4) WITHIN 10 DAYS AFTER THE CONVICTION OR WITHIN 10 DAYS**
20 **FOLLOWING RELEASE FROM INCARCERATION AS A RESULT OF THE CONVICTION,**
21 **WHICHEVER IS LATER, FAILS TO DISCLOSE TO THE COMMISSION THAT THE**
22 **LICENSEE HAS BEEN CONVICTED OF A CRIME AS DEFINED IN § 17-322(B)(24) OF**
23 **THIS SUBTITLE.**

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

26 (1) written notice of the suspension and the finding on which the
27 suspension is based; and

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

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

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

2 (2) shall continue until:

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.