CHAPTER 154

(Senate Bill 181)

AN ACT concerning

State Real Estate Commission – Summary Suspension of License – Grounds

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

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

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

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

Article – Business Occupations and Professions

17–322.

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

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

            (i)   a felony;

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

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

17–328.

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

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

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

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

(4)   WITHIN 10 DAYS AFTER THE CONVICTION OR WITHIN 10 DAYS FOLLOWING RELEASE FROM INCARCERATION AS A RESULT OF THE CONVICTION, WHICHEVER IS LATER, FAILS TO DISCLOSE TO THE COMMISSION THAT THE LICENSEE HAS BEEN CONVICTED OF A ~~CRIME AS DEFINED IN § 17–322(B)(24) OF THIS SUBTITLE~~ *FELONY UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE*.

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

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

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

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

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

(2)   shall continue until:

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

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

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

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

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

Approved by the Governor, April 24, 2008.