

# SENATE BILL 539

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6lr2421  
CF 6lr1759

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By: **Senator Conway**

Introduced and read first time: February 4, 2016

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Real Estate Brokers – Licensure Requirement – Exemption for Lawyers**

3 FOR the purpose of altering an exemption from the real estate broker licensure  
4 requirement for certain lawyers under certain circumstances; and generally relating  
5 to real estate brokerage services.

6 BY repealing and reenacting, with amendments,  
7 Article – Business Occupations and Professions  
8 Section 17–301  
9 Annotated Code of Maryland  
10 (2010 Replacement Volume and 2015 Supplement)

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

13 **Article – Business Occupations and Professions**

14 17–301.

15 (a) (1) Except as otherwise provided in this title, an individual shall be  
16 licensed by the Commission as a real estate broker before the individual may provide real  
17 estate brokerage services in the State.

18 (2) Except as otherwise provided in this title, an individual shall be  
19 licensed by the Commission as an associate real estate broker or a real estate salesperson  
20 before the individual, while acting on behalf of a real estate broker, may provide real estate  
21 brokerage services in the State.

22 (b) A license is not required for:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) a financial institution, as defined in Title 1 of the Financial Institutions  
2 Article, a subsidiary or affiliate of such a financial institution, or mortgage loan institution  
3 incorporated under the laws of any state or of the United States to manage, lease, or sell  
4 any property that the institution or subsidiary or affiliate of a financial institution acquires  
5 in connection with a mortgage foreclosure or deed or assignment in lieu of foreclosure;

6 (2) a lawyer **AUTHORIZED TO PRACTICE LAW IN THE STATE** who:

7 (i) is not engaged regularly in the business of providing real estate  
8 brokerage services; [and]

9 (ii) does not represent to the public, by use of a sign or advertisement  
10 or otherwise, that the lawyer is in the business of providing real estate brokerage services;  
11 **AND**

12 **(III) PROVIDES REAL ESTATE BROKERAGE SERVICES WHILE**  
13 **REPRESENTING ANOTHER PERSON IN THE COURSE OF THE LAWYER'S REGULAR**  
14 **PRACTICE OF LAW;**

15 (3) a home builder in the rental or initial sale of a home constructed by the  
16 builder;

17 (4) an agent of a licensed real estate broker or of an owner of real estate  
18 while managing or leasing that real estate for the real estate broker or owner;

19 (5) any person in negotiating the sale, lease, or other transfer of a business  
20 enterprise if the proposed transfer does not include any interest in real property other than  
21 a lease under which the business enterprise operates; or

22 (6) any person to subdivide and sell unimproved property owned by that  
23 person if the person meets the requirements of § 17-302 of this subtitle.

24 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect  
25 October 1, 2016.