

HOUSE BILL 123

C2

9lr0482

By: **Delegate Miller**

Introduced and read first time: January 21, 2019

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 14, 2019

CHAPTER _____

1 AN ACT concerning

2 **Real Estate Salespersons and Brokers – ~~Advertisements~~ Provision of Real**
3 **Estate Brokerage Services Through a Team – Use of “and Associates”**

4 FOR the purpose of ~~authorizing certain licensees of the State Real Estate Commission to~~
5 ~~advertise using the words “and associates”; and generally relating to advertisements~~
6 ~~for real estate brokerage services~~ altering the definition of “team” for the purposes
7 of certain provisions of law regulating the provision of real estate brokerage services
8 through a team; and generally relating to real estate brokerage services.

9 BY repealing and reenacting, with amendments,
10 Article – Business Occupations and Professions
11 Section ~~17-527.2~~ 17-543
12 Annotated Code of Maryland
13 (2018 Replacement Volume)

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

16 **Article – Business Occupations and Professions**

17 ~~17-527.2.~~

18 (a) (1) ~~In this section the following words have the meanings indicated.~~

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.



~~(2) "Advertise" means the use of any oral, written, or visual advertisement by a licensed real estate salesperson, licensed real estate broker, licensed associate real estate broker, or other person on behalf of a licensed real estate salesperson, licensed real estate broker, or licensed associate real estate broker.~~

~~(3) (i) "Advertisement" means, unless the context requires otherwise, any oral, written, or printed media advertisement.~~

~~(ii) "Advertisement" includes any correspondence, mailing, newsletter, brochure, business card, for sale or for lease sign and sign rider, promotional item, automobile signage, telephone directory listing, television announcement, radio announcement, telephone solicitation, and World Wide Web and Internet voice overs.~~

~~(4) (i) "Designated name" means the individual name of a licensed real estate salesperson, licensed real estate broker, or licensed associate real estate broker other than the licensed real estate salesperson's, licensed real estate broker's, or licensed associate real estate broker's full legal name.~~

~~(ii) "Designated name" includes a first name, nickname, or last name.~~

~~(b) A licensed real estate salesperson, licensed real estate broker, or licensed associate real estate broker may not advertise unless:~~

~~(1) the name or designated name of the licensed real estate salesperson, licensed real estate broker, or licensed associate real estate broker, as the name or designated name appears on the license certificate and pocket card issued by the Commission, is meaningfully and conspicuously included in the advertisement; and~~

~~(2) the name of the business with which the licensed real estate salesperson, licensed real estate broker, or licensed associate real estate broker is affiliated:~~

~~(i) is meaningfully and conspicuously included in the advertisement; and~~

~~(ii) is the full name of the business and not a logo used by the business.~~

~~(c) A LICENSED REAL ESTATE SALESPERSON, LICENSED REAL ESTATE BROKER, OR LICENSED ASSOCIATE REAL ESTATE BROKER MAY ADVERTISE USING THE WORDS "AND ASSOCIATES".~~

17-543.

In this Part V of this subtitle, "team" means two or more licensed associate real estate brokers or licensed real estate salespersons, or any combination of licensed associate real estate brokers or licensed real estate salespersons, who:

1 (1) work together on a regular basis to provide real estate brokerage
2 services;

3 (2) represent themselves to the public as being part of one entity; and

4 (3) designate themselves by a collective name such as team or group, OR
5 BY USING THE WORDS “AND ASSOCIATES”.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.