

SENATE BILL 443

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By: **Senator Brooks**

Introduced and read first time: February 2, 2023

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Real Estate Brokers, Salespersons, and Associate Brokers – Continuing**
3 **Education Courses – Alterations**

4 FOR the purpose of altering the requirements for the subject matter of continuing
5 education courses for licensees issued an initial license by the State Real Estate
6 Commission; and generally relating to continuing education courses for real estate
7 brokers, salespersons, and associate brokers.

8 BY repealing and reenacting, without amendments,
9 Article – Business Occupations and Professions
10 Section 17–315(a)
11 Annotated Code of Maryland
12 (2018 Replacement Volume and 2022 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Business Occupations and Professions
15 Section 17–315(b)
16 Annotated Code of Maryland
17 (2018 Replacement Volume and 2022 Supplement)

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

20 **Article – Business Occupations and Professions**

21 17–315.

22 (a) (1) To qualify for renewal of a license under this subtitle, a licensee shall
23 complete at least 15 clock hours of continuing education instruction, as provided in
24 subsection (b) of this section, during the preceding 2–year term.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) For a licensee who provides real estate brokerage services solely in
2 connection with nonresidential real estate, of the clock hours required under paragraph (1)
3 of this subsection, 1.5 clock hours may be satisfied by a course regarding fair housing laws
4 and regulations or the federal Americans with Disabilities Act.

5 (3) A licensee holding a license from another state must complete at least
6 the number of clock hours of continuing education instruction required under paragraph
7 (1) of this subsection during each 2-year license term and may substitute clock hours of
8 continuing education instruction earned in another state, if those clock hours:

9 (i) are approved as real estate continuing education in that state;
10 and

11 (ii) meet the distribution requirements of subsection (b)(2) of this
12 section.

13 (4) The Commission shall grant the substitution of clock hours in
14 paragraph (3) of this subsection only if the other state permits the substitution of clock
15 hours of continuing education instruction approved by the Commission for a licensee of this
16 State.

17 (b) (1) The Commission shall approve the form, substance, and, as provided
18 under [paragraph] **PARAGRAPHS (2) AND (3)** of this subsection, subject matter of all
19 continuing education courses.

20 (2) **[The] FOR A LICENSEE WHO HAS BEEN ISSUED A RENEWAL**
21 **CERTIFICATE UNDER § 17-314 OF THIS SUBTITLE, THE** subject matter approved by the
22 Commission shall:

23 (i) relate to real estate or to a subject matter intended to assist a
24 licensee in providing real estate brokerage services to the public in a more efficient and
25 effective manner, provided that the subject matter is related to helping the public buy or
26 sell real estate;

27 (ii) every 2 years, include at least one 3 clock hour course that
28 outlines relevant changes that have occurred in federal, State, or local laws and
29 regulations, court cases and industry trends that have an impact on those laws and
30 regulations, or any combination of those laws, regulations, court cases, and industry trends;

31 (iii) every 2 years, include at least one 1.5 clock hour course that
32 outlines federal, State, and local fair housing laws and regulations, including fair housing
33 advertising;

34 (iv) every 2 years, include at least one 3 clock hour ethics course that
35 includes a discussion of:

36 1. the Maryland Code of Ethics;

- 2. the practice of flipping;
- 3. fraudulent real estate practices; and
- 4. professionalism as it relates to the Maryland Code of Ethics, including a discussion relating to conflict resolution and a licensee's duty to respect the public, peers, and property;

(v) every 2 years, include at least one 3 clock hour course that includes the principles of real estate brokerage relationships and disclosures; and

(vi) every 2 years for the renewal of a real estate broker license and the renewal of the license of an individual designated as a branch office manager or a team leader, include at least one 3 clock hour course that includes the requirements of broker supervision.

(3) FOR A LICENSEE WHO WAS ISSUED AN INITIAL LICENSE UNDER § 17-309 OF THIS SUBTITLE, THE SUBJECT MATTER APPROVED BY THE COMMISSION SHALL INCLUDE:

(I) AT LEAST ONE 3 CLOCK HOUR COURSE FOR EACH OF THE FOLLOWING TOPICS:

1. OUTLINING CONTRACT WRITING, STANDARD CONTRACT PROVISIONS, KEY REGIONAL CONTRACT REQUIREMENTS, AND STANDARD ADDENDA AND CONTINGENCIES;

2. THE PRINCIPLES OF REAL ESTATE BROKERAGE RELATIONSHIPS AND DISCLOSURES AND DISCLOSURE REQUIREMENTS FOR SELLERS;

3. THE PRINCIPLES OF REAL ESTATE PRACTICE IN
RELATION TO:

- A. ADVERTISING REQUIREMENTS FOR LICENSEES;**
- B. THE HANDLING AND DISCLOSURE OF ESCROW FUNDS;**
- C. COMMON OWNERSHIP COMMUNITIES; AND**

AND
4. PROPERTY MANAGEMENT AND LANDLORD AND TENANT LAWS; AND

1 **(II) AT LEAST ONE 1.5 CLOCK HOUR COURSE FOR EACH OF THE**
2 **FOLLOWING TOPICS:**

3 **1. PROFESSIONALISM AS IT RELATES TO THE**
4 **MARYLAND CODE OF ETHICS, INCLUDING A DISCUSSION RELATING TO CONFLICT**
5 **RESOLUTION AND A LICENSEE'S DUTY OF RESPECT FOR THE PUBLIC, PEERS, AND**
6 **PROPERTY; AND**

7 **2. REAL ESTATE FINANCING.**

8 **[(3)] (4)** The requirement of paragraph (2)(iii) of this subsection does not
9 apply to a licensee who provides real estate brokerage services solely in connection with
10 nonresidential real estate.

11 **[(4)] (5)** To be acceptable for credit as a continuing education course
12 under this section, the course shall cover 1 or more topics approved by the Commission.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2023.