

HOUSE BILL 497

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2001 Regular Session
(11r2497)

ENROLLED BILL

-- Economic Matters/Economic and Environmental Affairs --

Introduced by **Chairman, Economic Matters Committee**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Maryland Real Estate Commission - Sunset Extension and Program**
3 **Evaluation**

4 FOR the purpose of continuing the Maryland Real Estate Commission in accordance
5 with the provisions of the Maryland Program Evaluation Act (Sunset Law) by
6 extending to a certain date the termination provisions relating to the statutory
7 and regulatory authority of the Commission; altering a provision relating to the
8 subject matter of a certain continuing education course to be approved by the
9 Commission; requiring the Commission to adopt certain regulations to provide
10 for the conduct of continuing education courses by certain methods of
11 transmission on or before a certain date; requiring that an evaluation of the
12 Commission and the statutes and regulations that relate to the Commission be
13 performed on or before a certain date; requiring the Commission to submit a
14 certain report to certain committees on or before a certain date; and generally
15 relating to the Maryland Real Estate Commission.

16 BY repealing and reenacting, with amendments,

1 Article - Business Occupations and Professions
2 Section 17-315 and 17-702
3 Annotated Code of Maryland
4 (2000 Replacement Volume and 2000 Supplement)

5 BY repealing and reenacting, without amendments,
6 Article - State Government
7 Section 8-403(a)
8 Annotated Code of Maryland
9 (1999 Replacement Volume and 2000 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article - State Government
12 Section 8-403(b)(59)
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2000 Supplement)

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

17 **Article - Business Occupations and Professions**

18 17-315.

19 (a) (1) To qualify for renewal of a license under this subtitle, a licensee shall
20 complete:

21 (i) in the license term that begins in 1992, at least 12 clock hours of
22 continuing education instruction, as provided in this section, during each 2-year
23 license term; and

24 (ii) in and after the license term that begins in 1996, at least 15
25 clock hours of continuing education instruction, as provided in this section, during the
26 preceding 2-year term.

27 (2) Notwithstanding paragraph (1) of this subsection:

28 (i) a licensee who is granted a license during the second year of a
29 license term may renew a license for the next full term without complying with the
30 continuing education requirements of this section; and

31 (ii) a licensee who has been licensed for 10 years or more may
32 satisfy the continuing education requirements and renew a license for the next full
33 term by completing 6 clock hours of continuing education instruction that outlines
34 relevant changes that have occurred in federal, State, or local laws, or any
35 combination of those laws.

1 (b) (1) The Commission shall approve the form, substance, and, as provided
2 under paragraph (2) of this subsection, subject matter of all continuing education
3 courses.

4 (2) The subject matter approved by the Commission shall:

5 (i) relate to real estate;

6 (ii) every 2 years, include at least one 3-hour course that outlines
7 relevant changes that have occurred in federal, State, or local laws AND
8 REGULATIONS, or any combination of those laws AND REGULATIONS, ~~during the~~
9 ~~preceding 5 years~~; and

10 (iii) every 2 years, include at least one 1.5 clock hour course that
11 outlines federal, State, and local fair housing laws and regulations, including fair
12 housing advertising.

13 (3) The requirement of paragraph (2)(iii) of this subsection does not
14 apply to a licensee who provides real estate brokerage services solely in connection
15 with nonresidential real estate.

16 (4) To be acceptable for credit as a continuing education course under
17 this section, the course shall cover 1 or more topics approved by the Commission.

18 (c) (1) Continuing education courses may be conducted by:

19 (i) the Maryland Association of Realtors or its member boards;

20 (ii) the Real Estate Brokers of Baltimore City, Inc.;

21 (iii) any similar professional association; or

22 (iv) an educational institution approved by the Commission.

23 (2) Continuing education courses shall be taught by a qualified
24 instructor who is experienced in the real estate industry.

25 (3) ON OR BEFORE JANUARY 1, 2003, THE COMMISSION SHALL ADOPT
26 REGULATIONS THAT PROVIDE FOR THE CONDUCT OF CONTINUING EDUCATION
27 INSTRUCTION COURSES BY:

28 (I) REMOTE ACCESS SATELLITE;

29 (II) CLOSED-CIRCUIT VIDEO;

30 (III) COMPUTER, INCLUDING TRANSMISSION OVER THE INTERNET
31 AND THE WORLD WIDE WEB;

32 (IV) HOME STUDY; AND

1 (V) ANY OTHER DELIVERY SYSTEM APPROVED BY THE
2 COMMISSION.

3 (d) If feasible, continuing education courses shall be offered at reasonable
4 intervals in each county and in each major geographic area of the larger counties.

5 (e) On completion of a continuing education course by a licensee, the entity
6 that conducted the course or the instructor shall issue to the licensee a certificate of
7 completion that states the number of clock hours of that course.

8 (f) The Commission may waive the requirements of this section for a licensee
9 if the licensee shows good cause for being unable to meet the requirements.

10 17-702.

11 Subject to the evaluation and reestablishment provisions of the Maryland
12 Program Evaluation Act, this title and all regulations adopted under this title shall
13 terminate and be of no effect after July 1, [2002] 2012.

14 **Article - State Government**

15 8-403.

16 (a) On or before December 15 of the 2nd year before the evaluation date of a
17 governmental activity or unit, the Legislative Policy Committee, based on a
18 preliminary evaluation, may waive as unnecessary the evaluation required under this
19 section.

20 (b) Except as otherwise provided in subsection (a) of this section, on or before
21 the evaluation date for the following governmental activities or units, an evaluation
22 shall be made of the following governmental activities or units and the statutes and
23 regulations that relate to the governmental activities or units:

24 (59) Real Estate Commission, State (§ 17-201 of the Business
25 Occupations and Professions Article: July 1, [2001] 2011);

26 SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Real
27 Estate Commission shall report to the Senate Economic and Environmental Affairs
28 Committee and the House Economic Matters Committee on or before ~~October~~
29 December 1, 2001, in accordance with § 2-1246 of the State Government Article, on
30 the implementation of the recommendations of the Department of Legislative
31 Services contained in the sunset evaluation report dated October 31, 2000.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2001.

