

HOUSE BILL 497

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2001 Regular Session
11r2497
CF 11r0644

By: **Chairman, Economic Matters Committee**
Introduced and read first time: February 2, 2001
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 13, 2001

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; requiring the Commission to adopt
8 certain regulations to provide for the conduct of continuing education courses by
9 certain methods of transmission on or before a certain date; requiring that an
10 evaluation of the Commission and the statutes and regulations that relate to the
11 Commission be performed on or before a certain date; requiring the Commission
12 to submit a certain report to certain committees on or before a certain date; and
13 generally relating to the Maryland Real Estate Commission.

14 BY repealing and reenacting, with amendments,
15 Article - Business Occupations and Professions
16 Section 17-315 and 17-702
17 Annotated Code of Maryland
18 (2000 Replacement Volume and 2000 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article - State Government
21 Section 8-403(a)
22 Annotated Code of Maryland
23 (1999 Replacement Volume and 2000 Supplement)

24 BY repealing and reenacting, with amendments,

1 Article - State Government
2 Section 8-403(b)(59)
3 Annotated Code of Maryland
4 (1999 Replacement Volume and 2000 Supplement)

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

7 **Article - Business Occupations and Professions**

8 17-315.

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

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

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

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

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

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

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

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

30 (i) relate to real estate;

31 (ii) every 2 years, include at least one 3-hour course that outlines
32 relevant changes that have occurred in federal, State, or local laws, or any
33 combination of those laws, during the preceding 5 years; and

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

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

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

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

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

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

9 (iii) any similar professional association; or

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

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

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

16 (I) REMOTE ACCESS SATELLITE;

17 (II) CLOSED-CIRCUIT VIDEO;

18 (III) COMPUTER, INCLUDING TRANSMISSION OVER THE INTERNET
19 AND THE WORLD WIDE WEB;

20 (IV) HOME STUDY; AND

21 (V) ANY OTHER DELIVERY SYSTEM APPROVED BY THE
22 COMMISSION.

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

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

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

30 17-702.

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

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Article - State Government

2 8-403.

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

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

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

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

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