

SENATE BILL 846

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8lr3200
CF HB 1482

By: **Senators Conway, Bates, Kagan, Pinsky, Simonaire, Young, and Zucker**

Introduced and read first time: February 5, 2018

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 6, 2018

CHAPTER _____

1 AN ACT concerning

2 **State Real Estate Commission – Brokers – Business Succession in the Event of**
3 **Disability**

4 FOR the purpose of authorizing certain adult family members of a disabled real estate
5 broker to carry on the business of the disabled broker for a certain period of time for
6 certain purposes subject to certain qualifications; requiring certain family members
7 to surrender a certain certificate and pocket card and submit certain information to
8 the State Real Estate Commission under certain circumstances; requiring the
9 Commission to reissue certain licenses under certain circumstances; authorizing
10 certain individuals to qualify for a certain license under certain circumstances;
11 authorizing certain licenses to be held for certain periods of time; requiring certain
12 individuals to renew a certain license under a certain provision of law; providing for
13 the automatic expiration of certain licenses under certain circumstances; defining a
14 certain term; and generally relating to the succession of a business in the event of
15 the disability of a real estate broker.

16 BY repealing and reenacting, with amendments,
17 Article – Business Occupations and Professions
18 Section 17–319
19 Annotated Code of Maryland
20 (2010 Replacement Volume and 2017 Supplement)

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

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.



Article – Business Occupations and Professions

17–319.

(a) IN THIS SECTION, “DISABILITY” MEANS A TOTAL AND PERMANENT DISABILITY THAT RENDERS A BROKER UNABLE TO PERFORM REAL ESTATE BROKERAGE SERVICES.

~~(B)~~ Subject to the provisions of subsection ~~(B)~~ **(C)** of this section, on the **DISABILITY OR** death of a licensed real estate broker, any adult member of the family of the **DISABLED OR** deceased broker may carry on the business of the **DISABLED OR** deceased broker for up to 6 months for the purposes of closing and terminating the business.

~~(B)~~ **(C)** To qualify to carry on the business of a **DISABLED OR** deceased real estate broker, a family member shall:

(1) surrender the license certificate and pocket card of the **DISABLED OR** deceased real estate broker to the Commission; and

(2) submit to the Commission any information or documentation required by the Commission.

~~(D)~~ **(D)** (1) The Commission shall reissue the license of a **DISABLED OR** deceased real estate broker to a family member who qualifies to carry on the business of the broker under subsection ~~(B)~~ **(C)** of this section.

(2) The term of the reissuance shall be 6 months.

~~(E)~~ **(E)** Before the end of the 6–month period for carrying on the business of a **DISABLED OR** deceased real estate broker, an individual may qualify for the license of the **DISABLED OR** deceased broker if:

(1) the individual is a member of the immediate family of the **DISABLED OR** deceased broker;

(2) the individual has been continuously licensed as a real estate salesperson for the immediately preceding 3 years;

(3) regardless of whether the individual has met the educational requirements for a real estate broker license under § 17–305 of this subtitle, the individual passes the real estate broker’s examination under § 17–306 of this subtitle;

(4) the individual surrenders the real estate salesperson license certificate and pocket card of the individual to the Commission; and

1 (5) there has been compliance with the requirements of subsection ~~(b)~~ **(C)**
 2 of this section.

3 ~~(e)~~ **(F)** The Commission shall reissue the license of a **DISABLED OR** deceased
 4 real estate broker to an individual who qualifies for the license of the broker under
 5 subsection ~~(d)~~ **(E)** of this section.

6 ~~(f)~~ **(G)** (1) An individual who qualifies for and is reissued the license of a
 7 **DISABLED OR** deceased real estate broker may hold the license for up to 4 years from the
 8 time of reissuance without meeting the educational requirements for a real estate broker
 9 license under § 17–305 of this subtitle.

10 (2) Subject to the 4–year restriction under paragraph (1) of this subsection,
 11 an individual who has been reissued the license of a **DISABLED OR** deceased real estate
 12 broker is responsible for renewing the license as required under § 17–314 of this subtitle.

13 (3) If an individual who has been reissued the license of a **DISABLED OR**
 14 deceased real estate broker does not meet the educational requirements for a real estate
 15 broker license within the 4–year period, the license shall expire automatically at the end of
 16 that period.

17 (4) If an individual who has been reissued the license of a **DISABLED OR**
 18 deceased real estate broker meets the educational requirements for a real estate broker
 19 license within the 4–year period, the individual may continue to hold the license and may
 20 renew the license under § 17–314 of this subtitle.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 22 October 1, 2018.

Approved:

_____ Governor.

_____ President of the Senate.

_____ Speaker of the House of Delegates.