

# HOUSE BILL 936

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CF 6lr3368

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By: **Delegates Jacobs, Arentz, Ghrist, Mautz, and O'Donnell**

Introduced and read first time: February 10, 2016

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Real Estate Brokers – Licensing – Continuing Education Requirements**

3 FOR the purpose of altering the continuing education requirements for a licensee who has  
4 been a licensed real estate broker for a certain period of time; and generally relating  
5 to continuing education requirements for licensed real estate brokers.

6 BY repealing and reenacting, with amendments,  
7 Article – Business Occupations and Professions  
8 Section 17–315  
9 Annotated Code of Maryland  
10 (2010 Replacement Volume and 2015 Supplement)

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

13 **Article – Business Occupations and Professions**

14 17–315.

15 (a) (1) **[To] EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS**  
16 **SUBSECTION, TO** qualify for renewal of a license under this subtitle, a licensee shall  
17 complete at least 15 clock hours of continuing education instruction, as provided in  
18 subsection (b) of this section, during the preceding 2–year term.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

5 (i) are approved as real estate continuing education in that state;  
6 and

7 (ii) meet the distribution requirements of subsection (b)(2) of this  
8 section.

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

13 **(5) A LICENSEE WHO HAS BEEN A LICENSED REAL ESTATE BROKER**  
14 **FOR 40 YEARS OR MORE MAY SATISFY THE REQUIREMENTS FOR CONTINUING**  
15 **EDUCATION INSTRUCTION BY COMPLETING EVERY 2 YEARS ONLY THE CONTINUING**  
16 **EDUCATION COURSE SPECIFIED UNDER SUBSECTION (B)(2)(II) OF THIS SECTION.**

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

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

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

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

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

31 (iv) every 2 years, include at least one 3 clock hour ethics course that  
32 includes the Maryland Code of Ethics and a discussion of the practices of flipping and  
33 predatory lending;

34 (v) every 2 years, include at least one 3 clock hour course that  
35 includes the principles of agency and agency disclosure; and

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

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

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

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

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

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

13 (iii) any similar professional association; or

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

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

17 (3) On or before January 1, 2003, the Commission shall adopt regulations  
18 that provide for the conduct of continuing education instruction courses by:

19 (i) remote access satellite;

20 (ii) closed-circuit video;

21 (iii) computer, including transmission over the Internet and the  
22 World Wide Web;

23 (iv) home study; and

24 (v) any other delivery system approved by the Commission.

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

27 (e) (1) Subject to subsection (f) of this section, on completion of a continuing  
28 education course by a licensee, the entity that conducted the course or the instructor shall  
29 issue to the licensee a certificate of completion that states the number of clock hours of that  
30 course.

1           (2)     The Commission shall accept as evidence of completion of a continuing  
2 education course the certificate of completion, a photocopy of the certificate, an electronic  
3 mail certificate, or a photocopy of an electronic mail certificate.

4           (f)     (1)     Instead of providing a certificate of completion to the licensee under  
5 subsection (e) of this section, the entity that conducted the course may submit the course  
6 completion information directly to the Commission and the licensee by electronic means.

7           (2)     On or after January 1, 2013, the Commission may require all entities  
8 conducting continuing education courses to submit course completion information only by  
9 electronic means.

10          (g)     The Commission may waive the requirements of this section for a licensee if  
11 the licensee shows good cause for being unable to meet the requirements.

12          (h)     The Commission shall require each course provider to pay a continuing  
13 education course application fee of \$25.

14          SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2016.