

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 384

Introduced by Walz, 15.

Read first time January 17, 2019

Committee:

- 1 A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to
- 2 amend section 81-885.13, Revised Statutes Cumulative Supplement,
- 3 2018; to change provisions relating to education requirements; to
- 4 provide an operative date; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-885.13, Revised Statutes Cumulative
2 Supplement, 2018, is amended to read:

3 81-885.13 (1) No broker's or salesperson's license shall be issued
4 to any person who has not attained the age of nineteen years. No broker's
5 or salesperson's license shall be issued to any person who is not a high
6 school graduate or the holder of a certificate of high school
7 equivalency.

8 (2) Each applicant for a salesperson's license shall furnish
9 evidence that he or she has completed two courses in real estate
10 subjects, approved by the commission, composed of not less than sixty
11 class hours of study or, in lieu thereof, courses delivered in a distance
12 education format approved by the commission.

13 (3) Each applicant for a broker's license shall either:

14 (a) ~~Have~~ ~~have~~ first served actively for five ~~two~~ years as a licensed
15 salesperson or broker and shall furnish evidence of completion of sixty
16 class hours in addition to the hours required by subsection (2) of this
17 section in a course of study approved by the commission or, in lieu
18 thereof, courses delivered in a distance education format approved by the
19 commission; or

20 (b) Upon special application and hearing before the commission,
21 provide satisfactory evidence of (i) equivalent or sufficiently relevant
22 experience in a real estate related industry or (ii) hardship due to an
23 existing brokerage being unable to retain the services of a licensee to
24 act as their designated broker who has the five years' experience
25 required in this subsection. Any applicant so approved must furnish a
26 certificate that he or she has passed a course of at least eighteen
27 credit hours in subjects related to real estate at an accredited
28 university or college, or completed six courses in real estate subjects
29 composed of not less than one hundred eighty class hours in a course of
30 study approved by the commission or, in lieu thereof, courses delivered
31 in a distance education format approved by the commission.

1 (4) No person issued a broker's license may act as a designated
2 broker for any other licensee until such person has taken additional
3 courses of post-licensure education in the subjects of real estate trust
4 accounting, brokerage finance, business ethics, and risk management,
5 except that the commission may extend, for up to six months, the post-
6 licensure course work requirement under the hardship provision of
7 subdivision (3)(a)(ii) of this section.

8 (5) Each applicant for a broker's or salesperson's license shall
9 furnish evidence of completion of six class hours of study in a course
10 approved by the commission related to professional practice and
11 standards.

12 (6) (4) Each applicant for a broker's license must pass a written
13 examination covering generally the matters confronting real estate
14 brokers, and each applicant for a salesperson's license must pass a
15 written examination covering generally the matters confronting real
16 estate salespersons. Such examination may be taken before the commission
17 or any person designated by the commission. Failure to pass the
18 examination shall be grounds for denial of a license without further
19 hearing. Within thirty days after passing the examination the applicant
20 must complete all requirements necessary for the issuance of a license.
21 The commission may prepare and distribute to licensees under the Nebraska
22 Real Estate License Act informational material deemed of assistance in
23 the conduct of their business.

24 (7) (5) An applicant for an original broker's or salesperson's
25 license shall be subject to fingerprinting and a check of his or her
26 criminal history record information maintained by the Federal Bureau of
27 Investigation through the Nebraska State Patrol. After filing application
28 for a license, each applicant shall furnish directly to the Nebraska
29 State Patrol, or to a fingerprint processing service that may be selected
30 by the commission for this purpose, a full set of fingerprints to enable
31 a criminal background investigation to be conducted. The applicant shall

1 request that the Nebraska State Patrol submit the fingerprints to the
2 Federal Bureau of Investigation for a national criminal history record
3 check. The applicant shall pay the actual cost, if any, of the
4 fingerprinting and check of his or her criminal history record
5 information. The applicant shall authorize release of the national
6 criminal history record check to the commission.

7 ~~(8) (6)~~ Courses of study, referred to in subsections (2), ~~and (3)~~,
8 ~~(4), (5), and (9)~~ of this section, shall include courses offered by
9 private proprietary real estate schools when such courses are prescribed
10 by the commission and are taught by instructors approved by the
11 commission. The commission shall monitor schools offering approved real
12 estate courses and for good cause shall have authority to suspend or
13 withdraw approval of such courses or instructors.

14 (9) All licensees shall, within one hundred eighty days after
15 license issuance, furnish satisfactory evidence of completion of twelve
16 hours of class study in a commission-approved class related to required
17 knowledge and skills for real estate practice, including, but not limited
18 to, completing contracts and listing agreements and handling of client
19 funds. If a licensee fails to do so, the commission shall place his or
20 her license on inactive status until the commission receives such
21 satisfactory evidence. Transfer to active status pursuant to this
22 subsection shall be subject to the fee provided for in section 81-885.20.

23 Sec. 2. This act becomes operative on July 1, 2020.

24 Sec. 3. Original section 81-885.13, Revised Statutes Cumulative
25 Supplement, 2018, is repealed.