

By: Senator(s) Woodfield

To: Business and
Financial
Institutions

SENATE BILL NO. 2947

1 AN ACT TO AMEND SECTION 73-35-17, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE LICENSE FEES FOR REAL ESTATE BROKERS,
3 PARTNERSHIPS, ASSOCIATIONS AND CORPORATIONS; TO AMEND SECTION
4 73-35-18, MISSISSIPPI CODE OF 1972, TO REVISE THE CONTINUING
5 EDUCATION REQUIREMENTS FOR REAL ESTATE SALESPERSONS AND BROKERS;
6 TO AMEND SECTION 73-35-19, MISSISSIPPI CODE OF 1972, TO PROVIDE
7 THAT THE MAINTENANCE OF A SEARCHABLE, INTERNET-BASED WEB SITE
8 SHALL SATISFY THE REQUIREMENT FOR PUBLICATION OF A DIRECTORY OF
9 LICENSEES UNDER THIS SECTION; TO AMEND SECTION 89-1-509,
10 MISSISSIPPI CODE OF 1972, TO DELETE THE ACTUAL FORM OF THE REAL
11 ESTATE SELLER'S DISCLOSURE STATEMENT AND TO PROVIDE THAT THE FORM
12 SHALL BE DEVELOPED BY THE MISSISSIPPI REAL ESTATE COMMISSION; AND
13 FOR RELATED PURPOSES.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

15 SECTION 1. Section 73-35-17, Mississippi Code of 1972, is
16 amended as follows:

17 73-35-17. (1) A fee not to exceed One Hundred Fifty Dollars
18 (\$150.00) shall accompany an application for a real estate
19 broker's license, and in the event that the applicant successfully
20 passes the examination, no additional fee shall be required for
21 the issuance of a license for a one-year period; provided, that if
22 an applicant fails to pass the examination, he may be eligible to
23 take the next or succeeding examination without the payment of an
24 additional fee. In the event a contract testing service is
25 utilized, the application fee along with the additional testing
26 fee as incurred by the commission in contracting the cost of the
27 examination shall accompany such application.

28 (2) For each license as a real estate broker issued to a
29 member of a partnership, association or officer of a corporation
30 other than the member or officer named in the license issued to
31 such partnership, association or corporation, a fee not to exceed

32 Seventy-five Dollars (\$75.00) shall be charged.

33 (3) A fee not to exceed One Hundred Twenty Dollars (\$120.00)
34 shall accompany an application for a real estate salesperson's
35 license, and in the event that the applicant successfully passes
36 the examination, no additional fee shall be required for the
37 issuance of a license for a one-year period; provided, that if an
38 applicant fails to pass the examination, he may be eligible to
39 take the next or succeeding examination without the payment of an
40 additional fee. In the event a contract testing service is
41 utilized, the applicable fee along with the prevailing cost
42 incurred by the commission in contracting the cost of the
43 examination shall accompany such application.

44 (4) It shall be the duty of all persons, partnerships,
45 associations, companies or corporations licensed to practice as a
46 real estate broker or salesperson to register with the commission
47 annually or biennially, in the discretion of the commission,
48 according to rules promulgated by it and to pay the proper
49 registration fee. An application for renewal of license shall be
50 made to the commission annually no later than December 31 of each
51 year, or biennially on a date set by the commission. A licensee
52 failing to pay his renewal fee after the same becomes due and
53 after two (2) months' written notice of his delinquency mailed to
54 him by United States certified mail addressed to his address of
55 record with the commission shall thereby have his license
56 automatically cancelled. Any licensee renewing in this grace
57 period shall pay a penalty in the amount of one hundred percent
58 (100%) of the renewal fee. The renewal fee shall not exceed
59 Seventy-five Dollars (\$75.00) per year for real estate brokers,
60 partnerships, associations and corporations. The renewal fee for
61 a real estate salesperson's license shall not exceed Sixty Dollars
62 (\$60.00) per year.

63 (5) For each additional office or place of business, an
64 annual fee not to exceed Fifty Dollars (\$50.00) shall be charged.

65 (6) For each change of office or place of business, a fee
66 not to exceed Fifty Dollars (\$50.00) shall be charged.

67 (7) For each duplicate or transfer of salesperson's license,
68 a fee not to exceed Fifty Dollars (\$50.00) shall be charged.

69 (8) For each duplicate license, where the original license
70 is lost or destroyed, and affidavit made thereof, a fee not to
71 exceed Fifty Dollars (\$50.00) shall be charged.

72 (9) To change status as a licensee from active to inactive
73 status, a fee not to exceed Twenty-five Dollars (\$25.00) shall be
74 charged. To change status as a licensee from inactive to active
75 status, a fee not to exceed Fifty Dollars (\$50.00) shall be
76 charged.

77 (10) For each bad check received by the commission, a fee
78 not to exceed Twenty-five Dollars (\$25.00) shall be charged.

79 (11) A fee not to exceed Five Dollars (\$5.00) per hour of
80 instruction may be charged to allay costs of seminars for
81 educational purposes provided by the commission.

82 (12) A fee not to exceed Twenty-five Dollars (\$25.00) may be
83 charged for furnishing any person a copy of a real estate license,
84 a notarized certificate of licensure or other official record of
85 the commission.

86 (13) A fee not to exceed One Hundred Dollars (\$100.00) shall
87 be charged to review and process the application and instructional
88 materials for each curriculum seeking acceptance as a real estate
89 continuing education course developed to satisfy the mandatory
90 continuing education requirements for this chapter, with the
91 period of approval expiring after one (1) year. A fee not to
92 exceed Fifty Dollars (\$50.00) shall be charged for each renewal of
93 a previously approved course, with the period of renewal expiring
94 after one (1) year.

95 (14) Fees, up to the limits specified herein, shall be
96 established by the Mississippi Real Estate Commission.

97 SECTION 2. Section 73-35-18, Mississippi Code of 1972, is
98 amended as follows:

99 73-35-18. (1) Each individual applicant for renewal of a
100 license issued by the Mississippi Real Estate Commission shall, on
101 or before the expiration date of his license, or at a time

102 directed by the commission, submit proof of completion of not less
103 than twenty (20) clock hours of approved course work to the
104 commission, in addition to any other requirements for renewal.
105 The twenty (20) clock hours' course work requirement shall apply
106 to each two-year license renewal, and hours in excess thereof
107 shall not be cumulated or credited for the purposes of subsequent
108 license renewals. The commission shall develop standards for
109 approval of courses and shall require certification of such course
110 work of the applicant. The commission may determine any required
111 subject matter within the mandated twenty (20) hours; provided
112 that the required subjects shall not exceed eight (8) hours of the
113 total twenty (20) hours. Approved continuing education hours
114 earned in the final three (3) months of a licensee's renewal
115 period, if in excess of the required minimum twenty (20) hours,
116 may be carried over and credited to the next renewal period.
117 However, no more than six (6) hours may be carried over in this
118 manner.

119 (2) This section shall apply to renewals of licenses which
120 expire on and after July 1, 1994; however, an applicant for first
121 renewal who has been licensed for not more than one (1) year shall
122 not be required to comply with this section for the first renewal
123 of the applicant's license. The provisions of this section shall
124 not apply to persons who have held a broker's license in this
125 state for at least twenty-five (25) years and who are older than
126 seventy (70) years of age. Inactive licensees are not required to
127 meet the real estate continuing education requirements specified
128 in this section; however, such inactive licensees, before
129 activating their license to active status, must cumulatively meet
130 requirements missed during the period their license was inactive.

131 (3) The commission shall promulgate rules and regulations as
132 necessary to accomplish the purposes of this section in accordance
133 with the Mississippi Administrative Procedures Law.

134 (4) Any person who has been licensed as a real estate broker

135 and allowed his license to expire for a period of less than five
136 (5) years shall be eligible for reinstatement upon completion of
137 the education requirements and payment of all penalties and
138 reinstatement fees as prescribed by the commission. This
139 subsection (4) of this section shall stand repealed from and after
140 December 31, 1994.

141 SECTION 3. Section 73-35-19, Mississippi Code of 1972, is
142 amended as follows:

143 73-35-19. All fees charged and collected under this chapter
144 shall be paid by the administrator at least once a week,
145 accompanied by a detailed statement thereof, into the treasury of
146 the state to credit of a fund to be known as the "Real Estate
147 License Fund," which fund is hereby created. All monies which
148 shall be paid into the State Treasury and credited to the "Real
149 Estate License Fund" are hereby appropriated to the use of the
150 commission in carrying out the provisions of this chapter
151 including the payment of salaries and expenses, printing an annual
152 directory of licensees, and for educational purposes. Maintenance
153 of a searchable, internet-based web site shall satisfy the
154 requirement for publication of a directory of licensees under this
155 section.

156 SECTION 4. Section 89-1-509, Mississippi Code of 1972, is
157 amended as follows:

158 89-1-509. The disclosures required by Sections 89-1-501
159 through 89-1-523 pertaining to the property proposed to be
160 transferred shall be set forth in, and shall be made on a copy
161 of * * * a disclosure form, the structure and composition of which
162 shall be determined by the Mississippi Real Estate Commission.

163 * * *

164 SECTION 5. (1) Upon passing the Mississippi salesperson's
165 examination and complying with all other conditions for licensure,
166 a temporary license shall be issued to the applicant. The fee for
167 the temporary license shall also be the same for the permanent

168 license as provided in Section 73-35-17. A temporary license
169 shall be valid for a period of one (1) year following the first
170 day of the month after its issuance. An applicant for the
171 Mississippi broker's license who has not held an active real
172 estate salesperson's license for a period of at least twelve (12)
173 months immediately prior to submitting an application shall also
174 be subject to the requirements under this section, including
175 temporary licensure and completion of a thirty-hour post-license
176 course.

177 (2) The holder of a temporary license shall not be issued a
178 permanent license until he has satisfactorily completed a
179 thirty-hour post-license course prescribed by the commission and
180 offered by providers specifically certified by the commission to
181 offer this mandated post-license education. The holder of a
182 temporary license shall complete the entire thirty-hour course
183 within twelve (12) months of issuance of his temporary license;
184 otherwise his temporary license shall automatically be placed on
185 inactive status by the Mississippi Real Estate Commission. If the
186 holder of the temporary license does not complete the course and
187 have his permanent license issued within one (1) year following
188 the first day of the month after its issuance, the temporary
189 license shall automatically expire and lapse. A temporary license
190 in not subject to renewal procedures in this chapter and may not
191 be renewed.

192 (3) The thirty-hour post-license course shall be offered by
193 providers certified and approved by the commission, and an annual
194 certification fee of One Thousand Dollars (\$1,000) shall be
195 charged to providers. The thirty-hour post-license course work
196 shall be offered in no less than fifteen-hour increments. No more
197 than eight (8) hours may be earned in a single day. The
198 commission shall determine standards for approval of post-license
199 courses and course providers, and shall require certification of
200 such course work of the applicant. A minimum of twenty-four (24)

201 hours of the thirty-hour course work shall be in the following
202 subjects: agency relationships, contracts, earnest money,
203 antitrust, fair housing, ethics, and property condition
204 disclosure. The remaining six (6) hours shall be in subjects
205 intended to enhance the competency of licensees in representing
206 consumers, and may include the following subject: pricing
207 property, environmental issues, home inspections, leases and
208 property management, and mortgage processes.

209 (4) The holder of an active license who has satisfactorily
210 completed the post-license course and whose permanent license has
211 been issued shall not be subject to the twenty-hour continuing
212 education requirement in this chapter for the first renewal of his
213 permanent license.

214 SECTION 6. Section 5 of this act shall be codified as a
215 separate code section within Chapter 35 of Title 73.

216 SECTION 7. This act shall take effect and be in force from
217 and after July 1, 1999.