

By: Senator(s) Woodfield

To: Business and
Financial
Institutions

SENATE BILL NO. 2947
(As Passed the Senate)

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; TO
13 CREATE A NEW CODE SECTION TO PROVIDE FOR TEMPORARY LICENSURE AND
14 REQUIRE COMPLETION OF A THIRTY-HOUR POST-LICENSE COURSE FOR
15 CERTAIN APPLICANTS; AND FOR RELATED PURPOSES.

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

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

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

30 (2) For each license as a real estate broker issued to a
31 member of a partnership, association or officer of a corporation
32 other than the member or officer named in the license issued to

33 such partnership, association or corporation, a fee not to exceed
34 Seventy-five Dollars (\$75.00) shall be charged.

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

46 (4) It shall be the duty of all persons, partnerships,
47 associations, companies or corporations licensed to practice as a
48 real estate broker or salesperson to register with the commission
49 annually or biennially, in the discretion of the commission,
50 according to rules promulgated by it and to pay the proper
51 registration fee. An application for renewal of license shall be
52 made to the commission annually no later than December 31 of each
53 year, or biennially on a date set by the commission. A licensee
54 failing to pay his renewal fee after the same becomes due and
55 after two (2) months' written notice of his delinquency mailed to
56 him by United States certified mail addressed to his address of
57 record with the commission shall thereby have his license
58 automatically cancelled. Any licensee renewing in this grace
59 period shall pay a penalty in the amount of one hundred percent
60 (100%) of the renewal fee. The renewal fee shall not exceed
61 Seventy-five Dollars (\$75.00) per year for real estate brokers,
62 partnerships, associations and corporations. The renewal fee for
63 a real estate salesperson's license shall not exceed Sixty Dollars
64 (\$60.00) per year.

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

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

69 (7) For each duplicate or transfer of salesperson's license,

70 a fee not to exceed Fifty Dollars (\$50.00) shall be charged.

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

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

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

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

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

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

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

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

101 73-35-18. (1) Each individual applicant for renewal of a
102 license issued by the Mississippi Real Estate Commission shall, on

103 or before the expiration date of his license, or at a time
104 directed by the commission, submit proof of completion of not less
105 than twenty (20) clock hours of approved course work to the
106 commission, in addition to any other requirements for renewal.

107 The twenty (20) clock hours' course work requirement shall apply
108 to each two-year license renewal, and hours in excess thereof
109 shall not be cumulated or credited for the purposes of subsequent
110 license renewals except as provided in this subsection (1). The
111 commission shall develop standards for approval of courses and
112 shall require certification of such course work of the applicant.

113 The commission may determine any required subject matter within
114 the mandated twenty (20) hours; provided that the required
115 subjects shall not exceed eight (8) hours of the total twenty (20)
116 hours. Approved continuing education hours earned in the final
117 three (3) months of a licensee's renewal period, if in excess of
118 the required minimum twenty (20) hours, may be carried over and
119 credited to the next renewal period. However, no more than six
120 (6) hours may be carried over in this manner.

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

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

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

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

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

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

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

165 * * *

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

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

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

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

202 require certification of such course work of the applicant. A
203 minimum of twenty-four (24) hours of the thirty-hour course work
204 shall be in the following subjects: agency relationships,
205 contracts, earnest money, antitrust, fair housing, ethics, and
206 property condition disclosure. The remaining six (6) hours shall
207 be in subjects intended to enhance the competency of licensees in
208 representing consumers, and may include the following subject:
209 pricing property, environmental issues, home inspections, leases
210 and property management, and mortgage processes.

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

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

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