

By: Senator(s) Woodfield

To: Business and
Financial
InstitutionsSENATE BILL NO. 2947
(As Sent to Governor)

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 PROVIDE A CREDIT OF CERTAIN NUMBER OF HOURS FOR CONTINUING
7 EDUCATION TO ANY MEMBER OF THE MISSISSIPPI LEGISLATURE WHO HAS A
8 REAL ESTATE LICENSE; TO AMEND SECTION 73-35-19, MISSISSIPPI CODE
9 OF 1972, TO PROVIDE THAT THE MAINTENANCE OF A SEARCHABLE,
10 INTERNET-BASED WEB SITE SHALL SATISFY THE REQUIREMENT FOR
11 PUBLICATION OF A DIRECTORY OF LICENSEES UNDER THIS SECTION; TO
12 AMEND SECTION 89-1-509, MISSISSIPPI CODE OF 1972, TO DELETE THE
13 ACTUAL FORM OF THE REAL ESTATE SELLER'S DISCLOSURE STATEMENT AND
14 TO PROVIDE THAT THE FORM SHALL BE DEVELOPED BY THE MISSISSIPPI
15 REAL ESTATE COMMISSION; TO CREATE A NEW CODE SECTION TO PROVIDE
16 FOR TEMPORARY LICENSURE AND REQUIRE COMPLETION OF A THIRTY-HOUR
17 POST-LICENSE COURSE FOR CERTAIN APPLICANTS; AND FOR RELATED
18 PURPOSES.

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

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

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

33 (2) For each license as a real estate broker issued to a
34 member of a partnership, association or officer of a corporation

35 other than the member or officer named in the license issued to
36 such partnership, association or corporation, a fee not to exceed
37 Seventy-five Dollars (\$75.00) shall be charged.

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

49 (4) It shall be the duty of all persons, partnerships,
50 associations, companies or corporations licensed to practice as a
51 real estate broker or salesperson to register with the commission
52 annually or biennially, in the discretion of the commission,
53 according to rules promulgated by it and to pay the proper
54 registration fee. An application for renewal of license shall be
55 made to the commission annually no later than December 31 of each
56 year, or biennially on a date set by the commission. A licensee
57 failing to pay his renewal fee after the same becomes due and
58 after two (2) months' written notice of his delinquency mailed to
59 him by United States certified mail addressed to his address of
60 record with the commission shall thereby have his license
61 automatically cancelled. Any licensee renewing in this grace
62 period shall pay a penalty in the amount of one hundred percent
63 (100%) of the renewal fee. The renewal fee shall not exceed
64 Seventy-five Dollars (\$75.00) per year for real estate brokers,
65 partnerships, associations and corporations. The renewal fee for
66 a real estate salesperson's license shall not exceed Sixty Dollars
67 (\$60.00) per year.

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

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

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

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

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

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

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

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

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

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

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

104 73-35-18. (1) Each individual applicant for renewal of a

105 license issued by the Mississippi Real Estate Commission shall, on
106 or before the expiration date of his license, or at a time
107 directed by the commission, submit proof of completion of not less
108 than sixteen (16) clock hours of approved course work to the
109 commission, in addition to any other requirements for renewal.

110 The sixteen (16) clock hours' course work requirement shall apply
111 to each two-year license renewal, and hours in excess thereof
112 shall not be cumulated or credited for the purposes of subsequent
113 license renewals except as provided in this subsection (1). The
114 commission shall develop standards for approval of courses and
115 shall require certification of such course work of the applicant.

116 The commission may determine any required subject matter within
117 the mandated sixteen (16) hours; provided that the required
118 subjects shall not exceed eight (8) hours of the total sixteen
119 (16) hours. Approved continuing education hours earned in the
120 final three (3) months of a licensee's renewal period, if in
121 excess of the required minimum sixteen (16) hours, may be carried
122 over and credited to the next renewal period. However, no more
123 than six (6) hours may be carried over in this manner. Any member
124 of the Mississippi Legislature who has a real estate license shall
125 be credited with eight (8) hours of credit for the attendance of
126 each year of a legislative session.

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

138 requirements missed during the period their license was inactive.

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

142 (4) Any person who has been licensed as a real estate broker
143 and allowed his license to expire for a period of less than five

144 (5) years shall be eligible for reinstatement upon completion of
145 the education requirements and payment of all penalties and
146 reinstatement fees as prescribed by the commission. This
147 subsection (4) of this section shall stand repealed from and after
148 December 31, 1994.

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

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

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

166 89-1-509. The disclosures required by Sections 89-1-501
167 through 89-1-523 pertaining to the property proposed to be
168 transferred shall be set forth in, and shall be made on a copy
169 of * * * a disclosure form, the structure and composition of which
170 shall be determined by the Mississippi Real Estate Commission.

171 * * *

172 SECTION 5. (1) Upon passing the Mississippi salesperson's
173 examination and complying with all other conditions for licensure,
174 a temporary license shall be issued to the applicant. The fee for
175 the temporary license shall also be the same for the permanent
176 license as provided in Section 73-35-17. A temporary license
177 shall be valid for a period of one (1) year following the first
178 day of the month after its issuance. An applicant for the
179 Mississippi broker's license who has not held an active real
180 estate salesperson's license for a period of at least twelve (12)
181 months immediately prior to submitting an application shall also
182 be subject to the requirements under this section, including
183 temporary licensure and completion of a thirty-hour post-license
184 course.

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

200 (3) The thirty-hour post-license course shall be offered by
201 providers certified and approved by the commission, and an annual
202 certification fee of One Thousand Dollars (\$1,000.00) shall be
203 charged to providers. The thirty-hour post-license course work

204 shall be offered in no less than fifteen-hour increments of
205 classroom instruction. No more than eight (8) hours may be earned
206 in a single day. The commission shall determine standards for
207 approval of post-license courses and course providers, and shall
208 require certification of such course work of the applicant. A
209 minimum of twenty-four (24) hours of the thirty-hour course work
210 shall be in the following subjects: agency relationships,
211 contracts, earnest money, antitrust, fair housing, ethics, and
212 property condition disclosure. The remaining six (6) hours shall
213 be in subjects intended to enhance the competency of licensees in
214 representing consumers, and may include the following subject:
215 pricing property, environmental issues, home inspections, leases
216 and property management, and mortgage processes.

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

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

224 SECTION 7. Section 1 of this act shall take effect and be in
225 force from and after July 1, 1999, and the remainder of this act
226 shall take effect and be in force from and after January 1, 2000,
227 and shall stand repealed on July 1, 2003.