

## REPORT OF CONFERENCE COMMITTEE

### MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S.B. No. 2947: Real estate brokers; increase license fees and continuing ed. requirements.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.

2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.

CONFEREES FOR THE SENATE:

CONFEREES FOR THE HOUSE:

X  
Clyde Woodfield

X  
Edward Blackmon, Jr.

X  
Billy Thames

X  
Jeffrey C. Smith

X  
Billy Hewes III

X  
Joe Mitch McElwain