

By: Representative Ford

To: Judiciary B

HOUSE BILL NO. 781

1 AN ACT TO REENACT SECTIONS 73-35-17 THROUGH 73-35-20,  
2 MISSISSIPPI CODE OF 1972, WHICH ARE CERTAIN PROVISIONS REGULATING  
3 BROKERS AND SALES OF REAL ESTATE; TO REENACT SECTION 89-1-509,  
4 WHICH PROVIDES FOR CERTAIN DISCLOSURES TO BE MADE ON A DISCLOSURE  
5 FORM; TO AMEND SECTION 7, CHAPTER 588, LAWS OF 1999, TO DELETE THE  
6 REPEALER ON THE REENACTED SECTIONS; TO CREATE A NEW SECTION TO  
7 REPEAL THE REENACTED SECTIONS IN THE TITLE OF THIS BILL ON JULY 1,  
8 2004; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 73-35-17, Mississippi Code of 1972, is  
11 reenacted as follows:

12 73-35-17. (1) A fee not to exceed One Hundred Fifty Dollars  
13 (\$150.00) shall accompany an application for a real estate  
14 broker's license, and in the event that the applicant successfully  
15 passes the examination, no additional fee shall be required for  
16 the issuance of a license for a one-year period; provided, that if  
17 an applicant fails to pass the examination, he may be eligible to  
18 take the next or succeeding examination without the payment of an  
19 additional fee. In the event a contract testing service is  
20 utilized, the application fee along with the additional testing  
21 fee as incurred by the commission in contracting the cost of the  
22 examination shall accompany such application.

23 (2) For each license as a real estate broker issued to a  
24 member of a partnership, association or officer of a corporation  
25 other than the member or officer named in the license issued to  
26 such partnership, association or corporation, a fee not to exceed  
27 Seventy-five Dollars (\$75.00) shall be charged.

28 (3) A fee not to exceed One Hundred Twenty Dollars (\$120.00)  
29 shall accompany an application for a real estate salesperson's  
30 license, and in the event that the applicant successfully passes



31 the examination, no additional fee shall be required for the  
32 issuance of a license for a one-year period; provided, that if an  
33 applicant fails to pass the examination, he may be eligible to  
34 take the next or succeeding examination without the payment of an  
35 additional fee. In the event a contract testing service is  
36 utilized, the applicable fee along with the prevailing cost  
37 incurred by the commission in contracting the cost of the  
38 examination shall accompany such application.

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

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

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

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



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

67 (9) To change status as a licensee from active to inactive  
68 status, a fee not to exceed Twenty-five Dollars (\$25.00) shall be  
69 charged. To change status as a licensee from inactive to active  
70 status, a fee not to exceed Fifty Dollars (\$50.00) shall be  
71 charged.

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

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

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

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

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

92 **SECTION 2.** Section 73-35-18, Mississippi Code of 1972, is  
93 reenacted as follows:

94 73-35-18. (1) Each individual applicant for renewal of a  
95 license issued by the Mississippi Real Estate Commission shall, on  
96 or before the expiration date of his license, or at a time



97 directed by the commission, submit proof of completion of not less  
98 than sixteen (16) clock hours of approved course work to the  
99 commission, in addition to any other requirements for renewal.  
100 The sixteen (16) clock hours' course work requirement shall apply  
101 to each two-year license renewal, and hours in excess thereof  
102 shall not be cumulated or credited for the purposes of subsequent  
103 license renewals except as provided in this subsection (1). The  
104 commission shall develop standards for approval of courses and  
105 shall require certification of such course work of the applicant.  
106 The commission may determine any required subject matter within  
107 the mandated sixteen (16) hours; provided that the required  
108 subjects shall not exceed eight (8) hours of the total sixteen  
109 (16) hours. Approved continuing education hours earned in the  
110 final three (3) months of a licensee's renewal period, if in  
111 excess of the required minimum sixteen (16) hours, may be carried  
112 over and credited to the next renewal period. However, no more  
113 than six (6) hours may be carried over in this manner. Any member  
114 of the Mississippi Legislature who has a real estate license shall  
115 be credited with eight (8) hours of credit for the attendance of  
116 each year of a legislative session. No person may receive  
117 continuing education credit for prelicense education courses  
118 taken, except as follows: a licensee whose license is on inactive  
119 status and whose continuing education credits are at least thirty  
120 (30) hours in arrears may, at the discretion of the commission,  
121 receive continuing education credit for retaking prelicense  
122 coursework, provided the entire prelicense course is retaken.

123 (2) This section shall apply to renewals of licenses which  
124 expire on and after July 1, 1994; however, an applicant for first  
125 renewal who has been licensed for not more than one (1) year shall  
126 not be required to comply with this section for the first renewal  
127 of the applicant's license. The provisions of this section shall  
128 not apply to persons who have held a broker's or salesperson's  
129 license in this state for at least twenty-five (25) years and who



130 are older than seventy (70) years of age. Inactive licensees are  
131 not required to meet the real estate continuing education  
132 requirements specified in this section; however, such inactive  
133 licensees, before activating their license to active status, must  
134 cumulatively meet requirements missed during the period their  
135 license was inactive.

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

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

146 **SECTION 3.** Section 73-35-19, Mississippi Code of 1972, is  
147 reenacted as follows:

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

161 **SECTION 4.** Section 73-35-20, Mississippi Code of 1972, is  
162 reenacted as follows:



163           73-35-20. (1) Upon passing the Mississippi salesperson's  
164 examination and complying with all other conditions for licensure,  
165 a temporary license shall be issued to the applicant. The fee for  
166 the temporary license shall also be the same for the permanent  
167 license as provided in Section 73-35-17. A temporary license  
168 shall be valid for a period of one (1) year following the first  
169 day of the month after its issuance. An applicant for the  
170 Mississippi broker's license who has not held an active real  
171 estate salesperson's license for a period of at least twelve (12)  
172 months immediately prior to submitting an application shall also  
173 be subject to the requirements under this section, including  
174 temporary licensure and completion of a thirty-hour post-license  
175 course.

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

191           (3) The thirty-hour post-license course shall be offered by  
192 providers certified and approved by the commission, and an annual  
193 certification fee of One Thousand Dollars (\$1,000.00) shall be  
194 charged to providers. The thirty-hour post-license course work  
195 shall be offered in no less than fifteen-hour increments of



196 classroom instruction. No more than eight (8) hours may be earned  
197 in a single day. The commission shall determine standards for  
198 approval of post-license courses and course providers, and shall  
199 require certification of such course work of the applicant. A  
200 minimum of twenty-four (24) hours of the thirty-hour course work  
201 shall be in the following subjects: agency relationships,  
202 contracts, earnest money, antitrust, fair housing, ethics, and  
203 property condition disclosure. The remaining six (6) hours shall  
204 be in subjects intended to enhance the competency of licensees in  
205 representing consumers, and may include the following subject:  
206 pricing property, environmental issues, home inspections, leases  
207 and property management, and mortgage processes.

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

213 **SECTION 5.** Section 89-1-509, Mississippi Code of 1972, is  
214 reenacted as follows:

215 89-1-509. The disclosures required by Sections 89-1-501  
216 through 89-1-523 pertaining to the property proposed to be  
217 transferred shall be set forth in, and shall be made on a copy of  
218 a disclosure form, the structure and composition of which shall be  
219 determined by the Mississippi Real Estate Commission.

220 **SECTION 6.** Section 7, Chapter 588, Laws of 1999, is amended  
221 as follows:

222 Section 7. Section 1 of this act shall take effect and be in  
223 force from and after July 1, 1999, and the remainder of this act  
224 shall take effect and be in force from and after January 1,  
225 2000 \* \* \*.

226 **SECTION 7.** Sections 73-35-17, 73-35-18, 73-35-19, 73-35-20  
227 and 89-1-509, Mississippi Code of 1972, shall stand repealed on  
228 July 1, 2004.



229           **SECTION 8.** Section 7 of this act shall be codified in Title  
230 35, Chapter 73, Mississippi Code of 1972.

231           **SECTION 9.** This act shall take effect and be in force from  
232 and after July 1, 2003.

