

By: Representative Guice

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 1292

1 AN ACT TO AMEND SECTIONS 73-35-9 AND 73-35-18, MISSISSIPPI
 2 CODE OF 1972, TO REQUIRE APPLICANTS FOR A REAL ESTATE BROKER'S OR
 3 REAL ESTATE SALESPERSON'S LICENSE OR LICENSE RENEWAL FROM THE
 4 MISSISSIPPI REAL ESTATE COMMISSION TO PROVIDE A CURRENT EMAIL
 5 ADDRESS; TO AMEND SECTION 73-35-35, MISSISSIPPI CODE OF 1972, TO
 6 REQUIRE THE COMMISSION TO PROVIDE NOTICE OF PROPOSED RULE CHANGES
 7 AND ADOPTIONS TO ALL REAL ESTATE BROKERS AND SALESPERSONS WHO HAVE
 8 PROVIDED AN EMAIL ADDRESS TO THE COMMISSION; AND FOR RELATED
 9 PURPOSES.

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

11 **SECTION 1.** Section 73-35-9, Mississippi Code of 1972, is
 12 amended as follows:

13 73-35-9. (1) Every applicant for a real estate broker's
 14 license shall apply therefor in writing upon blanks prepared by
 15 the commission and shall provide such data and information as the
 16 commission may require.

17 (2) Such application shall be accompanied by the
 18 recommendation of at least three (3) citizens who have been
 19 property owners for at least three (3) years, who have known the
 20 applicant for three (3) years, and who are not related to the
 21 applicant, certifying that the applicant bears a good reputation



22 for honesty and trustworthiness and recommending that a license be
23 granted to the applicant.

24 (3) Every applicant for a salesperson's license shall apply
25 therefor in writing upon blanks prepared by the commission and
26 shall provide such data and information as the commission may
27 require.

28 (4) Each application for license shall also be accompanied
29 by two (2) photographs of the applicant in such form as the
30 commission may prescribe.

31 (5) Each application or filing made under this section shall
32 include the social security number(s) of the applicant in
33 accordance with Section 93-11-64 * * *.

34 (6) Beginning on July 1, 2019, each application for a
35 license made under this section must include a current email
36 address for the applicant.

37 **SECTION 2.** Section 73-35-18, Mississippi Code of 1972, is
38 amended as follows:

39 73-35-18. (1) Each individual applicant for renewal of a
40 license issued by the Mississippi Real Estate Commission shall, on
41 or before the expiration date of his license, or at a time
42 directed by the commission, submit proof of completion of not less
43 than sixteen (16) clock hours of approved course work to the
44 commission, in addition to any other requirements for renewal.
45 The sixteen (16) clock hours' course work requirement shall apply
46 to each two-year license renewal, and hours in excess thereof



47 shall not be cumulated or credited for the purposes of subsequent
48 license renewals except as provided in this subsection (1). The
49 commission shall develop standards for approval of courses and
50 shall require certification of such course work of the applicant.
51 The commission may determine any required subject matter within
52 the mandated sixteen (16) hours; provided that the required
53 subjects shall not exceed eight (8) hours of the total sixteen
54 (16) hours. Approved continuing education hours earned in the
55 final three (3) months of a licensee's renewal period, if in
56 excess of the required minimum sixteen (16) hours, may be carried
57 over and credited to the next renewal period. However, no more
58 than six (6) hours may be carried over in this manner. Any member
59 of the Mississippi Legislature who has a real estate license shall
60 be credited with eight (8) hours of credit for the attendance of
61 each year of a legislative session. No person may receive
62 continuing education credit for prelicense education courses
63 taken, except as follows: a licensee whose license is on inactive
64 status and whose continuing education credits are at least thirty
65 (30) hours in arrears may, at the discretion of the commission,
66 receive continuing education credit for retaking prelicense
67 coursework, provided the entire prelicense course is retaken.

68 (2) This section shall apply to renewals of licenses which
69 expire on and after July 1, 1994; however, an applicant for first
70 renewal who has been licensed for not more than one (1) year shall
71 not be required to comply with this section for the first renewal



72 of the applicant's license. The provisions of this section shall
73 not apply to persons who have held a broker's or salesperson's
74 license in this state for at least twenty-five (25) years and who
75 are older than seventy (70) years of age. Inactive licensees are
76 not required to meet the real estate continuing education
77 requirements specified in this section; however, such inactive
78 licensees, before activating their license to active status, must
79 cumulatively meet requirements missed during the period their
80 license was inactive.

81 (3) A renewal of a license issued by the commission which
82 expires after June 30, 2019, must include a current email address
83 for the applicant. Any email address previously provided by an
84 applicant to the commission which is no longer valid or the
85 primary email address of the applicant must be updated when a
86 renewal application is submitted under this section.

87 (4) The commission shall promulgate rules and regulations as
88 necessary to accomplish the purposes of this section in accordance
89 with the Mississippi Administrative Procedures Law.

90 (* * *5) [Repealed]

91 **SECTION 3.** Section 73-35-35, Mississippi Code of 1972, is
92 amended as follows:

93 73-35-35. (1) The commission may act by a majority of the
94 members thereof, and authority is hereby given to the commission
95 to adopt, fix and establish all rules and regulations in its
96 opinion necessary for the conduct of its business, the holdings of



97 hearings before it, and otherwise generally for the enforcement
98 and administration of the provisions of this chapter.

99 Further, the commission is empowered with the authority to
100 adopt such rules and regulations as it deems appropriate to
101 regulate the sale of timesharing and condominium properties within
102 the State of Mississippi and the sale of timesharing and
103 condominium properties in other states to residents of
104 Mississippi.

105 (2) Beginning on July 1, 2019, the commission shall provide
106 notice by email to each real estate broker and real estate
107 salesperson who has provided an email address to the commission
108 under Section 73-35-9 or 73-35-18 of each proposed rule or
109 regulation change or adoption. The notice required under this
110 subsection must be given on no less than three (3) separate
111 occasions during the notice period prescribed under the
112 Mississippi Administrative Procedures Law (Chapter 43, Title 25,
113 Mississippi Code of 1972).

114 **SECTION 4.** This act shall take effect and be in force from
115 and after July 1, 2019.

