



Sen. William R. Haine

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09600SB1894sam002

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1 AMENDMENT TO SENATE BILL 1894

2 AMENDMENT NO. _____. Amend Senate Bill 1894 on page 3,
3 line 11, by replacing "OBRE" with "the Department OBRE"; and

4 on page 7, below line 8, by inserting the following:

5 "Coordinator" means the Coordinator of Real Estate
6 created in Section 25-15 of this Act."; and

7 on page 7, by replacing lines 24 and 25 with the following:

8 "~~Director~~" means the ~~Director of the Real Estate Division,~~
9 ~~OBRE.~~"; and

10 on page 19, lines 8 and 13, by replacing "real estate" each
11 time it appears with "~~real estate~~"; and

12 on page 22, line 6, after "Section", by inserting "1-10"; and

13 on page 22, line 14, by replacing "\$1,000" with "\$1,500"

1 ~~\$1,000~~"; and

2 on page 24, line 14, by replacing "(a) (Blank)." with "~~(a)~~";
3 and

4 on page 25, line 7, by replacing "(b)" with "~~(b)~~"; and

5 on page 25, line 11, by replacing "of a" with "a"; and

6 on page 26, line 3, by replacing "(c) (Blank)." with "~~(c)~~"; and

7 on page 26, line 6, by replacing "(d) (Blank)." with "~~(d)~~"; and

8 on page 26, line 10, by replacing "." with "÷"; and

9 on page 26, line 11, by replacing "(e) (Blank)." with "~~(e)~~";
10 and

11 on page 27, lines 15 and 20, by replacing "." each time it
12 appears with "i"; and

13 on page 27, line 22, by replacing "." with "; and"; and

14 on page 28, lines 21 and 22, by replacing "." each time it
15 appears with "i"; and

1 on page 29, lines 3, 14, and 23, by replacing "." each time it
2 appears with "i"; and

3 on page 31, line 6, by replacing "broker" with "broker's"; and

4 on page 32, line 1, after "broker_l", by inserting "broker_l";
5 and

6 on page 37, line 2, by replacing "broker" with "broker's"; and

7 on page 37, line 4, by replacing "OBRE" with "the Department
8 ~~OBRE~~"; and

9 on page 38, line 6, before "~~Commissioner~~", by inserting
10 "Secretary"; and

11 on page 39, line 8, by replacing "salesperson to broker
12 license" with "salesperson's license to broker's license"; and

13 on page 39, line 10, by replacing "salespersons" with
14 "salesperson"; and

15 on page 40, line 12, by replacing "broker" with "broker's"; and

16 on page 42, by replacing line 18 with the following:

17 "broker's license. ~~OBRE shall establish and~~"; and

1 on page 42, by replacing lines 19 through 26 with the
2 following:

3 ~~"maintain a register of all persons currently licensed by the~~
4 ~~State and shall issue and prescribe a form of pocket card. Upon~~
5 ~~payment by a licensee of the appropriate fee as prescribed by~~
6 ~~rule for engagement in the activity for which the licensee is~~
7 ~~qualified and holds a license for the current period, OBRE~~
8 ~~shall issue a pocket card to the licensee. The pocket card~~
9 ~~shall be verification that the required fee for the current~~
10 ~~period has been paid and shall indicate that the person"; and~~

11 on page 43, by replacing lines 1 through 10 with the following:

12 ~~"named thereon is licensed for the current renewal period as a~~
13 ~~broker, salesperson, or leasing agent as the case may be. The~~
14 ~~pocket card shall further indicate that the person named~~
15 ~~thereon is authorized by OBRE to engage in the licensed~~
16 ~~activity appropriate for his or her status (broker,~~
17 ~~salesperson, or leasing agent). Each licensee shall carry on~~
18 ~~his or her person his or her pocket card or, if such pocket~~
19 ~~card has not yet been issued, a properly issued sponsor card~~
20 ~~when engaging in any licensed activity and shall display the~~
21 ~~same on demand."; and~~

22 on page 44, below line 10, by inserting the following:

23 "(e) The Department shall establish and maintain a register

1 of all persons currently licensed by the State and shall issue
2 and prescribe a form of pocket card. Upon payment by a licensee
3 of the appropriate fee as prescribed by rule for engagement in
4 the activity for which the licensee is qualified and holds a
5 license for the current period, the Department shall issue a
6 pocket card to the licensee. The pocket card shall be
7 verification that the required fee for the current period has
8 been paid and shall indicate that the person named thereon is
9 licensed for the current renewal period as a managing broker,
10 broker, salesperson, or leasing agent as the case may be. The
11 pocket card shall further indicate that the person named
12 thereon is authorized by the Department to engage in the
13 licensed activity appropriate for his or her status (managing
14 broker, broker, salesperson, or leasing agent). Each licensee
15 shall carry on his or her person his or her pocket card or, if
16 such pocket card has not yet been issued, a properly issued
17 sponsor card when engaging in any licensed activity and shall
18 display the same on demand. "; and

19 on page 44, by replacing lines 11 through 13 with the
20 following:

21 "(f) The Department shall provide to the sponsoring broker
22 a notice of renewal for all sponsored licensees by mailing the
23 notice to the sponsoring broker's address of record, or, at the
24 Department's discretion, by an electronic means as provided for
25 by rule."; and

1 on page 44, by replacing lines 14 and 15 with the following:

2 "(g) Upon request from the sponsoring broker, the
3 Department shall make available to the sponsoring broker,
4 either by mail or by an electronic means at the discretion of
5 the Department, a"; and

6 on page 45, lines 19 and 20, by deleting "if the application is
7 made prior to May 1, 2012"; and

8 on page 46, line 4, before "broker", by inserting "managing";
9 and

10 on page 47, by replacing lines 5 and 6 with the following:

11 "(6) the broker was licensed by an examination in a
12 state that has entered into ~~OBRE has~~ a reciprocal agreement
13 with the Department ~~that state that includes the provisions~~
14 ~~of this Section.~~"; and

15 on page 47, line 7, by replacing "(b)" with "(c) ~~(b)~~"; and

16 on page 47, line 11, by replacing "nonresident" with
17 "~~nonresident~~"; and

18 on page 47, lines 11 and 12, by replacing "under the
19 nonresident broker" with "~~under the nonresident broker~~"; and

1 on page 47, line 24, by replacing "(4) (Blank)." with "~~(4)~~";
2 and

3 on page 48, line 5, immediately after "broker", by inserting
4 " "; and

5 on page 50, by replacing lines 3 and 4 with the following:
6 "Section shall be eligible to obtain a resident managing
7 broker's license, a broker's license, or, prior to May 1, 2011,
8 a salesperson's license"; and

9 on page 50, line 7, by replacing "or" with "for ~~or~~"; and

10 on page 50, line 22, immediately after "broker", by inserting
11 " "; and

12 on page 50, line 23, by deleting "licensees"; and

13 on page 50, line 24, immediately after "managing brokers,
14 brokers", by inserting " "; and

15 on page 51, line 3, immediately after "broker", by inserting
16 " "; and

17 on page 51, line 14, by replacing ", the licensee" with "~~, the~~

1 ~~licensee~~"; and

2 on page 51, line 15, by replacing "6-hour" with "12-hour
3 ~~6-hour~~"; and

4 on page 52, line 9, immediately after "brokers", by inserting
5 "^"; and

6 on page 52, line 23, by replacing "broker license" with
7 "broker's license"; and

8 on page 53, line 2, by replacing "broker" with "broker's"; and

9 on page 53, by replacing lines 8 through 13 with the following:
10 "~~condition of license renewal.~~

11 (d) A person receiving an initial license ~~as a real estate~~
12 ~~broker~~ during the 90 days before the ~~broker~~ renewal date shall
13 not be required to complete the ~~broker management~~ continuing
14 education courses ~~course~~ provided for in subsection (b) of this
15 Section as a condition of initial license renewal."; and

16 on page 53, line 14, by replacing "(d)" with "(e) ~~(d)~~"; and

17 on page 54, line 7, by replacing "(e)" with "(f) ~~(e)~~"; and

18 on page 54, line 21, by replacing "(f)" with "(g) ~~(f)~~"; and

1 on page 54, line 22, by replacing "(e)" with "(f) ~~(e)~~"; and

2 on page 55, line 1, by replacing "(g)" with "(h) ~~(g)~~"; and

3 on page 55, line 3, by replacing "(h)" with "(i) ~~(h)~~"; and

4 on page 55, line 6, by replacing "(i)" with "(j) ~~(i)~~"; and

5 on page 55, line 8, by replacing "(j)" with "(k) ~~(j)~~"; and

6 on page 55, line 19, by replacing "(k)" with "(l)"; and

7 on page 58, line 5, by replacing "brokers" with "broker"; and

8 on page 58, line 14, by replacing "(26) of subsection (h)" with
9 the following:

10 "(35) ~~(26)~~ of subsection (a) ~~(h)~~"; and

11 on page 58, lines 22 and 23, by replacing "(26) of ~~subsection~~
12 ~~(h) of~~" with the following:

13 "(35) ~~(26)~~ of subsection (a) ~~(h)~~ of"; and

14 on page 59, line 3, by replacing "Internet" with "via the
15 Internet"; and

1 on page 59, by replacing lines 11 and 12 with the following:
2 "information contained therein to the public in an accurate, a
3 direct, and readily comprehensible manner."; and

4 on page 66, line 22, by replacing lines 22 through 25 with the
5 following:

6 "(b) ~~(3)~~ The licensee representing the consumer shall
7 discuss with the consumer the sponsoring broker's compensation
8 and policy with regard to cooperating with brokers who
9 represent other parties in a transaction."; and

10 on page 67, line 1, by replacing "(b)" with "(c) ~~(b)~~"; and

11 on page 73, lines 5 and 6, by replacing "fine" each time it
12 appears with "penalty ~~fine~~"; and

13 on page 73, line 7, by replacing "judgement" with "judgment
14 ~~judgement~~"; and

15 on page 73, line 18, by replacing "~~a~~" with "a"; and

16 on page 73, line 19, by deleting "issued"; and

17 on page 78, line 15, by replacing "OBRE" with "Department
18 ~~OBRE~~"; and

1 on page 80, line 13, by deleting "contract"; and

2 on page 82, line 7, by replacing "a written" with "an a
3 ~~written~~"; and

4 on page 83, line 9, by replacing "39" with "(39)"; and

5 on page 87, line 22, by replacing "rule" with "ruling"; and

6 on page 89, line 6, by replacing "OBRE" with "the Department
7 ~~OBRE~~"; and

8 on page 89, lines 20 and 21, by replacing "Commissioner" each
9 time it appears with "Secretary Commissioner"; and

10 on page 91, line 10, by deleting ";"; and

11 on page 92, line 17, by replacing "Section 20-20" with "Article
12 20"; and

13 on page 93, line 10, immediately after "evidence", by inserting
14 ";"; and

15 on page 93, line 25, by replacing "(e) (Blank)." with "~~(e)~~";
16 and

1 on page 94, line 22, by replacing "(f) (Blank)." with "~~(f)~~";
2 and

3 on page 95, line 3, by replacing "(g) (Blank)." with "~~(g)~~"; and

4 on page 95, line 12, by replacing "(h) (Blank)." with "~~(h)~~";
5 and

6 on page 95, line 20, by replacing "(i) (Blank)." with "~~(i)~~";
7 and

8 on page 96, line 8, by replacing "(j) (Blank)." with "~~(j)~~"; and

9 on page 97, line 14, by replacing "(k) (Blank)." with "~~(k)~~";
10 and

11 on page 97, line 26, by replacing "(m) (Blank)." with "~~(m)~~";
12 and

13 on page 99, line 12, after "after", by deleting "the"; and

14 on page 99, line 14, by replacing "grounds for the rehearing"
15 with "particular grounds for rehearing"; and

16 on page 99, line 17, by replacing "20-65" with "20-72"; and

1 on page 100, lines 22 and 23, by replacing "A board member or
2 member may attend hearings." with "Any Board member may attend
3 the hearing."; and

4 on page 100, line 24, by replacing "conclusion" with
5 "conclusions"; and

6 on page 101, line 3, by replacing "the recommendation" with "a
7 recommendation"; and

8 on page 104, line 3, after "collected", by inserting "under
9 this Act"; and

10 on page 107, line 24, by replacing "Commissioner" with
11 "Secretary Commissioner"; and

12 on page 116, by replacing lines 6 through 10 with the
13 following:

14 "that shall be used in connection therewith. Five Board members
15 shall constitute a quorum. A quorum is required for all Board
16 decisions ~~None of the functions, powers, or duties enumerated~~
17 ~~in~~"; and

18 on page 117, line 18, after "Department", by inserting "a"; and

19 on page 119, line 7, by replacing "5,000" with "10,000"; and

1 on page 119, line 8, by replacing "10,000" with "20,000"; and

2 on page 119, lines 10 through 13, by deleting "Further, the
3 Department shall dedicate at least one of the investigators and
4 one of the prosecutors to investigate and prosecute complaints
5 and situations involving unlicensed practice of real estate
6 brokerage activities"; and

7 on page 119, line 14, by replacing "." with "-"; and

8 on page 119, line 22, after "shall", by inserting ", at the
9 direction of the Department,"; and

10 on page 119, line 24, after "fact", by inserting "to the
11 Department"; and

12 on page 122, line 11, by replacing "OBRE" with "the Department
13 ~~OBRE~~"; and

14 on page 123, line 11, by replacing "OBRE" with "the Department
15 ~~OBRE~~"; and

16 on page 126, line 17, by replacing "OBRE" with "the Department
17 ~~OBRE~~"; and

1 on page 128, lines 2 and 3, by replacing "Board" each time it
2 appears with "Advisory Council"; and

3 on page 128, by replacing lines 13 through 16 with the
4 following:

5 "ex officio, without vote. Three Advisory Council members shall
6 constitute a quorum. A quorum is required for all Advisory
7 Council decisions. The Advisory"; and

8 on page 134, line 20, by changing "of" to "~~of~~".