

1 HB416
2 157607-4
3 By Representative Collins
4 RFD: Boards, Agencies and Commissions
5 First Read: 06-FEB-14

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ENROLLED, An Act,

To amend Section 34-27-35, Code of Alabama 1975, relating to the renewal research and education fee for the Alabama Real Estate Commission; to increase the fee and distribute the proceeds to the Alabama Center for Real Estate.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 34-27-35, Code of Alabama 1975, is amended to read as follows:

"§34-27-35.

"(a) The commission shall prescribe the form and content of license certificates issued. Each qualifying broker's license certificate shall show the name and business address of the broker. The license certificate of each active salesperson or associate broker shall show his or her name and address. The license certificate of each active salesperson or associate broker shall be delivered or mailed to his or her qualifying broker. Each license certificate shall be kept by the qualifying broker and shall be publicly displayed at the address which appears on the license certificate.

"(b) The commission may establish a one-year or multi-year license period.

"(c) (1) The fee for a temporary license shall be one hundred fifty dollars (\$150). The original fee for a broker's license shall be one hundred fifty dollars (\$150) and,

1 beginning with the license period effective October 1, 2002,
2 the renewal fee for a broker's license shall be seventy-five
3 dollars (\$75) per year for each year of the license period.
4 The original fee for each salesperson's license shall be
5 sixty-five dollars (\$65) per year for each year or portion of
6 a year remaining in the respective license period, and the
7 renewal fee for each salesperson's license shall be sixty-five
8 dollars (\$65) per year for each year of the license period.
9 The original fee for each company license shall be sixty-five
10 dollars (\$65) per year for each year or portion of a year
11 remaining in the respective license period, and the renewal
12 fee for each license shall be sixty-five dollars (\$65) per
13 year for each year of the license period.

14 "(2) Beginning with the license period effective
15 October 1, 2004, the renewal fee for a broker's license shall
16 be ninety-five dollars (\$95) per year for each year of the
17 license period. The original fee for each salesperson's
18 license shall be eighty-five dollars (\$85) per year for each
19 year or portion of a year remaining in the respective license
20 period, and the renewal fee for each salesperson's license
21 shall be eighty-five dollars (\$85) per year for each year of
22 the license period. The original fee for each company license
23 shall be eighty-five dollars (\$85) per year for each year or
24 portion of a year remaining in the respective license period,

1 and the renewal fee for each license shall be eighty-five
2 dollars (\$85) per year for each year of the license period.

3 "(d) (1) The renewal research and education fee
4 shall be two dollars and fifty cents (\$2.50) per year for each
5 year of the license period ~~through September 30, 2014,~~ and
6 shall be paid at the time of license renewal by all brokers
7 and salespersons in addition to the license renewal fees set
8 out in this section. Collection of this fee ~~shall begin and~~
9 shall apply to all broker and salesperson renewals ~~on and~~
10 ~~after August 1, 1996,~~ except that brokers who hold more than
11 one broker's license shall pay the fee for only one license at
12 each renewal.

13 "(2) Beginning ~~October 1, 2014,~~ June 1, 2014, this
14 fee shall be seven dollars and fifty cents (\$7.50), and the
15 proceeds shall be distributed to the Alabama Center for Real
16 Estate.

17 "(e) The original research and education fee shall
18 be thirty dollars (\$30) and shall be paid at the time of all
19 applications received on and after October 15, 1995, for
20 issuance of an original broker's license, and shall be paid at
21 the time of all applications received on and after October 15,
22 1995, for issuance of a temporary salesperson's license. The
23 original research and education fee shall also be paid by
24 reciprocal salespersons. This is in addition to the original
25 license fees set out in this section. This thirty dollar (\$30)

1 original research and education fee is a one-time fee which no
2 person shall be required to pay more than once.

3 "(f) The license of a salesperson who is
4 subsequently issued a broker's license automatically
5 terminates upon the issuance of his or her broker's license
6 certificate. The salesperson's license certificate shall be
7 returned to the commission in order for a broker's license to
8 be issued. No refund shall be made of any fee or Recovery Fund
9 deposit pertaining to the salesperson's, broker's, or
10 company's license.

11 "(g) The commission shall prescribe a license
12 renewal form, which shall accompany renewal fees which shall
13 be filed on or before August 31 of the final year of each
14 license period in order for the respective license to be
15 renewed on a timely basis for the following license period. If
16 any of the foregoing are filed during the period from
17 September 1 through September 30 of the final year of a
18 license period, the one hundred fifty dollar (\$150) penalty
19 set out below shall be paid in addition to the renewal fees.
20 Failure to meet this September 30 deadline shall result in the
21 license being placed on inactive status on the following
22 October 1, and the license shall be subject to all
23 reactivation requirements. Reactivations shall be processed in
24 the order received as evidenced by postmark or delivery date.
25 Certified or registered mail may be used for reactivation in

1 these cases. Licensees filing during the period from September
2 1 of the final year of a license period through September 30
3 of the initial year of a license period shall pay the required
4 license fee, plus a penalty of one hundred fifty dollars
5 (\$150).

6 "(h) The renewal form shall be mailed by the
7 commission to the licensee's place of business, if an active
8 licensee, or to his or her residence, if an inactive licensee,
9 prior to August 1 of the final year of each license period.
10 Each licensee shall notify the commission in writing of any
11 change in his or her business or residence address within 30
12 days of the change.

13 "(i) Every license shall expire at midnight on
14 September 30 of the final year of each license period. An
15 expired license may be renewed during the 12-month period
16 following the license period for which the license was
17 current. A licensee who fails to renew before the end of the
18 12-month period following the license period for which the
19 license was issued has a lapsed license, and shall be subject
20 to all requirements applicable to persons who have never been
21 licensed, however, the commission may upon determination of
22 hardship, allow later renewal upon payment of all fees and
23 penalties. An inactive license must be renewed in the same
24 manner as an active license.

1 "(j) (1) Each applicant for renewal of an active
2 salesperson or broker license issued by the commission shall,
3 on or before September 30 of the final year of each license
4 period, submit proof of completion of not less than 15 clock
5 hours of approved continuing education course work to the
6 commission, in addition to any other requirements for renewal.
7 Failure to meet this deadline shall result in the license
8 being placed on inactive status on the following October 1,
9 and the license shall be subject to all reactivation
10 requirements. Reactivations shall be processed in the order
11 received as evidenced by postmark or delivery date. Certified
12 or registered mail may be used for reactivation in this case.
13 Proof of attendance at the course work, whether or not the
14 applicant attained a passing grade in the course, shall be
15 sufficient to satisfy requirements for renewal. The 15 clock
16 hours' course work requirement shall apply to each two-year
17 license renewal, and hours in excess of 15 shall not be
18 cumulated or credited for the purpose of subsequent license
19 renewals. The commission shall develop standards for approval
20 of courses, and shall require certification of the course work
21 of the applicant.

22 "Time served as a member of the state Legislature
23 during each license renewal period shall be deemed the
24 equivalent of the 15 hours course work and shall satisfy the
25 requirements of this subsection.

1 "(2) This section shall apply to renewals of
2 licenses which expire after September 30, 1986. An applicant
3 for first renewal who has been licensed for not more than one
4 year shall not be required to comply with this section for the
5 first renewal of the applicant's license. Any licensee
6 reaching the age of 65 on or before September 30, 2000, and
7 having been licensed 10 years prior to that date shall be
8 exempt from this section.

9 "(3) Continuing education shall not result in a
10 passing or failing grade.

11 "(k) A licensee may request that the commission
12 issue his or her license to inactive status. Inactive licenses
13 shall be held at the commission office until activated. No act
14 for which a license is required shall be performed under an
15 inactive license."

16 Section 2. This act shall become effective
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 11-MAR-14, as amended.

Jeff Woodard
Clerk

Senate 03-APR-14 Passed