

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 899

Short Title: Real Estate Salesman/Broker Licensure.

(Public)

Sponsors: Representatives Bridgeman, Howard; Dedmon and Morris.

Referred to: Ways and Means.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT AMENDING CERTAIN REQUIREMENTS FOR LICENSURE OF REAL ESTATE BROKERS AND SALESMEN.

The General Assembly of North Carolina enacts:

Section 1. G.S. 93A-4 reads as rewritten:

"§ 93A-4. Applications for licenses; fees; qualifications; examinations; ~~bond;~~ privilege licenses; renewal or reinstatement of license; power to enforce provisions.

(a) Any person, partnership, ~~association, or corporation~~ corporation, limited liability company, association, or other business entity hereafter desiring to enter into business of and obtain a license as a real estate broker or real estate salesman shall make written application for such license to the Commission ~~on such forms as are in the form and manner~~ prescribed by the Commission. Each applicant for a license as a real estate broker or real estate salesman shall be at least 18 years of age. Each applicant for a license as a real estate salesman shall, within ~~five~~ three years preceding the date application is made, have satisfactorily completed, at a school approved by the Commission, a real estate fundamentals course consisting of at least ~~30~~ 75 hours of classroom instruction in subjects determined by the Commission, or shall possess real estate education or experience in real estate transactions which the Commission shall find equivalent to the course. Each applicant for a license as a real estate broker shall, within ~~five~~ three years preceding the

1 date the application is made, ~~either have been actively engaged on a full-time basis as a~~
2 ~~licensed real estate salesman for at least two years, or have satisfactorily completed, at a~~
3 ~~school approved by the Commission, advanced courses in Real Estate Law, Real Estate~~
4 ~~Finance, and Real Estate Brokerage Operations, each an education program consisting of at~~
5 ~~least 30–60 hours of classroom instruction, these courses to instruction in subjects~~
6 ~~determined by the Commission, which shall be in addition to those the course required for~~
7 ~~a real estate salesman license, or shall possess real estate education or experience in real~~
8 ~~estate transactions which the Commission shall find equivalent to the above requirements.~~
9 ~~education program. Each application applicant for a license as a real estate broker or real~~
10 ~~estate salesman shall be accompanied by required to pay a fee, fixed by the Commission~~
11 ~~but not to exceed thirty dollars (\$30.00). Each application for license as a real estate salesman~~
12 ~~shall be accompanied by a fee, fixed by the Commission but not to exceed thirty dollars~~
13 ~~(\$30.00).~~

14 (b) ~~Any~~ Except as otherwise provided in this Chapter, any person who files ~~such~~
15 ~~submits an~~ application to the Commission in proper manner for a license as real estate
16 broker or a license as real estate salesman shall be required to take an oral or written
17 ~~examination to~~ examination. The Commission may allow an applicant to elect to take the
18 ~~examination by computer as an alternative to the written or oral examination and may~~
19 ~~require the applicant to pay the Commission or a provider contracted by the Commission~~
20 ~~the actual cost of administering the computerized examination. The cost of the~~
21 ~~computerized examination shall be in addition to any other fees the applicant is required~~
22 ~~to pay under subsection (a) of this section. The examination shall determine his the~~
23 ~~applicant's qualifications with due regard to the paramount interests of the public as to the~~
24 ~~honesty, truthfulness, integrity and competency of the applicant. applicant's competency. A~~
25 ~~person holding a real estate salesman license in this State and applying for a real estate~~
26 ~~broker license shall not be required to take an additional examination under this~~
27 ~~subsection.~~

28 ~~The Commission may make such investigation as it deems necessary into the ethical~~
29 ~~background of the applicant. An applicant for licensure under this Chapter shall satisfy the~~
30 ~~Commission that he or she possesses the competency, honesty, truthfulness, integrity, and~~
31 ~~general moral character necessary to protect the public interest and promote public~~
32 ~~confidence in the real estate brokerage business. If the results of the any required~~
33 ~~competency examination and investigation of the applicant's moral character shall be~~
34 ~~satisfactory to the Commission, then the Commission shall issue to such a person the~~
35 ~~applicant a license, authorizing such person the applicant to act as a real estate broker or~~
36 ~~real estate salesman in the State of North Carolina, upon the payment of privilege taxes~~
37 ~~now required by law or that may hereafter be required by law.~~

38 ~~Provided, however, that any person who, at the time of the passage or at the effective~~
39 ~~date of this Chapter, has a license to engage in, and is engaged in business as a real estate~~
40 ~~broker or real estate salesman and who shall file a sworn application with the~~
41 ~~Commission setting forth his qualifications, including a statement that such applicant has~~
42 ~~not within five years preceding the filing of the application been convicted of any felony~~
43 ~~or any misdemeanor involving moral turpitude, shall not be required to take or pass such~~

1 ~~examination, but all such persons shall be entitled to receive such license from the~~
2 ~~Commission under the provisions of this Chapter on proper application therefor and~~
3 ~~payment of a fee of ten dollars (\$10.00).~~

4 (c) All licenses issued by the Commission under the provisions of this Chapter
5 shall expire on the 30th day of June following issuance or on any other date that the
6 Commission may determine and shall become invalid after that date unless reinstated. A
7 license may be renewed 45 days prior to the expiration date by filing an application with
8 and paying to the Executive Director of the Commission the license renewal fee. The
9 license renewal fee is thirty dollars (\$30.00) unless the Commission sets the fee at a
10 higher amount. The Commission may set the license renewal fee at an amount that does
11 not exceed fifty dollars (\$50.00). The license renewal fee may not increase by more than
12 five dollars (\$5.00) during a 12-month period. The Commission may adopt rules
13 establishing a system of license renewal in which the licenses expire annually with
14 varying expiration dates. These rules shall provide for prorating the annual fee to cover
15 the initial renewal period so that no licensee shall be charged an amount greater than the
16 annual fee for any 12-month period. All licenses reinstated after the expiration date
17 thereof shall be subject to a late filing fee of five dollars (\$5.00) in addition to the
18 required renewal fee. In the event a licensee fails to obtain a reinstatement of such license
19 within 12 months after the expiration date thereof, the Commission may, in its discretion,
20 consider such person as not having been previously licensed, and thereby subject to the
21 provisions of this Chapter relating to the issuance of an original license, including the
22 examination requirements set forth herein. Duplicate licenses may be issued by the
23 Commission upon payment of a fee of five dollars (\$5.00) by the licensee. Commission
24 certification of a licensee's license history shall be made only after the payment of a fee
25 of ten dollars (\$10.00).

26 (d) The Commission is expressly vested with the power and authority to make and
27 enforce any and all ~~such~~ reasonable rules and regulations connected with ~~the application~~
28 ~~for any license~~ license application, examination, renewal, and reinstatement as shall be
29 deemed necessary to administer and enforce the provisions of this Chapter. The
30 Commission is further authorized to adopt reasonable rules and regulations necessary for
31 the approval of real estate ~~schools and such rules and regulations may, in accordance with G.S.~~
32 ~~93A-4(a), schools, instructors, and textbooks and rules that prescribe specific~~
33 requirements pertaining to the teaching of mechanics and law governing real estate
34 transactions at such schools. instruction, administration, and content of required education
35 courses and programs.

36 (e) Nothing contained in this Chapter shall be construed as giving any authority to
37 the Commission nor any licensee of the Commission as authorizing any licensee ~~whether~~
38 ~~by examination or under the grandfather clause or by comity~~ to engage in the practice of law
39 or to render any legal service as specifically set out in G.S. 84-2.1 or any other legal
40 service not specifically referred to in said section."

41 Section 2. This act becomes effective October 1, 2000.