

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

1 ENGROSSED

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4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
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8 To amend Section 34-27-35, Code of Alabama 1975,  
9 relating to the renewal research and education fee for the  
10 Alabama Real Estate Commission; to increase the fee and  
11 distribute the proceeds to the Alabama Center for Real Estate.  
12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

15 "§34-27-35.

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

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

1           "(c) (1) The fee for a temporary license shall be one  
2 hundred fifty dollars (\$150). The original fee for a broker's  
3 license shall be one hundred fifty dollars (\$150) and,  
4 beginning with the license period effective October 1, 2002,  
5 the renewal fee for a broker's license shall be seventy-five  
6 dollars (\$75) per year for each year of the license period.  
7 The original fee for each salesperson's license shall be  
8 sixty-five dollars (\$65) per year for each year or portion of  
9 a year remaining in the respective license period, and the  
10 renewal fee for each salesperson's license shall be sixty-five  
11 dollars (\$65) per year for each year of the license period.  
12 The original fee for each company license shall be sixty-five  
13 dollars (\$65) per year for each year or portion of a year  
14 remaining in the respective license period, and the renewal  
15 fee for each license shall be sixty-five dollars (\$65) per  
16 year for each year of the license period.

17           "(2) Beginning with the license period effective  
18 October 1, 2004, the renewal fee for a broker's license shall  
19 be ninety-five dollars (\$95) per year for each year of the  
20 license period. The original fee for each salesperson's  
21 license shall be eighty-five dollars (\$85) per year for each  
22 year or portion of a year remaining in the respective license  
23 period, and the renewal fee for each salesperson's license  
24 shall be eighty-five dollars (\$85) per year for each year of  
25 the license period. The original fee for each company license  
26 shall be eighty-five dollars (\$85) per year for each year or  
27 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)  
26 original research and education fee is a one-time fee which no  
27 person shall be required to pay more than once.

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

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

1 license fee, plus a penalty of one hundred fifty dollars  
2 (\$150).

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

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

22 "(j) (1) Each applicant for renewal of an active  
23 salesperson or broker license issued by the commission shall,  
24 on or before September 30 of the final year of each license  
25 period, submit proof of completion of not less than 15 clock  
26 hours of approved continuing education course work to the  
27 commission, in addition to any other requirements for renewal.

1 Failure to meet this deadline shall result in the license  
2 being placed on inactive status on the following October 1,  
3 and the license shall be subject to all reactivation  
4 requirements. Reactivations shall be processed in the order  
5 received as evidenced by postmark or delivery date. Certified  
6 or registered mail may be used for reactivation in this case.  
7 Proof of attendance at the course work, whether or not the  
8 applicant attained a passing grade in the course, shall be  
9 sufficient to satisfy requirements for renewal. The 15 clock  
10 hours' course work requirement shall apply to each two-year  
11 license renewal, and hours in excess of 15 shall not be  
12 cumulated or credited for the purpose of subsequent license  
13 renewals. The commission shall develop standards for approval  
14 of courses, and shall require certification of the course work  
15 of the applicant.

16 "Time served as a member of the state Legislature  
17 during each license renewal period shall be deemed the  
18 equivalent of the 15 hours course work and shall satisfy the  
19 requirements of this subsection.

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

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

3                   "(k) A licensee may request that the commission  
4 issue his or her license to inactive status. Inactive licenses  
5 shall be held at the commission office until activated. No act  
6 for which a license is required shall be performed under an  
7 inactive license."

8                   Section 2. This act shall become effective  
9 immediately following its passage and approval by the  
10 Governor, or its otherwise becoming law.



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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Boards, Agencies  
and Commissions..... . . . . . 06-FEB-14

Read for the second time and placed  
on the calendar 1 amendment ..... . . . . . 12-FEB-14

Read for the third time and passed  
as amended..... . . . . . 11-MAR-14

Yeas 94, Nays 1, Abstains 0

Jeff Woodard  
Clerk