

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

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8 SYNOPSIS: This bill would increase the renewal
9 research and education fee for the Alabama Real
10 Estate Commission and distribute the proceeds to
11 the Alabama Center for Real Estate.

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13 A BILL
14 TO BE ENTITLED
15 AN ACT

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17 To amend Section 34-27-35, Code of Alabama 1975,
18 relating to the renewal research and education fee for the
19 Alabama Real Estate Commission; to increase the fee effective
20 October 1, 2014, and distribute the proceeds to the Alabama
21 Center for Real Estate.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

25 "§34-27-35.

26 "(a) The commission shall prescribe the form and
27 content of license certificates issued. Each qualifying

1 broker's license certificate shall show the name and business
2 address of the broker. The license certificate of each active
3 salesperson or associate broker shall show his or her name and
4 address. The license certificate of each active salesperson or
5 associate broker shall be delivered or mailed to his or her
6 qualifying broker. Each license certificate shall be kept by
7 the qualifying broker and shall be publicly displayed at the
8 address which appears on the license certificate.

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

11 "(c) (1) The fee for a temporary license shall be one
12 hundred fifty dollars (\$150). The original fee for a broker's
13 license shall be one hundred fifty dollars (\$150) and,
14 beginning with the license period effective October 1, 2002,
15 the renewal fee for a broker's license shall be seventy-five
16 dollars (\$75) per year for each year of the license period.
17 The original fee for each salesperson's license shall be
18 sixty-five dollars (\$65) per year for each year or portion of
19 a year remaining in the respective license period, and the
20 renewal fee for each salesperson's license shall be sixty-five
21 dollars (\$65) per year for each year of the license period.
22 The original fee for each company license shall be sixty-five
23 dollars (\$65) per year for each year or portion of a year
24 remaining in the respective license period, and the renewal
25 fee for each license shall be sixty-five dollars (\$65) per
26 year for each year of the license period.

1 "(2) Beginning with the license period effective
2 October 1, 2004, the renewal fee for a broker's license shall
3 be ninety-five dollars (\$95) per year for each year of the
4 license period. The original fee for each salesperson's
5 license shall be eighty-five dollars (\$85) per year for each
6 year or portion of a year remaining in the respective license
7 period, and the renewal fee for each salesperson's license
8 shall be eighty-five dollars (\$85) per year for each year of
9 the license period. The original fee for each company license
10 shall be eighty-five dollars (\$85) per year for each year or
11 portion of a year remaining in the respective license period,
12 and the renewal fee for each license shall be eighty-five
13 dollars (\$85) per year for each year of the license period.

14 "(d) (1) The renewal research and education fee
15 shall be two dollars and fifty cents (\$2.50) per year for each
16 year of the license period through September 30, 2014, and
17 shall be paid at the time of license renewal by all brokers
18 and salespersons in addition to the license renewal fees set
19 out in this section. Collection of this fee ~~shall begin and~~
20 shall apply to all broker and salesperson renewals ~~on and~~
21 ~~after August 1, 1996~~, except that brokers who hold more than
22 one broker's license shall pay the fee for only one license at
23 each renewal.

24 "(2) Beginning October 1, 2014, this fee shall be
25 seven dollars and fifty cents (\$7.50), and the proceeds shall
26 be distributed to the Alabama Center for Real Estate.

1 "(e) The original research and education fee shall
2 be thirty dollars (\$30) and shall be paid at the time of all
3 applications received on and after October 15, 1995, for
4 issuance of an original broker's license, and shall be paid at
5 the time of all applications received on and after October 15,
6 1995, for issuance of a temporary salesperson's license. The
7 original research and education fee shall also be paid by
8 reciprocal salespersons. This is in addition to the original
9 license fees set out in this section. This thirty dollar (\$30)
10 original research and education fee is a one-time fee which no
11 person shall be required to pay more than once.

12 "(f) The license of a salesperson who is
13 subsequently issued a broker's license automatically
14 terminates upon the issuance of his or her broker's license
15 certificate. The salesperson's license certificate shall be
16 returned to the commission in order for a broker's license to
17 be issued. No refund shall be made of any fee or Recovery Fund
18 deposit pertaining to the salesperson's, broker's, or
19 company's license.

20 "(g) The commission shall prescribe a license
21 renewal form, which shall accompany renewal fees which shall
22 be filed on or before August 31 of the final year of each
23 license period in order for the respective license to be
24 renewed on a timely basis for the following license period. If
25 any of the foregoing are filed during the period from
26 September 1 through September 30 of the final year of a
27 license period, the one hundred fifty dollar (\$150) penalty

1 set out below shall be paid in addition to the renewal fees.
2 Failure to meet this September 30 deadline shall result in the
3 license being placed on inactive status on the following
4 October 1, and the license shall be subject to all
5 reactivation requirements. Reactivations shall be processed in
6 the order received as evidenced by postmark or delivery date.
7 Certified or registered mail may be used for reactivation in
8 these cases. Licensees filing during the period from September
9 1 of the final year of a license period through September 30
10 of the initial year of a license period shall pay the required
11 license fee, plus a penalty of one hundred fifty dollars
12 (\$150).

13 "(h) The renewal form shall be mailed by the
14 commission to the licensee's place of business, if an active
15 licensee, or to his or her residence, if an inactive licensee,
16 prior to August 1 of the final year of each license period.
17 Each licensee shall notify the commission in writing of any
18 change in his or her business or residence address within 30
19 days of the change.

20 "(i) Every license shall expire at midnight on
21 September 30 of the final year of each license period. An
22 expired license may be renewed during the 12-month period
23 following the license period for which the license was
24 current. A licensee who fails to renew before the end of the
25 12-month period following the license period for which the
26 license was issued has a lapsed license, and shall be subject
27 to all requirements applicable to persons who have never been

1 licensed, however, the commission may upon determination of
2 hardship, allow later renewal upon payment of all fees and
3 penalties. An inactive license must be renewed in the same
4 manner as an active license.

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

26 "Time served as a member of the state Legislature
27 during each license renewal period shall be deemed the

1 equivalent of the 15 hours course work and shall satisfy the
2 requirements of this subsection.

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

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

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

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