

1 SB342  
2 158156-1  
3 By Senator Reed  
4 RFD: Fiscal Responsibility and Accountability  
5 First Read: 11-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.

12  
13 A BILL  
14 TO BE ENTITLED  
15 AN ACT

16  
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.