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Chapter No. 339
19/HR26/R1586
AM / FF

HOUSE BILL NO. 1292

Originated in House _____ Clerk

HOUSE BILL NO. 1292

AN ACT TO AMEND SECTIONS 73-35-9 AND 73-35-18, MISSISSIPPI CODE OF 1972, TO REQUIRE APPLICANTS FOR A REAL ESTATE BROKER'S OR REAL ESTATE SALESPERSON'S LICENSE OR LICENSE RENEWAL FROM THE MISSISSIPPI REAL ESTATE COMMISSION TO PROVIDE A CURRENT EMAIL ADDRESS; TO AMEND SECTION 73-35-35, MISSISSIPPI CODE OF 1972, TO REQUIRE THE COMMISSION TO PROVIDE NOTICE OF PROPOSED RULE CHANGES AND ADOPTIONS TO ALL REAL ESTATE BROKERS AND SALESPERSONS WHO HAVE PROVIDED AN EMAIL ADDRESS TO THE COMMISSION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-35-9, Mississippi Code of 1972, is amended as follows:

73-35-9. (1) Every applicant for a real estate broker's license shall apply therefor in writing upon blanks prepared by the commission and shall provide such data and information as the commission may require.

(2) Such application shall be accompanied by the recommendation of at least three (3) citizens who have been property owners for at least three (3) years, who have known the applicant for three (3) years, and who are not related to the applicant, certifying that the applicant bears a good reputation

for honesty and trustworthiness and recommending that a license be granted to the applicant.

(3) Every applicant for a salesperson's license shall apply therefor in writing upon blanks prepared by the commission and shall provide such data and information as the commission may require.

(4) Each application for license shall also be accompanied by two (2) photographs of the applicant in such form as the commission may prescribe.

(5) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64 * * *.

(6) Beginning on July 1, 2019, each application for a license made under this section must include a current email address for the applicant.

SECTION 2. Section 73-35-18, Mississippi Code of 1972, is amended as follows:

73-35-18. (1) Each individual applicant for renewal of a license issued by the Mississippi Real Estate Commission shall, on or before the expiration date of his license, or at a time directed by the commission, submit proof of completion of not less than sixteen (16) clock hours of approved course work to the commission, in addition to any other requirements for renewal. The sixteen (16) clock hours' course work requirement shall apply to each two-year license renewal, and hours in excess thereof

shall not be cumulated or credited for the purposes of subsequent license renewals except as provided in this subsection (1). The commission shall develop standards for approval of courses and shall require certification of such course work of the applicant. The commission may determine any required subject matter within the mandated sixteen (16) hours; provided that the required subjects shall not exceed eight (8) hours of the total sixteen (16) hours. Approved continuing education hours earned in the final three (3) months of a licensee's renewal period, if in excess of the required minimum sixteen (16) hours, may be carried over and credited to the next renewal period. However, no more than six (6) hours may be carried over in this manner. Any member of the Mississippi Legislature who has a real estate license shall be credited with eight (8) hours of credit for the attendance of each year of a legislative session. No person may receive continuing education credit for prelicense education courses taken, except as follows: a licensee whose license is on inactive status and whose continuing education credits are at least thirty (30) hours in arrears may, at the discretion of the commission, receive continuing education credit for retaking prelicense coursework, provided the entire prelicense course is retaken.

(2) This section shall apply to renewals of licenses which expire on and after July 1, 1994; however, an applicant for first renewal who has been licensed for not more than one (1) year shall not be required to comply with this section for the first renewal

of the applicant's license. The provisions of this section shall not apply to persons who have held a broker's or salesperson's license in this state for at least twenty-five (25) years and who are older than seventy (70) years of age. Inactive licensees are not required to meet the real estate continuing education requirements specified in this section; however, such inactive licensees, before activating their license to active status, must cumulatively meet requirements missed during the period their license was inactive.

(3) A renewal of a license issued by the commission which expires after June 30, 2019, must include a current email address for the applicant. Any email address previously provided by an applicant to the commission which is no longer valid or the primary email address of the applicant must be updated when a renewal application is submitted under this section.

(4) The commission shall promulgate rules and regulations as necessary to accomplish the purposes of this section in accordance with the Mississippi Administrative Procedures Law.

(* * *5) [Repealed]

SECTION 3. Section 73-35-35, Mississippi Code of 1972, is amended as follows:

73-35-35. (1) The commission may act by a majority of the members thereof, and authority is hereby given to the commission to adopt, fix and establish all rules and regulations in its opinion necessary for the conduct of its business, the holdings of

hearings before it, and otherwise generally for the enforcement and administration of the provisions of this chapter.

Further, the commission is empowered with the authority to adopt such rules and regulations as it deems appropriate to regulate the sale of timesharing and condominium properties within the State of Mississippi and the sale of timesharing and condominium properties in other states to residents of Mississippi.

(2) Beginning on July 1, 2019, the commission shall provide notice by email to each real estate broker and real estate salesperson who has provided an email address to the commission under Section 73-35-9 or 73-35-18 of each proposed rule or regulation change or adoption. The notice required under this subsection must be given on no less than three (3) separate occasions during the notice period prescribed under the Mississippi Administrative Procedures Law (Chapter 43, Title 25, Mississippi Code of 1972).

SECTION 4. This act shall take effect and be in force from and after July 1, 2019.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 11, 2019

Philip Gunn

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 11, 2019

Tate Reeves

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

Phil Bryant

GOVERNOR

March 19, 2019 9:04 am