

LEGISLATIVE BILL 384

Approved by the Governor March 21, 2019

Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.13, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to education requirements; to provide an operative date; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 81-885.13, Revised Statutes Cumulative Supplement, 2018, is amended to read:

81-885.13 (1) No broker's or salesperson's license shall be issued to any person who has not attained the age of nineteen years. No broker's or salesperson's license shall be issued to any person who is not a high school graduate or the holder of a certificate of high school equivalency.

(2) Each applicant for a salesperson's license shall furnish evidence that he or she has completed two courses in real estate subjects, approved by the commission, composed of not less than sixty class hours of study or, in lieu thereof, courses delivered in a distance education format approved by the commission.

(3) Each applicant for a broker's license shall either:

(a) ~~Have~~ ~~have~~ first served actively for two years as a licensed salesperson or broker and shall furnish evidence of completion of sixty class hours in addition to the hours required by subsection (2) of this section in a course of study approved by the commission or, in lieu thereof, courses delivered in a distance education format approved by the commission; ~~or~~

(b) Upon special application and hearing before the commission, provide satisfactory evidence of (i) equivalent or sufficiently relevant experience in a real-estate-related industry or (ii) hardship due to an existing brokerage being unable to retain the services of a licensee to act as its designated broker who has the two years' experience required in this subsection. Any applicant so approved must furnish a certificate that he or she has passed a course of at least eighteen credit hours in subjects related to real estate at an accredited university or college, or completed six courses in real estate subjects composed of not less than one hundred eighty class hours in a course of study approved by the commission or, in lieu thereof, courses delivered in a distance education format approved by the commission.

(4) No person issued a broker's license may act as a designated broker for any other licensee until such person has taken additional courses of postlicensure education in the subjects of real estate trust accounting, brokerage finance, business ethics, and risk management, except that the commission may extend, for up to six months, the postlicensure course work requirement under the hardship provision of subdivision (3)(b)(ii) of this section.

(5) Each applicant for a broker's or salesperson's license shall furnish evidence of completion of six class hours of study in a course approved by the commission related to professional practice and standards.

~~(6)~~ (4) Each applicant for a broker's license must pass a written examination covering generally the matters confronting real estate brokers, and each applicant for a salesperson's license must pass a written examination covering generally the matters confronting real estate salespersons. Such examination may be taken before the commission or any person designated by the commission. Failure to pass the examination shall be grounds for denial of a license without further hearing. Within thirty days after passing the examination the applicant must complete all requirements necessary for the issuance of a license. The commission may prepare and distribute to licensees under the Nebraska Real Estate License Act informational material deemed of assistance in the conduct of their business.

~~(7)~~ (5) An applicant for an original broker's or salesperson's license shall be subject to fingerprinting and a check of his or her criminal history record information maintained by the Federal Bureau of Investigation through the Nebraska State Patrol. After filing application for a license, each applicant shall furnish directly to the Nebraska State Patrol, or to a fingerprint processing service that may be selected by the commission for this purpose, a full set of fingerprints to enable a criminal background investigation to be conducted. The applicant shall request that the Nebraska State Patrol submit the fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The applicant shall pay the actual cost, if any, of the fingerprinting and check of his or her criminal history record information. The applicant shall authorize release of the national criminal history record check to the commission.

~~(8)~~ ~~(6)~~ Courses of study, referred to in subsections (2), ~~and~~ (3), ~~(4)~~, (5), and (9) of this section, shall include courses offered by private proprietary real estate schools when such courses are prescribed by the commission and are taught by instructors approved by the commission. The commission shall monitor schools offering approved real estate courses and for

good cause shall have authority to suspend or withdraw approval of such courses or instructors.

(9) All licensees shall, within one hundred eighty days after license issuance, furnish satisfactory evidence of completion of twelve hours of class study in a commission-approved class related to required knowledge and skills for real estate practice, including, but not limited to, completing contracts and listing agreements and handling of client funds. If a licensee fails to do so, the commission shall place his or her license on inactive status until the commission receives such satisfactory evidence. Transfer to active status pursuant to this subsection shall be subject to the fee provided for in section 81-885.20.

Sec. 2. This act becomes operative on July 1, 2020.

Sec. 3. Original section 81-885.13, Revised Statutes Cumulative Supplement, 2018, is repealed.