

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 687

Introduced by Christensen, 44.

Read first time January 08, 2014

Committee: Banking, Commerce and Insurance

A BILL

1 FOR AN ACT relating to the Nebraska Real Estate License Act; to amend
2 sections 81-885.11 and 81-885.13, Reissue Revised
3 Statutes of Nebraska, and section 81-885.17, Revised
4 Statutes Cumulative Supplement, 2012; to change
5 procedures for application and issuance of licenses; and
6 to repeal the original sections.

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

1 Section 1. Section 81-885.11, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-885.11 (1) Any person desiring to act as a real estate
4 broker or real estate salesperson shall file an application for a
5 license with the commission. The application shall be in such form
6 and detail as the commission prescribes, setting forth the following:

7 ~~(1)~~(a) The name and address of the applicant and, when
8 applicable, the name under which he or she intends to conduct
9 business; if the applicant will be conducting business through a
10 partnership, the name and residence address of each member thereof,
11 the name of the partnership's designated broker, and the name under
12 which the partnership business is to be conducted; if the applicant
13 will be conducting business through a limited liability company, the
14 name and address of each of its members, the name of the company's
15 designated broker, and the name under which the business will be
16 conducted; if the applicant will be conducting business through a
17 corporation, the name and address of each of its principal officers,
18 the name of the corporation's designated broker, and the name under
19 which the business will be conducted; and if the applicant is an
20 individual, the applicant's social security number;

21 ~~(2)~~(b) The place or places, including the city or
22 village with the street and street number, if any, where the business
23 is to be conducted; and

24 ~~(3)~~(c) Such other information as the commission
25 requires.

1 (2) An application for a broker's or salesperson's
2 license shall expire one year after date of receipt in the commission
3 office.

4 Sec. 2. Section 81-885.13, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 81-885.13 (1) No broker's or salesperson's license shall
7 be issued to any person who has not attained the age of nineteen
8 years. No broker's or salesperson's license shall be issued to any
9 person who is not a high school graduate or the holder of a
10 certificate of high school equivalency.

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

16 (3) Each applicant for a broker's license shall either
17 (a) have first served actively for two years as a licensed
18 salesperson or broker and shall furnish evidence of completion of
19 sixty class hours in addition to the hours required by subsection (2)
20 of this section in a course of study approved by the commission or,
21 in lieu thereof, courses delivered in a distance education format
22 approved by the commission, or (b) furnish a certificate that he or
23 she has passed a course of at least eighteen credit hours in subjects
24 related to real estate at an accredited university or college, or
25 completed six courses in real estate subjects composed of not less

1 than one hundred eighty class hours in a course of study approved by
2 the commission or, in lieu thereof, courses delivered in a distance
3 education format approved by the commission.

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

16 (5) An applicant for an original broker's or
17 salesperson's license shall be subject to fingerprinting and a check
18 of his or her criminal history record information maintained by the
19 Federal Bureau of Investigation through the Nebraska State Patrol.
20 ~~Each~~ After filing application for a license, each applicant shall
21 furnish to the Nebraska State Patrol a full set of fingerprints to
22 enable a criminal background investigation to be conducted. The
23 applicant shall request that the Nebraska State Patrol submit the
24 fingerprints to the Federal Bureau of Investigation for a national
25 criminal history record check. The applicant shall pay the actual

1 cost, if any, of the fingerprinting and check of his or her criminal
2 history record information. The applicant shall authorize release of
3 the national criminal history record check to the commission. ~~The~~
4 ~~criminal history record information check shall be completed within~~
5 ~~ninety days preceding the date the original application for a license~~
6 ~~is received in the commission's office, and if not, the application~~
7 ~~shall be returned to the applicant.~~

8 (6) Courses of study, referred to in subsections (2) and
9 (3) of this section, shall include courses offered by private
10 proprietary real estate schools when such courses are prescribed by
11 the commission and are taught by instructors approved by the
12 commission. The commission shall monitor schools offering approved
13 real estate courses and for good cause shall have authority to
14 suspend or withdraw approval of such courses or instructors.

15 Sec. 3. Section 81-885.17, Revised Statutes Cumulative
16 Supplement, 2012, is amended to read:

17 81-885.17 (1)(a) A nonresident of this state who is
18 actively engaged in the real estate business, who maintains a place
19 of business in his or her resident regulatory jurisdiction, and who
20 has been duly licensed in that regulatory jurisdiction to conduct
21 such business in that regulatory jurisdiction may, in the discretion
22 of the commission, be issued a nonresident broker's license.

23 (b) A nonresident salesperson employed by a broker
24 holding a nonresident broker's license may, in the discretion of the
25 commission, be issued a nonresident salesperson's license under such

1 nonresident broker.

2 (c) A nonresident who becomes a resident of the State of
3 Nebraska and who holds a broker's or salesperson's license in his or
4 her prior resident regulatory jurisdiction shall be issued a resident
5 broker's or salesperson's license upon filing an application, paying
6 the applicable license fee, complying with the criminal history
7 record information check under subsection (4) of this section, filing
8 the affidavit required by subsection (7) of this section, and
9 providing to the commission adequate proof of completion of a three-
10 hour class approved by the commission specific to the Nebraska Real
11 Estate License Act and sections 76-2401 to 76-2430.

12 (2) Obtaining a nonresident broker's license shall
13 constitute sufficient contact with this state for the exercise of
14 personal jurisdiction over the licensee in any action arising out of
15 the licensee's activity in this state.

16 (3) Prior to the issuance of any license to any
17 nonresident, he or she shall file with the commission a duly
18 certified copy of the license issued to the applicant by the resident
19 regulatory jurisdiction, pay to the commission the nonresident
20 license fee as provided in section 81-885.14 for the obtaining of a
21 broker's or salesperson's license, and provide to the commission
22 adequate proof of completion of a three-hour class approved by the
23 commission specific to the Nebraska Real Estate License Act and
24 sections 76-2401 to 76-2430.

25 (4) An applicant for an original nonresident broker's or

1 salesperson's license shall be subject to fingerprinting and a check
2 of his or her criminal history record information maintained by the
3 Federal Bureau of Investigation through the Nebraska State Patrol.
4 ~~Each~~ After filing application for a license, each applicant shall
5 furnish to the Nebraska State Patrol a full set of fingerprints to
6 enable a criminal background investigation to be conducted. The
7 applicant shall request that the Nebraska State Patrol submit the
8 fingerprints to the Federal Bureau of Investigation for a national
9 criminal history record check. The applicant shall pay the actual
10 cost, if any, of the fingerprinting and check of his or her criminal
11 history record information. The applicant shall authorize release of
12 the national criminal history record check to the commission. ~~The~~
13 ~~criminal history record information check shall be completed within~~
14 ~~ninety days preceding the date the original application for a license~~
15 ~~is received in the commission's office, and if not, the application~~
16 ~~shall be returned to the applicant.~~

17 (5) Nothing in this section shall preclude the commission
18 from entering into reciprocal agreements with other regulatory
19 jurisdictions when such agreements are necessary to provide Nebraska
20 residents authority to secure licenses in other regulatory
21 jurisdictions.

22 (6) Nonresident licenses granted as provided in this
23 section shall remain in force for only as long as the requirements of
24 issuing and maintaining a license are met unless (a) suspended or
25 revoked by the commission for just cause or (b) lapsed for failure to

1 pay the annual renewal fee.

2 (7) Prior to the issuance of any license to a nonresident
3 applicant, an affidavit shall be filed by the applicant with the
4 commission certifying that the applicant has reviewed and is familiar
5 with the Nebraska Real Estate License Act and the rules and
6 regulations of the commission and agrees to be bound by the act,
7 rules, and regulations. ~~Within ninety days after the issuance of a~~
8 ~~license to a nonresident licensee prior to July 18, 2008, the~~
9 ~~licensee shall provide to the commission adequate proof of completion~~
10 ~~of a three-hour class approved by the commission specific to the~~
11 ~~Nebraska Real Estate License Act and the law of agency relationships~~
12 ~~enumerated in sections 76-2401 to 76-2430. If the licensee fails to~~
13 ~~provide adequate proof of completion of the approved class to the~~
14 ~~commission within the ninety-day period, the director of the~~
15 ~~commission or his or her designee shall place the license on inactive~~
16 ~~status and notify the licensee that he or she must show cause why the~~
17 ~~license should not be revoked.~~

18 Sec. 4. Original sections 81-885.11 and 81-885.13,
19 Reissue Revised Statutes of Nebraska, and section 81-885.17, Revised
20 Statutes Cumulative Supplement, 2012, are repealed.