

LEGISLATIVE BILL 454

Approved by the Governor May 29, 2019

Introduced by Clements, 2; Erdman, 47.

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 education requirements for issuance of a broker's or salesperson's license; 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)(a) ~~(1)~~ No broker's or salesperson's license shall be issued to any person who has not attained the age of nineteen years.

(b) No broker's or salesperson's license shall be issued to any person who is not a graduate of a public or private high school graduate or the holder of a certificate of high school equivalency. This subdivision does not apply to: (i) A person who is a graduate of a school exempt from the State Department of Education requirements under section 79-1601 or an equivalent exempt school or home school program from another jurisdiction; or (ii) a person who has completed a program of education acceptable to the commission.

(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 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) 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) 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.

(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.

(6) Courses of study, referred to in subsections (2) and (3) 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.

Sec. 2. Original section 81-885.13, Revised Statutes Cumulative Supplement, 2018, is repealed.