

PLEASE NOTE:  
THIS DOCUMENT INCLUDES BOTH THE BILL AND ALSO A TRANSMITTAL LETTER  
THAT CONTAINS PASSED AMENDMENTS BUT NOT INCORPORATED INTO THE  
BILL.

March 3, 2004 (9:53pm)

Mr. Speaker:

The Senate passed **H.B. 357**, CONTINUING EDUCATION FOR REAL ESTATE PROFESSIONALS, by Representative J. S. Adams, with the following amendments:

1. Page 1, Line 12

12 This bill:

► MODIFIES PROVISIONS RELATED TO THE RENEWAL OF AN EXPIRED LICENSE;

2. Page 3, Line 59

59 (B) by ~~[[**competing**]]~~ COMPLETING 12 hours of professional education approved by the division and

3. Page 3, Line 79

79 education ~~[[, the subject of which shall be-]]~~ :

(A) IN ADDITION TO THE REQUIREMENTS FOR A TIMELY RENEWAL;

AND

(B) ON A SUBJECT determined by the commission by rule MADE IN

ACCORDANCE WITH TITLE 63, CHAPTER 46a, UTAH ADMINISTRATIVE

RULEMAKING ACT ; and

4. Page 3, Line 85 through Page 4, Line 91

85 (3) (a) As a condition for the activation of an inactive license ~~[[, a]]~~ THAT WAS  
IN AN INACTIVE STATUS AT THE TIME OF THE LICENSEE'S MOST  
RECENT RENEWAL, THE licensee shall supply the

86 division with proof of:

87 ~~[[-(a)]]~~ (i) successful completion of the respective sales agent or broker licensing examination

88 within six months prior to ~~[[activation-]]~~ APPLYING TO ACTIVATE THE  
LICENSE ; or

89 ~~[[-(b)]]~~ (ii) the successful completion of ~~[[the number of]]~~ 12 hours of

**H.B. 357, CONTINUING EDUCATION FOR REAL ESTATE PROFESSIONALS**  
Senate Transmittal Letter, Page 3 of 9

continuing education THAT THE LICENSEE WOULD HAVE BEEN required TO  
COMPLETE

90 under Subsection (2)(a) [~~within one year before activation~~] IF THE LICENSE  
HAD BEEN ON ACTIVE STATUS AT THE TIME OF THE LICENSEE'S MOST  
RECENT RENEWAL .

(b) The commission may ,IN ACCORDANCE WITH TITLE 63, CHAPTER  
46a, UTAH ADMINISTRATIVE RULEMAKING ACT establish by

91 rule :

(i) the nature or type of continuing education required for reactivation OF A  
LICENSE; AND

(ii) HOW LONG PRIOR TO REACTIVATION THE CONTINUING  
EDUCATION MUST HAVE BEEN COMPLETED .

and it is transmitted to the House for consideration.

Respectfully,



Annette B. Moore  
Secretary of the Senate

**CONTINUING EDUCATION FOR REAL  
ESTATE PROFESSIONALS**

2004 GENERAL SESSION  
STATE OF UTAH

**Sponsor: J. Stuart Adams**

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to continuing education requirements for real estate licensees.

**Highlighted Provisions:**

This bill:

- ▶ includes military service as one reason a person may be exempted from certain continuing education requirements; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**61-2-9**, as last amended by Chapter 264, Laws of Utah 2003

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **61-2-9** is amended to read:

**61-2-9. Examination and license fees -- Background check -- Renewal of licenses -- Education requirements -- Activation of inactive licenses -- Recertification -- Licenses**

28 **of firm, partnership, or association -- Miscellaneous fees.**

29 (1) (a) Upon filing an application for a principal broker, associate broker, or sales agent  
30 license examination, the applicant shall pay a nonrefundable fee as determined by the  
31 commission with the concurrence of the division under Section 63-38-3.2 for admission to the  
32 examination.

33 (b) A principal broker, associate broker, or sales agent applicant shall pay a  
34 nonrefundable fee as determined by the commission with the concurrence of the division under  
35 Section 63-38-3.2 for issuance of an initial license or license renewal.

36 (c) Each license issued under this subsection shall be issued for a period of not less  
37 than two years as determined by the division with the concurrence of the commission.

38 (d) (i) Any new sales agent applicant shall submit fingerprint cards in a form  
39 acceptable to the division at the time the license application is filed and shall consent to a  
40 fingerprint background check by the Utah Bureau of Criminal Identification and the Federal  
41 Bureau of Investigation regarding the application.

42 (ii) The division shall request the Department of Public Safety to complete a Federal  
43 Bureau of Investigation criminal background check for each new sales agent applicant through  
44 the national criminal history system (NCIC) or any successor system.

45 (iii) The cost of the background check and the fingerprinting shall be borne by the  
46 applicant.

47 (e) (i) Any new sales agent license issued under this section shall be conditional,  
48 pending completion of the criminal background check. If the criminal background check  
49 discloses the applicant has failed to accurately disclose a criminal history, the license shall be  
50 immediately and automatically revoked.

51 (ii) Any person whose conditional license has been revoked under Subsection (1)(e)(i)  
52 shall be entitled to a post-revocation hearing to challenge the revocation. The hearing shall be  
53 conducted in accordance with Title 63, Chapter 46b, Administrative Procedures Act.

54 (2) (a) (i) A license expires if it is not renewed on or before its expiration date.  
55 [~~Effective January 1, 1992,~~]

56 (ii) As as a condition of renewal, each active licensee shall demonstrate competence;

57 (A) by viewing an approved real estate education video program and completing a  
58 supplementary workbook[;]; or [~~complete~~]



59            (B) by competing 12 hours of professional education approved by the division and  
60 commission within each two-year renewal period.

61            (iii) The division with the concurrence of the commission shall certify education which  
62 may include~~[, but shall not be limited to,]~~ state conventions, home study courses, video  
63 courses, and closed circuit television courses.

64            (iv) The commission with concurrence of the division may exempt a licensee from this  
65 education requirement for a period not to exceed four years:

66            (A) upon a finding of reasonable cause, including military service; and

67            (B) under conditions established by rule made in accordance with Title 63, Chapter  
68 46a, Utah Administrative Rulemaking Act.

69            (b) For a period of 30 days after the expiration date, a license may be reinstated upon  
70 payment of a renewal fee and a late fee determined by the commission with the concurrence of  
71 the division under Section 63-38-3.2 and upon providing proof acceptable to the division and  
72 the commission of the licensee having completed the hours of education or demonstrated  
73 competence as required under Subsection (2)(a).

74            (c) After this 30-day period, and until six months after the expiration date, the license  
75 may be reinstated by:

76            (i) paying a renewal fee and a late fee determined by the commission with the  
77 concurrence of the division under Section 63-38-3.2;

78            (ii) providing to the division proof of satisfactory completion of 12 hours of continuing  
79 education, the subject of which shall be determined by the commission by rule; and

80            (iii) providing proof acceptable to the division and the commission of the licensee  
81 having completed the hours of education or demonstrated competence as required under  
82 Subsection (2)(a).

83            (d) A person who does not renew his license within six months after the expiration date  
84 shall be relicensed as prescribed for an original application.

85            (3) As a condition for the activation of an inactive license, a licensee shall supply the  
86 division with proof of:

87            (a) successful completion of the respective sales agent or broker licensing examination  
88 within six months prior to activation; or

89            (b) the successful completion of the number of hours of continuing education required

90 under Subsection (2)(a) within one year before activation. The commission may establish by  
91 rule the nature or type of continuing education required for reactivation.

92 (4) A principal broker license may be granted to a corporation, partnership, or  
93 association if the corporation, partnership, or association has affiliated with it an individual  
94 who has qualified as a principal broker under the terms of this chapter, and who serves in the  
95 capacity of a principal broker. Application for the license shall be made in accordance with the  
96 rules adopted by the division with the concurrence of the commission.

97 (5) The division may charge and collect reasonable fees determined by the commission  
98 with the concurrence of the division under Section 63-38-3.2 to cover the costs for:

99 (a) issuance of a new or duplicate license;

100 (b) license histories or certifications;

101 (c) certified copies of official documents, orders, and other papers and transcripts;

102 (d) certifying real estate schools, courses, and instructors, the fees for which shall,  
103 notwithstanding Section 13-1-2, be deposited in the Real Estate Education, Research, and  
104 Recovery Fund; and

105 (e) other duties required by this chapter.

106 (6) If a licensee submits or causes to be submitted a check, draft, or other negotiable  
107 instrument to the division for payment of fees, and the check, draft, or other negotiable  
108 instrument is dishonored, the transaction for which the payment was submitted is void and will  
109 be reversed by the division if payment of the applicable fee is not received in full.

110 (7) The fees under this chapter and the additional license fee for the Real Estate  
111 Education, Research, and Recovery Fund under Section 61-2a-4 are in lieu of all other license  
112 fees or assessments that might otherwise be imposed or charged by the state or any of its  
113 political subdivisions, upon, or as a condition of, the privilege of conducting the business  
114 regulated by this chapter, except that a political subdivision within the state may charge a  
115 business license fee if the licensee maintains a place of business within the jurisdiction of the  
116 political subdivision. Unless otherwise exempt, each licensee under this chapter is subject to  
117 all taxes imposed under Title 59, Revenue and Taxation.

**Legislative Review Note**

as of 2-5-04 8:52 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**



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**Fiscal Note**  
**Bill Number HB0357**

**Continuing Education for Real Estate Professionals**

*10-Feb-04*

*11:37 AM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**