



General Assembly

Substitute Bill No. 6624

January Session, 2021



AN ACT CONCERNING LICENSING REQUIREMENTS FOR REAL ESTATE BROKERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-311 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2022*):

3 As used in this chapter, unless the context otherwise requires:

4 (1) "Commercial real estate transaction" means any transaction
5 involving the sale, exchange, lease or sublease of real property other
6 than real property containing any building or structure occupied or
7 intended to be occupied by not more than four families or a single
8 building lot to be used for family or household purposes;

9 (2) "Commission" means the Connecticut Real Estate Commission
10 appointed under the provisions of section 20-311a;

11 (3) "Designated agency" means the appointment by a real estate
12 broker of one or more brokers or salespersons affiliated with or
13 employed by the real estate broker to solely represent a buyer or tenant
14 as a designated buyer's agent and appoint another to represent a seller
15 or landlord as a designated seller's agent in a transaction;

16 (4) "Designated buyer agent" means a broker or salesperson

17 designated by the real estate broker with whom the broker or
18 salesperson is affiliated or employed to solely represent a named buyer
19 or tenant client of the real estate broker during the term of a buyer
20 representation agreement or authorization;

21 (5) "Designated seller agent" means a broker or salesperson
22 designated by the real estate broker with whom the broker or
23 salesperson is affiliated or employed to solely represent a named seller
24 or landlord client of the real estate broker during the term of a listing
25 agreement or authorization;

26 (6) "Engaging in the real estate business" means acting for another
27 and for a fee, commission or other valuable consideration in the listing
28 for sale, selling, exchanging, buying or renting, or offering or attempting
29 to negotiate a sale, exchange, purchase or rental of, an estate or interest
30 in real estate or a resale of a mobile manufactured home, as defined in
31 subdivision (1) of section 21-64, or collecting upon a loan secured or to
32 be secured by a mortgage or other encumbrance upon or transfer of real
33 estate;

34 (7) "Person" means any individual, partnership, association, limited
35 liability company or corporation;

36 [(1)] (8) "Real estate broker" or "broker" means (A) any person,
37 partnership, association, limited liability company or corporation which
38 acts for another person or entity and for a fee, commission or other
39 valuable consideration, lists for sale, sells, exchanges, buys or rents, or
40 offers or attempts to negotiate a sale, exchange, purchase or rental of, an
41 estate or interest in real estate, or a resale of a mobile manufactured
42 home, as defined in subdivision (1) of section 21-64, or collects or offers
43 or attempts to collect rent for the use of real estate, and (B) any person,
44 partnership, association, limited liability company or corporation
45 employed by or on behalf of the owner or owners of lots or other parcels
46 of real estate, at a stated salary, upon commission, upon a salary and
47 commission basis or otherwise to sell such real estate, or any parts
48 thereof, in lots or other parcels, and who sells or exchanges, or offers,

49 attempts or agrees to negotiate the sale or exchange of, any such lot or
50 parcel of real estate;

51 [(2)] (9) "Real estate salesperson" or "salesperson" means a person
52 affiliated with any real estate broker as an independent contractor or
53 employed by a real estate broker to list for sale, sell or offer for sale, to
54 buy or offer to buy or to negotiate the purchase or sale or exchange of
55 real estate, or to offer for resale, a mobile manufactured home, as
56 defined in subdivision (1) of section 21-64, or to lease or rent or offer to
57 lease, rent or place for rent any real estate, or to collect or offer or attempt
58 to collect rent for the use of real estate for or on behalf of such real estate
59 broker, or who offers, sells or attempts to sell the real estate or mobile
60 manufactured homes of a licensed broker, or acting for another as a
61 designated seller agent or designated buyer agent, lists for sale, sells,
62 exchanges, buys or rents, or offers or attempts to negotiate a sale,
63 exchange, purchase or rental of, an estate or interest in real estate, or a
64 resale of a mobile manufactured home, as defined in subsection (a) of
65 section 21-64, or collects or offers or attempts to collect rent for the use
66 of real estate, but does not include employees of any real estate broker
67 whose principal occupation is clerical work in an office, or janitors or
68 custodians engaged principally in that occupation;

69 [(3)] "Engaging in the real estate business" means acting for another
70 and for a fee, commission or other valuable consideration in the listing
71 for sale, selling, exchanging, buying or renting, or offering or attempting
72 to negotiate a sale, exchange, purchase or rental of, an estate or interest
73 in real estate or a resale of a mobile manufactured home, as defined in
74 subdivision (1) of section 21-64, or collecting upon a loan secured or to
75 be secured by a mortgage or other encumbrance upon or transfer of real
76 estate;

77 (4) "Person" means any individual, partnership, association, limited
78 liability company or corporation;

79 (5) "Commission" means the Connecticut Real Estate Commission
80 appointed under the provisions of section 20-311a;

81 (6) "Designated agency" means the appointment by a real estate
82 broker of one or more brokers or salespersons affiliated with or
83 employed by the real estate broker to solely represent a buyer or tenant
84 as a designated buyer's agent and appoint another to represent a seller
85 or landlord as a designated seller's agent in a transaction;

86 (7) "Designated buyer agent" means a broker or salesperson
87 designated by the real estate broker with whom the broker or
88 salesperson is affiliated or employed to solely represent a named buyer
89 or tenant client of the real estate broker during the term of a buyer
90 representation agreement or authorization;

91 (8) "Designated seller agent" means a broker or salesperson
92 designated by the real estate broker with whom the broker or
93 salesperson is affiliated or employed to solely represent a named seller
94 or landlord client of the real estate broker during the term of a listing
95 agreement or authorization; and

96 (9) "Commercial real estate transaction" means any transaction
97 involving the sale, exchange, lease or sublease of real property other
98 than real property containing any building or structure occupied or
99 intended to be occupied by no more than four families or a single
100 building lot to be used for family or household purposes.]

101 (10) "Team" means a group of at least two licensed real estate brokers
102 or real estate salespersons who are affiliated with the same sponsoring
103 real estate broker and engage in advertising as a group using a team
104 name; and

105 (11) "Team name" means the name used to refer to a team in team
106 advertisements.

107 Sec. 2. Section 20-312 of the general statutes is repealed and the
108 following is substituted in lieu thereof (*Effective January 1, 2022*):

109 (a) No person shall act as a real estate broker or real estate salesperson
110 without a license issued by the commission or the Commissioner of

111 Consumer Protection, unless exempt under this chapter. The
112 Commissioner of Consumer Protection may enter into any contract for
113 the purpose of administratively processing the renewal of licenses on
114 behalf of the commission.

115 (b) The practice of or the offer to practice real estate brokerage
116 business in this state by individual licensed real estate brokers or real
117 estate salespersons as a corporation, limited liability company,
118 partnership or limited liability partnership, a material part of the
119 business of which includes real estate brokerage, is permitted, provided
120 (1) the personnel of such corporation, limited liability company,
121 partnership or limited liability partnership who engage in the real estate
122 brokerage business as real estate brokers or real estate salespersons, and
123 the real estate brokers whose ownership, control, membership or
124 partnership interest is credited toward the requirements of subdivision
125 (3) of this subsection, are licensed or exempt from licensure under this
126 chapter, (2) the corporation, limited liability company, partnership or
127 limited liability partnership has been issued a real estate broker license
128 by the commission as provided in this section and has paid the license
129 or renewal fee required for a real estate broker's license as set forth in
130 section 20-314, as amended by this act, and (3) except for a publicly
131 traded corporation (A) with respect to a corporation other than a
132 nonstock corporation, one or more real estate brokers own or control
133 fifty-one per cent or more of the total issued shares of the corporation,
134 (B) with respect to a nonstock corporation, one or more real estate
135 brokers constitute at least fifty-one per cent of the members of the
136 nonstock corporation, (C) with respect to a limited liability company,
137 one or more real estate brokers own or control at least fifty-one per cent
138 of the interest in the limited liability company, as defined in section 34-
139 243a, or (D) with respect to a partnership or limited liability partnership,
140 one or more real estate brokers' partnership interest, as defined in
141 section 34-301, constitutes at least fifty-one per cent of the total
142 partnership interest. No such corporation, limited liability company,
143 partnership or limited liability partnership shall be relieved of
144 responsibility for the conduct or acts of its agents, employees or officers

145 by reason of its compliance with this section, nor shall any individual
146 practicing real estate brokerage be relieved of responsibility for real
147 estate services performed by reason of the individual's employment or
148 relationship with such corporation, limited liability company,
149 partnership or limited liability partnership. The Real Estate Commission
150 may refuse to authorize the issuance or renewal of a license if any facts
151 exist that would entitle the commission to suspend or revoke an existing
152 license.

153 (c) A corporation, limited liability company, partnership or limited
154 liability partnership desiring a real estate broker license shall file with
155 the commission or the commissioner an application on such forms and
156 in such manner as prescribed by the Department of Consumer
157 Protection. Each such corporation, limited liability company,
158 partnership or limited liability partnership shall file with the
159 commission a designation of at least one individual licensed or qualified
160 to be licensed as a real estate broker in this state who shall be in charge
161 of the real estate brokerage business of such corporation, limited liability
162 company, partnership or limited liability partnership in this state. Such
163 corporation, limited liability company, partnership or limited liability
164 partnership shall notify the commission of any change in such
165 designation not later than thirty days after such change becomes
166 effective.

167 (d) The Real Estate Commission may impose a fine of not more than
168 one thousand dollars on any corporation, limited liability company,
169 partnership or limited liability partnership that engages in real estate
170 business without a license required by this section. Any such imposition
171 of a fine by the commission shall be a proposed final decision and
172 submitted to the commissioner in accordance with the provisions of
173 subsection (b) of section 21a-7.

174 (e) (1) Each team shall register, on a form and in a manner prescribed
175 by the commissioner, with the Department of Consumer Protection.
176 Each initial registration shall be valid for a period of one year and be
177 subject to renewal for additional one-year periods. Each team shall pay

178 to the department an initial registration fee of five hundred sixty-five
179 dollars when the team files its initial registration, and a registration
180 renewal fee of three hundred seventy-five dollars when the team files
181 each registration renewal, pursuant to this subdivision. Each team shall
182 include in each registration form that the team files with the department
183 pursuant to this subdivision:

184 (A) The team's team name, which shall:

185 (i) Include the full name of at least one licensed real estate broker or
186 real estate salesperson who is part of the team or be immediately
187 followed by "at/of [full name of the sponsoring real estate broker]";

188 (ii) Not include the name of any individual who is not a licensed real
189 estate broker or real estate salesperson; and

190 (iii) With the exception of "team", not include any abbreviation, term
191 or phrase, including, but not limited to, "associates", "company",
192 "corporation", "group", "LLC", "real estate" or "realty", that implies that
193 the team is a business entity;

194 (B) The name of, and contact information for, the team's sponsoring
195 real estate broker, who shall serve as the team's primary contact, ensure
196 that the team complies with all applicable laws and regulations
197 concerning team advertisements and ensure that the team timely files
198 accurate registration forms and registration updates with the
199 department pursuant to this subsection; and

200 (C) The name and contact information for each real estate broker or
201 real estate salesperson who is part of the team.

202 (2) A team shall send notice to the department disclosing any change
203 to the information contained in the team's registration form. The team
204 shall send such notice to the department, on a form and in a manner
205 prescribed by the commissioner, not later than twelve days after the
206 date of such change.

207 (3) Each team shall comply with all advertising requirements and
208 standards that apply to real estate brokers, and shall include the name
209 of the team's sponsoring real estate broker at a prominent location in all
210 of the team's advertisements.

211 Sec. 3. Subsection (d) of section 20-314 of the general statutes is
212 repealed and the following is substituted in lieu thereof (*Effective January*
213 *1, 2022*):

214 (d) (1) ~~(A)~~ Each applicant applying for a real estate broker's license on
215 or after July 1, 2016, but before January 1, 2022, shall, before being
216 admitted to such examination, prove to the satisfaction of the
217 commission or the Commissioner of Consumer Protection that the
218 applicant ~~[(A)]~~ (i) ~~(I)~~ has been actively engaged for at least two years as
219 a licensed real estate salesperson under the supervision of a licensed real
220 estate broker in this state, ~~[(ii)]~~ (ii) ~~(II)~~ has successfully completed a course
221 approved by the commission or commissioner in real estate principles
222 and practices of at least sixty classroom hours of study, ~~[(iii)]~~ (iii) ~~(III)~~ has
223 successfully completed a course approved by the commission or
224 commissioner in real estate legal compliance consisting of at least fifteen
225 classroom hours of study, ~~[(iv)]~~ (iv) ~~(IV)~~ has successfully completed a course
226 approved by the commission or commissioner in real estate brokerage
227 principles and practices consisting of at least fifteen classroom hours,
228 and ~~[(v)]~~ (v) ~~(V)~~ has successfully completed two elective courses, each
229 consisting of fifteen classroom hours of study, as prescribed by the
230 commission or commissioner, or ~~[(B)]~~ (ii) has equivalent experience or
231 education as determined by the commission or commissioner.

232 (B) Each applicant applying for a real estate broker's license on or
233 after January 1, 2022, shall, before being admitted to such examination,
234 prove to the satisfaction of the commission or the Commissioner of
235 Consumer Protection that the applicant (i) (I) has been actively engaged
236 as a licensed real estate salesperson under the supervision of a licensed
237 real estate broker in this state for at least one thousand five hundred
238 hours during the three years immediately preceding the date on which
239 such applicant filed such applicant's application, and such supervising

240 licensed real estate broker, or such supervising licensed real estate
241 broker's authorized representative, has certified the accuracy of a record
242 of such applicant's active engagement on a form provided by such
243 applicant to such supervising licensed real estate broker or authorized
244 representative, (II) has successfully completed a course approved by the
245 commission or commissioner in real estate principles and practices of at
246 least sixty classroom hours of study, (III) has successfully completed a
247 course approved by the commission or commissioner in real estate legal
248 compliance consisting of at least fifteen classroom hours of study, (IV)
249 has successfully completed a course approved by the commission or
250 commissioner in real estate brokerage principles and practices
251 consisting of at least fifteen classroom hours, (V) has successfully
252 completed two elective courses, each consisting of fifteen classroom
253 hours of study, as prescribed by the commission or commissioner, and
254 (VI) has represented a seller, buyer, lessor or lessee in at least four real
255 estate transactions that closed during the three years immediately
256 preceding the date on which such applicant filed such applicant's
257 application, or (ii) has equivalent experience or education as determined
258 by the commission or commissioner. Each supervising licensed real
259 estate broker, or authorized representative of such supervising licensed
260 real estate broker, shall certify the accuracy or inaccuracy of a record
261 provided by an applicant to such supervising licensed real estate broker
262 or authorized representative under subparagraph (B)(i)(I) of this
263 subdivision not later than ninety days after such applicant provides
264 such record to such supervising licensed real estate broker or authorized
265 representative.

266 (2) The commission or the Commissioner of Consumer Protection
267 shall waive the elective courses under subparagraph [(A)(v)] (A)(i)(V)
268 or (B)(i)(V) of subdivision (1) of this subsection if the applicant has
269 successfully completed at least twenty real estate transactions within
270 five years immediately preceding the date of application. As used in this
271 subdivision, "real estate transaction" means any transaction in which
272 real property is legally transferred to another party or in which a lease
273 agreement is executed between a landlord and a tenant.

274 (3) Each applicant for a real estate salesperson's license shall, before
275 being admitted to such examination, prove to the satisfaction of the
276 commission or the Commissioner of Consumer Protection that the
277 applicant (A) has successfully completed a course approved by the
278 commission or commissioner in real estate principles and practices
279 consisting of at least sixty classroom hours of study, or (B) has
280 equivalent experience or education as determined by the commission or
281 commissioner.

282 Sec. 4. Section 20-319a of the general statutes is repealed and the
283 following is substituted in lieu thereof (*Effective January 1, 2022*):

284 (a) Any licensed real estate salesperson who transfers his
285 employment from one broker to another or his affiliation with a broker
286 as an independent contractor shall register such transfer with, and pay
287 a registration fee of twenty-five dollars to, the commission.

288 (b) A fee of twenty-five dollars shall be paid to the commission for
289 the issuance of a license certification.

290 (c) A fee of twenty-five dollars shall be paid to the Department of
291 Consumer Protection for any change made to, or transfer of, a team's
292 registration after the team files an initial registration with the
293 department pursuant to subdivision (1) of subsection (e) of section 20-
294 312, as amended by this act.

295 Sec. 5. Subsection (c) of section 47-90a of the general statutes is
296 repealed and the following is substituted in lieu thereof (*Effective January*
297 *1, 2022*):

298 (c) Every person who directly or indirectly controls a declarant liable
299 under subsection (a) of this section, every general partner, officer or
300 director of a declarant and every person occupying a similar status or
301 performing a similar function, every employee of the declarant who
302 materially aids in the disposition, and every agent who materially aids
303 in the disposition is also liable jointly and severally with and to the same
304 extent as the declarant, provided the plaintiff sustains the burden of

305 proof that such person knew or, in the exercise of reasonable care
 306 expected by such persons in the reasonable exercise of their duties,
 307 should have known of the existence of the facts by reason of which the
 308 liability is alleged to exist. There is a right to contribution in cases of
 309 contract among persons so liable. No person shall be liable under this
 310 section whose relationship to the declarant or other person consists
 311 solely of rendering professional and other customary services,
 312 including, but not limited to: (1) An attorney-at-law, architect, land
 313 surveyor or engineer; (2) a lending institution which is not a declarant
 314 whose relationship to the declarant consists solely of rendering
 315 customary banking services and holding a mortgage on all or a portion
 316 of the condominium which mortgage, or agreements or instruments
 317 relating thereto, may contain mutual covenants and agreements
 318 concerning the approval of the condominium instruments and
 319 amendments thereto, and regulates the activity of the declarant under
 320 the condominium instruments or an officer, director or employee of
 321 such lending institution; (3) a real estate broker or salesman whose
 322 relationship to the declarant consists solely of rendering services
 323 described in subdivision [(3)] (6) of section 20-311, as amended by this
 324 act, and other customary services; or (4) a person whose sole
 325 involvement in the disposition of a condominium unit occurs
 326 subsequent to the date of the act or omission out of which any liability
 327 under subsection (a) of this section arises.

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2022	20-311
Sec. 2	January 1, 2022	20-312
Sec. 3	January 1, 2022	20-314(d)
Sec. 4	January 1, 2022	20-319a
Sec. 5	January 1, 2022	47-90a(c)

Statement of Legislative Commissioners:

In Section 1, Subdiv. (9) was redesignated Subdiv. (7), and Subdivs. (7) and (8) were redesignated Subdivs. (8) and (9), for consistency; and in Section 2(e)(1)(A)(i), "and" was deleted for consistency.

INS *Joint Favorable Subst.*