

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 23

Introduced by Langemeier, 23.

Read first time January 06, 2011

Committee: Banking, Commerce and Insurance

A BILL

1 FOR AN ACT relating to the Nebraska Real Estate License Act; to amend
2 section 81-885.20, Reissue Revised Statutes of Nebraska,
3 and sections 81-885.14 and 81-885.19, Revised Statutes
4 Cumulative Supplement, 2010; to change license renewal
5 provisions and eliminate a fee exemption; to eliminate
6 the requirements for pocket cards; and to repeal the
7 original sections.

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

1 Section 1. Section 81-885.14, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 81-885.14 (1) To pay the expense of the maintenance and
4 operation of the office of the commission and the enforcement of the
5 Nebraska Real Estate License Act, the commission shall, at the time
6 an application is submitted, collect from an applicant for each
7 broker's or salesperson's examination a fee to be established by the
8 commission of not more than two hundred fifty dollars and an
9 application fee of not more than two hundred fifty dollars. The
10 commission shall also collect a reexamination fee to be established
11 by the commission of not more than two hundred fifty dollars for each
12 reexamination. The commission may direct an applicant to pay the
13 examination or reexamination fee to a third party who has contracted
14 with the commission to administer the examination. ~~An applicant who
15 is granted a license under section 81-885.17 without being required
16 to take an examination shall not be required to pay the examination
17 and application fees.~~ Prior to the issuance of an original license,
18 each applicant who has passed the examination required by section
19 81-885.13 or who has received a license under section 81-885.17 shall
20 pay a license fee to be established by the commission. The license
21 fee established by the commission shall not exceed the following
22 amounts: For a broker's license, not more than two hundred fifty
23 dollars; and for a salesperson's license, not more than two hundred
24 dollars.

25 (2) After the original issuance of a license, a renewal

1 application and ~~an annual~~ a renewal fee to be established by the
2 commission of not more than ~~two~~ five hundred ~~fifty~~ dollars for each
3 broker, and not more than ~~two~~ four hundred dollars for each
4 salesperson, shall be due and payable on or before ~~the last day of~~
5 November 30 of each renewal year. A broker or salesperson who: (a) Is
6 required to submit evidence of completion of continuing education
7 pursuant to section 81-885.51 on or before November 30, 2011, shall
8 renew his or her license on or before such date for two years; (b) is
9 not required to submit evidence of completion of continuing education
10 until November 30, 2012, shall renew his or her license on or before
11 November 30, 2011, for one year and shall renew his or her license on
12 or before November 30, 2012, for two years; or (c) receives his or
13 her original license on or after January 1, 2011, shall renew his or
14 her license on or before the immediately following November 30 for
15 two years. Each subsequent renewal under subdivisions (a), (b), and
16 (c) of this subsection shall be for a two-year period and shall be
17 due on or before November 30 of each renewal year. Failure to remit
18 annual renewal fees when due shall automatically cancel such license
19 on December 31 of ~~that~~ the renewal year, but otherwise the license
20 shall remain in full force and effect continuously from the date of
21 issuance unless suspended or revoked by the commission for just
22 cause. Any licensee who fails to file an application for the renewal
23 of any license and pay the renewal fee as provided in this section
24 may file a late renewal application and shall pay, in addition to the
25 renewal fee, an amount to be established by the commission of not

1 more than twenty-five dollars for each month or fraction thereof
2 beginning with the first day of December if such late application is
3 filed before July 1 of the ensuing year.

4 (3) Any check presented to the commission as a fee for
5 either an original or renewal license or for examination for license
6 which is returned to the State Treasurer unpaid or any electronic
7 payment presented to the commission as a fee for either an original
8 or renewal license or for examination for license that is not
9 accepted against the commission shall be cause for revocation or
10 denial of license.

11 ~~(2)~~(4) An inactive broker or salesperson may renew his
12 or her license by submitting an application before December 1 prior
13 to the ensuing year. Such broker or salesperson shall submit the
14 renewal fee together with the completed renewal application on which
15 he or she has noted his or her present inactive status. Any broker or
16 salesperson whose license has been renewed on such inactive status
17 shall not be permitted to engage in the real estate business until
18 such time as he or she fulfills the requirements for active status.
19 Any license which has been inactive for a continuous period of more
20 than three years shall be reinstated only if the licensee has met the
21 examination requirement of an original applicant.

22 Sec. 2. Section 81-885.19, Revised Statutes Cumulative
23 Supplement, 2010, is amended to read:

24 81-885.19 The commission shall prescribe the form of
25 license. Each license shall have placed thereon the seal of the

1 commission. The license of each salesperson and associate broker
2 shall be delivered or mailed to the broker by whom the salesperson or
3 associate broker is employed and shall be kept in the custody and
4 control of such broker. It is the duty of each broker to display his
5 or her own license and those of his or her associate brokers and
6 salespersons conspicuously in his or her place of business. ~~The~~
7 ~~commission shall annually prepare and deliver a pocket card~~
8 ~~certifying that the person whose name appears thereon is a licensed~~
9 ~~real estate broker or a licensed real estate associate broker or~~
10 ~~salesperson, as the case may be, stating the period of time for which~~
11 ~~fees have been paid and including, on salesperson's and associate~~
12 ~~broker's cards only, the name and address of the broker employing~~
13 ~~such salesperson or associate broker.~~ If a broker maintains more than
14 one place of business within the state, a branch office license shall
15 be issued to such broker for each branch office so maintained by him
16 or her upon the payment of an annual fee to be established by the
17 commission of not more than fifty dollars and the branch office
18 license shall be displayed conspicuously in each branch office. The
19 broker or an associate broker shall be the manager of a branch
20 office.

21 Sec. 3. Section 81-885.20, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 81-885.20 (1) Should the broker change his or her place
24 of business, he or she shall forthwith notify the commission in
25 writing of such change, ~~and thereupon a new pocket card shall be~~

1 ~~granted to the broker and to his or her associate brokers and~~
2 ~~salespersons.~~

3 (2) When a salesperson or associate broker leaves the
4 employ of a broker, the employing broker shall immediately forward
5 the license of such employee to the commission and shall furnish such
6 information regarding the termination of employment as the commission
7 may require.

8 (3) When a salesperson or associate broker transfers from
9 one employing broker to another, when an associate broker changes his
10 or her status from associate broker to that of broker, or when a
11 broker changes his or her status to that of associate broker, a
12 transfer fee to be established by the commission of not more than
13 fifty dollars shall be paid to the commission.

14 Sec. 4. Original section 81-885.20, Reissue Revised
15 Statutes of Nebraska, and sections 81-885.14 and 81-885.19, Revised
16 Statutes Cumulative Supplement, 2010, are repealed.