
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 869 Session of
2013

INTRODUCED BY TOMLINSON, MENSCH, BOSCOLA, ARGALL, SCARNATI,
FONTANA, TEPLITZ, SOLOBAY, McILHINNEY, RAFFERTY, ALLOWAY,
GREENLEAF, YAW, BAKER, WARD AND CORMAN, APRIL 18, 2013

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
APRIL 18, 2013

AN ACT

1 Amending the act of February 19, 1980 (P.L.15, No.9), entitled
2 "An act establishing the State Real Estate Commission and
3 providing for the licensing of real estate brokers and
4 salesmen," further providing for the definition of
5 "comparative market analysis," for continuing education, for
6 qualifications for license and for comparative market
7 analysis disclosure.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The definition of "comparative market analysis"
11 in section 201 of the act of February 19, 1980 (P.L.15, No.9),
12 known as the Real Estate Licensing and Registration Act, added
13 November 25, 1998 (P.L.908, No.112), is amended to read:

14 Section 201. Definitions.

15 The following words and phrases when used in this act shall
16 have, unless the context clearly indicates otherwise, the
17 meanings given to them in this section:

18 * * *

19 "Comparative market analysis." [A written analysis, opinion

1 or conclusion by a contracted buyer's agent, transactional
2 licensee or an actual or potential seller's agent relating to
3 the probable sale price of a specified piece of real estate in
4 an identified real estate market at a specified time, offered
5 either for the purpose of determining the asking/offering price
6 for the property by a specific actual or potential consumer or
7 for the purpose of securing a listing agreement with a seller.]

8 A written analysis, opinion or conclusion, which may be referred
9 to as a comparative market analysis or a broker price opinion,
10 by a broker, associate broker or salesperson relating to the
11 probable sale or rental price of a specified parcel of real
12 estate in an identified real estate market at a specified time,
13 prepared for one of the following:

14 (1) An existing or potential seller, buyer, lessor or
15 lessee of a parcel of real property.

16 (2) A person making decisions or performing due
17 diligence related to the potential listing, offering, sale,
18 option, lease or acquisition price of a parcel of real
19 property.

20 (3) An existing or potential lienholder or other person
21 for a purpose other than as a basis to determine the value of
22 a parcel of real property for a mortgage loan origination,
23 including a first or junior mortgage, refinancing or equity
24 line of credit.

25 * * *

26 Section 2. Section 404.1(b) of the act, added July 9, 1990
27 (P.L.338, No.77), is amended to read:

28 Section 404.1. Continuing education.

29 * * *

30 (b) Beginning with the license period designated by

1 regulation, each person licensed pursuant to this act shall be
2 required to obtain [14] 18 hours of mandatory continuing
3 education during each two-year license period. A licensed broker
4 or salesperson who wishes to activate a license which has been
5 placed on inactive status shall be required to document [14] 18
6 hours of continuing education.

7 * * *

8 Section 3. Section 511 of the act, amended March 29, 1984
9 (P.L.162, No.32), is amended to read:

10 Section 511. Qualifications for license.

11 The applicant for a broker's license, shall as a condition
12 precedent to obtaining a license, take the broker's license
13 examination and score a passing grade. Prior to taking the
14 examination:

15 (1) The applicant shall be at least 21 years of age.

16 (2) The applicant shall be a high school graduate or
17 shall produce proof satisfactory to the commission of an
18 education equivalent thereto.

19 (3) (i) The applicant shall have completed 240 hours in
20 real estate instruction in areas of study prescribed by
21 the rules of the commission, which rules shall require
22 instruction in the areas of fair housing and professional
23 ethics.

24 (ii) An applicant who has not completed any of the
25 required hours of instruction under subparagraph (i)
26 before the effective date of this subparagraph must
27 complete all of the required hours of instruction not
28 earlier than five years before taking the examination.

29 (4) The applicant shall have been engaged as a licensed
30 real estate salesperson for at least three years or possess

1 educational or experience qualifications which the commission
2 deems to be the equivalent thereof.

3 Section 4. Section 521(2) of the act, amended March 29, 1984
4 (P.L.162, No.32), is amended and the section is amended by
5 adding a subsection to read:

6 Section 521. Qualifications for license.

7 Each applicant shall as a condition precedent to obtaining a
8 license, take the salesperson license examination and score a
9 passing grade. Prior to taking the examination:

10 (1) The applicant shall be at least 18 years of age.

11 (2) The following shall apply:

12 (i) The applicant shall have completed [60] 90 hours
13 in real estate instruction in areas of study prescribed
14 by the rules of the commission, which rules shall require
15 instruction in the areas of fair housing and professional
16 ethics.

17 (ii) Notwithstanding subparagraph (i), an applicant
18 shall be required to complete 60 hours of instruction if
19 the applicant has completed any part of the hours before
20 the effective date of this subparagraph. An applicant who
21 has not completed any of the required hours of
22 instruction before the effective date of this
23 subparagraph must complete all of the required hours of
24 instruction not earlier than three years before taking
25 the examination.

26 (3) The applicant shall be a high school graduate or
27 shall produce proof satisfactory to the commission of an
28 education equivalent to high school graduation.

29 Section 5. Section 608.3 of the act, added November 25, 1998
30 (P.L.908, No.112), is amended to read:

1 Section 608.3. Comparative market analysis disclosure.

2 (a) A comparative market analysis must contain the following
3 statement printed conspicuously and without change on the first
4 page:

5 This analysis has not been performed in accordance with
6 the Uniform Standards of Professional Appraisal Practice
7 which require valuers to act as unbiased, disinterested
8 third parties with impartiality, objectivity and
9 independence and without accommodation of personal
10 interest. It is not to be construed as an appraisal and
11 may not be used as such for any purpose.

12 (b) A comparative market analysis prepared in accordance
13 with this act shall not be deemed to be an appraisal within the
14 scope of the act of July 10, 1990 (P.L.404, No.98), known as the
15 "Real Estate Appraisers Certification Act." A comparative market
16 analysis may be used in conjunction with or in addition to an
17 appraisal.

18 Section 6. Repeals are as follows:

19 (1) The General Assembly declares that the repeal under
20 paragraph (2) is necessary to effectuate this act.

21 (2) The act of July 10, 1990 (P.L.404, No.98), known as
22 the Real Estate Appraisers Certification Act, is repealed
23 insofar as it is inconsistent with this act.

24 Section 7. This act shall take effect in 60 days.