

Senate Bill No. 226

Passed the Senate September 11, 2007

Secretary of the Senate

Passed the Assembly September 7, 2007

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2007, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Sections 10150.8 and 10159.7 to, and to repeal and add Section 10150.6 of, the Business and Professions Code, relating to real estate brokers.

LEGISLATIVE COUNSEL'S DIGEST

SB 226, Negrete McLeod. Real estate licensees.

Existing law, the Real Estate Law, provides for the licensure and regulation of real estate salespersons and real estate brokers by the Real Estate Commissioner. Under existing law, the Real Estate Commissioner may issue a real estate broker's license to an applicant who (a) has at least the equivalent of 2 years' general real estate experience or graduated from a 4-year college or university course, (b) files a written petition with the Department of Real Estate setting forth his or her qualifications and experience, and the commissioner approves, and (c) passes an examination and satisfies other requirements. Existing law requires a real estate broker to display his or her license number on specified advertisements.

This bill would instead authorize the commissioner to grant an original real estate broker's license to an applicant who (a) has passed the real estate broker license examination, (b) satisfied other specified requirements, and (c) either held a real estate salesperson's license and satisfied other requirements within 5 years prior to application, graduated from a 4-year college or university that included a specified specialization in real estate, demonstrated the equivalent of general real estate experience, or holds an active membership in the State Bar of California. The bill would require the commissioner to establish educational criteria for the purpose of satisfying the specialization in real estate. The bill would also authorize the commissioner to require a real estate broker and a real estate salesperson to display his or her license number on consumer first contact materials, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 10150.6 of the Business and Professions Code is repealed.

SEC. 2. Section 10150.6 is added to the Business and Professions Code, to read:

10150.6. The Real Estate Commissioner may grant an original real estate broker's license to an applicant who has passed the real estate broker license examination, satisfied the other requirements of this article, and satisfied the requirements of subdivision (a), (b), (c), or (d).

(a) A real estate salesperson applicant who has, within the last five years immediately prior to application, met all of the following requirements:

- (1) Held a real estate salesperson's license for at least two years.
- (2) Been actively engaged in the business of real estate.
- (3) Qualified for renewal of a real estate salesperson license.

(b) An otherwise qualified applicant who has graduated from a four-year college or university course of study that included a specialization in real estate. For the purposes of this subdivision, "specialization in real estate" means satisfaction of the educational criteria established by the commissioner, by regulation, pursuant to Section 10150.8.

(c) An applicant who has demonstrated the equivalent of general real estate experience by written petition satisfactory to the commissioner.

(d) An applicant who holds an active membership in the State Bar of California.

SEC. 3. Section 10150.8 is added to the Business and Professions Code, to read:

10150.8. (a) The commissioner shall, by regulation, establish educational criteria, the satisfaction of which shall constitute a specialization in real estate for purposes of Section 10150.6. Those criteria shall include the practical aspects of real estate that are sufficient to provide an alternative to real estate experience.

(b) The commissioner may rely upon a determination made by a four-year college or university that a course of study meets the educational criteria and constitutes a specialization in real estate.

SEC. 4. Section 10159.7 is added to the Business and Professions Code, to read:

10159.7. (a) The commissioner may, by regulation, require a licensee to display his or her license number on consumer first contact materials.

(b) For the purposes of this section, “consumer first contact materials” include business cards, stationery, advertising fliers, and other materials designed to solicit the creation of a professional relationship between the licensee and a consumer and do not include an advertisement either in print or electronic media, nor a “for sale” sign.

(c) Nothing in this section shall be construed to limit or change the requirement described in Section 10236.4 as applicable to real estate brokers.

Approved _____, 2007

Governor