

**Introduced by Senator Negrete McLeod**February 18, 2010

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An act to amend Section 10226.5 of the Business and Professions Code, relating to real estate.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1123, as introduced, Negrete McLeod. Real Estate Fund.

The Real Estate Law provides for the examination and licensure of real estate salespersons and real estate brokers and for payment of specified fees for licenses issued in that regard, which fees are deposited in the Real Estate Fund. Existing law creates the Education and Research Account in the Real Estate Fund for purposes of real estate education and research and provides for the Real Estate Commissioner to require up to 8% of license fees to be deposited in that account. Existing law requires the commissioner to reduce license fees and other specified fees to specified levels within 30 days if the balance of funds in the Real Estate Fund exceeds 150% of the Department of Real Estate's authorized budget for the following year. Existing law also requires certain fees to be reduced to specified levels if funds are transferred or loaned from the Real Estate Fund to the General Fund by the Budget Act.

This bill would extend the application of these provisions to a transfer or loan of funds from the Real Estate Fund to the General Fund by any law. This bill would also require the specified real estate fees to be reduced in the same manner if funds are transferred or loaned from the Real Estate Fund to any special fund by the Budget Act or any other law, except a transfer or loan from the Education and Research Account of the fund that is consistent with the purposes of the account and that is approved by the commissioner.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

1 SECTION 1. Section 10226.5 of the Business and Professions  
2 Code is amended to read:  
3 10226.5. (a) If at any time funds are transferred or loaned from  
4 the Real Estate Fund to the General Fund *or any special fund* by  
5 the Budget Act *or any other law*, then 30 days from and after the  
6 date of the transfer or loan, fees shall be reduced as indicated in  
7 subdivision (b), irrespective of any provisions of the Budget Act  
8 *or other law* precluding that reduction. *This subdivision shall not*  
9 *apply to a transfer or loan of funds from the Education and*  
10 *Research Account to a special fund consistent with the purposes*  
11 *of the account as provided in this part, which transfer or loan is*  
12 *approved by the commissioner.*  
13 (b) Fees shall be reduced pursuant to paragraph (a) to the  
14 following maximum amounts:  
15 (1) Real estate broker examination or reexamination: Fifty  
16 dollars (\$50).  
17 (2) First reschedule of broker examination: Fifteen dollars (\$15);  
18 subsequent reschedules: Twenty-five dollars (\$25).  
19 (3) Real estate broker license, original or renewal: One hundred  
20 sixty-five dollars (\$165).  
21 (4) Real estate salesperson examination or reexamination:  
22 Twenty-five dollars (\$25).  
23 (5) First reschedule of salesperson examination: Ten dollars  
24 (\$10); subsequent reschedules: Twenty-five dollars (\$25).  
25 (6) Real estate salesperson license, original or renewal: One  
26 hundred twenty dollars (\$120).  
27 (7) Real estate salesperson license without all educational  
28 requirements: One hundred forty-five dollars (\$145).  
29 (8) A notice of intention without a completed questionnaire:  
30 One hundred fifty dollars (\$150).  
31 (9) An original public report for subdivision interests described  
32 in Section 11004.5: One thousand six hundred dollars (\$1,600)  
33 plus ten dollars (\$10) for each subdivision interest to be offered.

1 (10) An original public report for subdivision interests other  
2 than those described in Section 11004.5: Five hundred dollars  
3 (\$500) plus ten dollars (\$10) for each interest to be offered.

4 (11) A conditional public report for subdivision interests  
5 described in Section 11004.5: Five hundred dollars (\$500).

6 (12) A conditional public report for subdivision interests other  
7 than those described in Section 11004.5: Five hundred dollars  
8 (\$500).

9 (13) A preliminary public report for subdivision interests  
10 described in Section 11004.5: Five hundred dollars (\$500).

11 (14) A preliminary public report for subdivision interests other  
12 than those described in Section 11004.5: Five hundred dollars  
13 (\$500).

14 (15) A renewal public report for subdivision interests described  
15 in Section 11004.5: Five hundred dollars (\$500).

16 (16) A renewal public report for subdivision interests other than  
17 those described in Section 11004.5: Five hundred dollars (\$500).

18 (17) An amended public report for subdivision interests  
19 described in Section 11004.5: Three hundred dollars (\$300) plus  
20 ten dollars (\$10) for each subdivision interest to be offered under  
21 the amended public report for which a fee has not previously been  
22 paid.

23 (18) An amended public report to offer subdivision interests  
24 other than those described in Section 11004.5: Three hundred  
25 dollars (\$300) plus ten dollars (\$10) for each subdivision interest  
26 to be offered under the amended public report for which a fee has  
27 not previously been paid.

28 (19) An application for an original, renewal, or amended  
29 registration as required by Section 10249: One hundred dollars  
30 (\$100).

31 (20) The filing fee for an application for a permit to be issued  
32 pursuant to Article 8.5 (commencing with Section 10250) for each  
33 subdivision or phase of the subdivision in which interests are to  
34 be offered for sale or lease shall be as follows:

35 (A) One thousand six hundred dollars (\$1,600) plus ten dollars  
36 (\$10) for each subdivision interest to be offered for an original  
37 permit application.

38 (B) Five hundred dollars (\$500) plus ten dollars (\$10) for each  
39 subdivision interest to be offered that was not permitted to be

1 offered under the permit to be renewed for a renewal permit  
2 application.

3 (C) Three hundred dollars (\$300) plus ten dollars (\$10) for each  
4 subdivision interest to be offered under the amended permit for  
5 which a fee has not previously been paid for an amended permit  
6 application.

7 (D) Five hundred dollars (\$500) for a conditional permit  
8 application.

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