

AMENDED IN SENATE JUNE 18, 2014

AMENDED IN ASSEMBLY MAY 8, 2014

AMENDED IN ASSEMBLY APRIL 23, 2014

AMENDED IN ASSEMBLY APRIL 7, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2540

Introduced by Assembly Member Dababneh

February 21, 2014

An act to amend Sections 10150, 10151, and 10162 of the Business and Professions Code, *and to add Section 6271 to the Government Code*, relating to real estate.

LEGISLATIVE COUNSEL'S DIGEST

AB 2540, as amended, Dababneh. Real estate licenses.

(1) Under the Real Estate Law, the California Bureau of Real Estate, which is headed by the Real Estate Commissioner, issues licenses to and regulates real estate brokers and real estate salespersons. Existing law authorizes the commissioner to prescribe the format and content of the written applications for the real estate broker examination, broker license, and salesperson examination.

This bill would authorize the commissioner to additionally prescribe the format and content of the application for the real estate salesperson license, and would require that each of those applications for an examination or license, or both, require the applicant to provide valid contact information at which the bureau may contact the applicant.

(2) Existing law requires every licensed real estate broker to have and maintain a definite place of business in the state that serves as his

or her office for the transaction of business, displays his or her license, and where he or she holds personal consultations with a client. ~~Any person, including officers, directors, agents, or employees of corporations, who willfully violate or knowingly participate in the violation of these provisions is guilty of a misdemeanor punishable by a fine not exceeding \$10,000, or by imprisonment in the county jail not exceeding 6 months, or by both that fine and imprisonment.~~

This bill would require every real estate broker and salesperson licensee to provide the commissioner with his or her current office or mailing address, current telephone number, and current ~~email~~ *electronic mail* address that he or she uses to perform any activity that requires a real estate license, and at which the bureau may contact the licensee, and to update that information no later than 30 days after making a change. ~~Because a violation of these requirements would be a crime, the bill would impose a state-mandated local program. The bill would also exempt a violation of this requirement from criminal penalties.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~(3) The California Public Records Act requires state and local agencies to make their records available for public inspection unless a record is exempt from disclosure. The act exempts from disclosure, among others, any record that is a personnel, medical, or similar file the disclosure of which would constitute an unwarranted invasion of personal privacy.~~

~~This bill would prohibit the Public Record's Act from being construed to require the posting, publishing, or disclosure of electronic mail addresses or telephone numbers collected by the bureau, as provided.~~

~~(4) Existing constitutional provisions require that a statute that limits the right of access to the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.~~

~~This bill would make legislative findings to that effect.~~

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

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

1 SECTION 1. Section 10150 of the Business and Professions
2 Code is amended to read:

3 10150. (a) Application for the real estate broker license
4 examination shall be made in writing to the commissioner. The
5 commissioner may prescribe the format and content of the broker
6 examination application. The application for the broker
7 examination shall include valid contact information at which the
8 bureau may contact the applicant and shall be accompanied by the
9 real estate broker license examination fee.

10 (b) Persons who have been notified by the commissioner that
11 they passed the real estate broker license examination may apply
12 for a real estate broker license. A person applying for the broker
13 examination may also apply for a real estate broker license.
14 However, a license shall not be issued until the applicant passes
15 the real estate broker license examination. If there is any change
16 to the information contained in a real estate broker license
17 application after the application has been submitted and before the
18 license has been issued, the commissioner may require the applicant
19 to submit a supplement to the application listing the changed
20 information.

21 (c) Application for the real estate broker license shall be made
22 in writing to the commissioner. The commissioner may prescribe
23 the format and content of the broker license application. The
24 application for the real estate broker license shall include valid
25 contact information at which the bureau may contact the applicant
26 and shall be accompanied by the appropriate fee.

27 (d) Application for an endorsement to act as a mortgage loan
28 originator, as defined in Section 10166.01, shall be made either
29 electronically or in writing as directed by the commissioner. The
30 commissioner may prescribe the format and content of the
31 mortgage loan originator endorsement application, which shall
32 meet the minimum requirements for licensing of a mortgage loan
33 originator, pursuant to the Secure and Fair Enforcement for
34 Mortgage Licensing Act of 2008 (Public Law 110-289).

35 SEC. 2. Section 10151 of the Business and Professions Code
36 is amended to read:

37 10151. (a) Application for the real estate salesperson license
38 examination shall be made in writing to the commissioner. The

1 commissioner may prescribe the format and content of the
2 salesperson examination application. The application for the
3 salesperson examination shall include valid contact information
4 at which the bureau may contact the applicant and shall be
5 accompanied by the real estate salesperson license examination
6 fee.

7 (b) Persons who have been notified by the commissioner that
8 they passed the real estate salesperson license examination may
9 apply for a real estate salesperson license. A person applying for
10 the salesperson examination may also apply for a real estate
11 salesperson license. However, a license shall not be issued until
12 the applicant passes the real estate salesperson license examination.
13 If there is any change to the information contained in a real estate
14 salesperson license application after the application has been
15 submitted and before the license has been issued, the commissioner
16 may require the applicant to submit a supplement to the application
17 listing the changed information.

18 (c) (1) The commissioner may prescribe the format and content
19 of the real estate salesperson license application. The application
20 for the real estate salesperson license shall include valid contact
21 information at which the bureau may contact the applicant.

22 (2) An application for the real estate salesperson license
23 examination or for both the examination and license that is received
24 by the commissioner on or after October 1, 2007, shall include
25 evidence or certification, satisfactory to the commissioner, of
26 successful completion at an accredited institution of a
27 three-semester unit course, or the quarter equivalent thereof, or
28 successful completion of an equivalent course of study as defined
29 in Section 10153.5 in real estate principles as well as the successful
30 completion at an accredited institution of a course in real estate
31 practice and one additional course set forth in Section 10153.2,
32 other than real estate principles, real estate practice, advanced legal
33 aspects of real estate, advanced real estate finance, or advanced
34 real estate appraisal. The applicant shall provide this evidence or
35 certification to the commissioner prior to taking the real estate
36 salesperson license examination.

37 (d) The commissioner shall waive the requirements of this
38 section for the following applicants:

39 (1) An applicant who is a member of the State Bar of California.

1 (2) An applicant who has qualified to take the examination for
2 an original real estate broker license by satisfying the requirements
3 of Section 10153.2.

4 (e) Application for endorsement to act as a mortgage loan
5 originator, as defined in Section 10166.01, shall be made either
6 electronically or in writing as directed by the commissioner. The
7 commissioner may prescribe the format and the content of the
8 mortgage loan originator endorsement application, which shall
9 meet the minimum requirements for licensing of a mortgage loan
10 originator, pursuant to the Secure and Fair Enforcement for
11 Mortgage Licensing Act of 2008 (Public Law 110-289).

12 SEC. 3. Section 10162 of the Business and Professions Code
13 is amended to read:

14 10162. (a) Every licensed real estate broker shall have and
15 maintain a definite place of business in the State of California that
16 serves as his or her office for the transaction of business. This
17 office shall be the place where his or her license is displayed and
18 where personal consultations with clients are held.

19 (b) A real estate license does not authorize the licensee to do
20 business except from the location stipulated in the real estate
21 license as issued or as altered pursuant to Section 10161.8.

22 (c) (1) Every real estate broker and salesperson licensee shall
23 provide to the commissioner his or her current office or mailing
24 address, a current telephone number, and a current ~~email~~ *electronic*
25 *mail* address that he or she maintains or uses to perform any activity
26 that requires a real estate license, at which the bureau may contact
27 the licensee.

28 (2) Every real estate broker and salesperson licensee shall inform
29 the commissioner of any change to his or her office or mailing
30 address, telephone number, or ~~email~~ *electronic mail* address no
31 later than 30 days after making the change.

32 (d) *Notwithstanding Section 10185, a violation of this section*
33 *is not a misdemeanor and shall be enforced pursuant to Section*
34 *10165.*

35 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
36 ~~Section 6 of Article XIII B of the California Constitution because~~
37 ~~the only costs that may be incurred by a local agency or school~~
38 ~~district will be incurred because this act creates a new crime or~~
39 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
40 ~~for a crime or infraction, within the meaning of Section 17556 of~~

1 ~~the Government Code, or changes the definition of a crime within~~
2 ~~the meaning of Section 6 of Article XIII B of the California~~
3 ~~Constitution.~~

4 *SEC. 4. Section 6271 is added to the Government Code, to*
5 *read:*

6 *6271. This chapter does not require the posting, publishing,*
7 *or disclosure of electronic mail addresses or telephone numbers*
8 *collected pursuant to Section 10150, 10151, or 10162 of the*
9 *Business and Professions Code.*

10 *SEC. 5. The Legislature finds and declares that Section 4 of*
11 *this act imposes a limitation on the public's right of access to the*
12 *writings of public officials and agencies within the meaning of*
13 *Section 3 of Article I of the California Constitution. Pursuant to*
14 *that constitutional provision, the Legislature makes the following*
15 *findings to demonstrate the interest protected by this limitation*
16 *and the need for protecting that interest:*

17 *In order to protect the inalienable right to privacy pursuant to*
18 *Section 1 of Article I of the California Constitution, it is necessary*
19 *to enact legislation that exempts electronic mail addresses and*
20 *telephone numbers collected by the California Bureau of Real*
21 *Estate from disclosure as a public record.*