

AMENDED IN SENATE AUGUST 5, 2014

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, *and to add Section 10165.1 to*, 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.

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 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. The bill would also exempt a violation of this requirement from criminal penalties.

~~(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.~~

~~This bill would provide that the bureau is not required to post or publish electronic mail addresses or telephone numbers collected pursuant to the above provisions, and if this information is released by the bureau, would require that the information be released in a way that discourages its use in unauthorized or unsolicited commercial electronic mail advertisement programs.~~

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 10150 of the Business and Professions
- 2 Code is amended to read:

1 10150. (a) Application for the real estate broker license
2 examination shall be made in writing to the commissioner. The
3 commissioner may prescribe the format and content of the broker
4 examination application. The application for the broker
5 examination shall include valid contact information at which the
6 bureau may contact the applicant and shall be accompanied by the
7 real estate broker license examination fee.

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

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

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

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

35 10151. (a) Application for the real estate salesperson license
36 examination shall be made in writing to the commissioner. The
37 commissioner may prescribe the format and content of the
38 salesperson examination application. The application for the
39 salesperson examination shall include valid contact information
40 at which the bureau may contact the applicant and shall be

1 accompanied by the real estate salesperson license examination
2 fee.

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

14 (c) (1) The commissioner may prescribe the format and content
15 of the real estate salesperson license application. The application
16 for the real estate salesperson license shall include valid contact
17 information at which the bureau may contact the applicant.

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

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

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

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

39 (e) Application for endorsement to act as a mortgage loan
40 originator, as defined in Section 10166.01, shall be made either

1 electronically or in writing as directed by the commissioner. The
2 commissioner may prescribe the format and the content of the
3 mortgage loan originator endorsement application, which shall
4 meet the minimum requirements for licensing of a mortgage loan
5 originator, pursuant to the Secure and Fair Enforcement for
6 Mortgage Licensing Act of 2008 (Public Law 110-289).

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

9 10162. (a) Every licensed real estate broker shall have and
10 maintain a definite place of business in the State of California that
11 serves as his or her office for the transaction of business. This
12 office shall be the place where his or her license is displayed and
13 where personal consultations with clients are held.

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

17 (c) (1) Every real estate broker and salesperson licensee shall
18 provide to the commissioner his or her current office or mailing
19 address, a current telephone number, and a current electronic mail
20 address that he or she maintains or uses to perform any activity
21 that requires a real estate license, at which the bureau may contact
22 the licensee.

23 (2) Every real estate broker and salesperson licensee shall inform
24 the commissioner of any change to his or her office or mailing
25 address, telephone number, or electronic mail address no later than
26 30 days after making the change.

27 (d) Notwithstanding Section 10185, a violation of this section
28 is not a misdemeanor and shall be enforced pursuant to Section
29 10165: *misdemeanor*.

30 ~~SEC. 4. Section 6271 is added to the Government Code, to~~
31 ~~read:~~

32 ~~6271. This chapter does not require the posting, publishing, or~~
33 ~~disclosure of electronic mail addresses or telephone numbers~~
34 ~~collected pursuant to Section 10150, 10151, or 10162 of the~~
35 ~~Business and Professions Code.~~

36 ~~SEC. 5. The Legislature finds and declares that Section 4 of~~
37 ~~this act imposes a limitation on the public's right of access to the~~
38 ~~writings of public officials and agencies within the meaning of~~
39 ~~Section 3 of Article I of the California Constitution. Pursuant to~~
40 ~~that constitutional provision, the Legislature makes the following~~

1 findings to demonstrate the interest protected by this limitation
2 and the need for protecting that interest:

3 In order to protect the inalienable right to privacy pursuant to
4 Section 1 of Article I of the California Constitution, it is necessary
5 to enact legislation that exempts electronic mail addresses and
6 telephone numbers collected by the California Bureau of Real
7 Estate from disclosure as a public record.

8 *SEC. 4. Section 10165.1 is added to the Business and*
9 *Professions Code, to read:*

10 *10165.1. This article does not require the bureau to post or*
11 *publish electronic mail addresses or telephone numbers collected*
12 *pursuant to Section 10150, 10151, or 10162, and if released by*
13 *the bureau, the information shall be released in a way that*
14 *discourages its use in unauthorized or unsolicited commercial*
15 *electronic mail advertisement programs.*