

AMENDED IN SENATE JUNE 14, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2330

Introduced by Assembly Member Ridley-Thomas

February 18, 2016

An act to amend ~~Section~~ *Sections 10083.2 and 10161.8* of the Business and Professions Code, relating to real estate licensees.

LEGISLATIVE COUNSEL'S DIGEST

AB 2330, as amended, Ridley-Thomas. Real estate licensees.

The Real Estate Law provides for the licensure and regulation of real estate brokers and real estate salespersons by the Bureau of Real Estate headed by the Real Estate Commissioner. Existing law requires the commissioner to provide on the Internet specific information regarding the status of every license issued by the department. *That law requires a real estate broker to immediately notify the commissioner in writing whenever a real estate salesman enters the employ of or is terminated by that real estate broker. That law makes a willful or knowing violation of any of its provisions punishable as a misdemeanor.*

This bill would require that information to include whether a licensee is an associate licensee and, if the associate licensee is a broker, to identify each responsible broker with whom the licensee is contractually associated. *This bill would additionally require a real estate broker to immediately notify the commissioner in writing whenever a real estate broker acting as a salesperson enters the employ of or is terminated by the responsible real estate broker and would make certain nonsubstantive changes. By placing a new requirement on a real estate broker to report to the commissioner regarding the employment or*

termination of a real estate broker acting as a salesperson, this bill would expand an existing crime.

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.

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

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

1 SECTION 1. Section 10083.2 of the Business and Professions
2 Code is amended to read:
3 10083.2. (a) (1) The commissioner shall provide on the
4 Internet information regarding the status of every license issued
5 by the department in accordance with the California Public Records
6 Act (Chapter 3.5 (commencing with Section 6250) of Division 7
7 of Title 1 of the Government Code) and the Information Practices
8 Act of 1977 (Chapter 1 (commencing with Section 1798) of Title
9 1.8 of Part 4 of Division 3 of the Civil Code).
10 (2) The public information to be provided on the Internet shall
11 include information on suspensions and revocations of licenses
12 issued by the department and accusations filed pursuant to the
13 Administrative Procedure Act (Chapter 3.5 (commencing with
14 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
15 Code) relative to persons or businesses subject to licensure or
16 regulation by the department.
17 (3) The public information shall not include personal
18 information, including home telephone number, date of birth, or
19 social security number. The commissioner shall disclose a
20 licensee’s address of record. However, the commissioner shall
21 allow a licensee to provide a post office box number or other
22 alternate address, instead of his or her home address, as the address
23 of record. This section shall not preclude the commissioner from
24 also requiring a licensee who has provided a post office box
25 number or other alternative mailing address as his or her address
26 of record to provide a physical business address or residence
27 address only for the department’s internal administrative use and

1 not for disclosure as the licensee’s address of record or disclosure
2 on the Internet.

3 (4) The public information shall also include whether a licensee
4 is an associate licensee within the meaning of subdivision (b) of
5 Section 2079.13 of the Civil Code and, if the associate licensee is
6 a broker, identify each responsible broker with whom the licensee
7 is contractually associated as described in Section 10032 of this
8 code or Section 2079.13 of the Civil Code.

9 (b) For purposes of this section, “Internet” has the meaning set
10 forth in paragraph (6) of subdivision (f) of Section 17538.

11 *SEC. 2. Section 10161.8 of the Business and Professions Code*
12 *is amended to read:*

13 10161.8. (a) Whenever a real estate ~~salesman~~ *salesperson or*
14 *broker acting as a salesperson* enters the employ of a real estate
15 broker, the *responsible* broker shall immediately notify the
16 commissioner thereof in writing.

17 (b) Whenever employment of a real estate ~~salesman~~ *salesperson*
18 *or broker acting as a salesperson* is terminated, the *responsible*
19 broker shall immediately notify the commissioner ~~thereof~~ *of that*
20 *termination* in writing.

21 (c) Whenever a licensee acquires a business address different
22 from the address shown on his *or her* license ~~he~~ *the licensee* shall
23 mark out the former address on the face of the license and type or
24 write the new main office address in ink on the reverse side, and
25 date and initial *the same*.

26 (d) Whenever a real estate ~~salesman~~ *salesperson* enters the
27 employ of a new real estate broker ~~he~~ *the salesperson* shall mark
28 out the name of his *or her* former broker on the face of the license
29 and type or write the name of the new employing broker in ink on
30 the reverse side, and date and initial *the same*.

31 *SEC. 3. No reimbursement is required by this act pursuant to*
32 *Section 6 of Article XIII B of the California Constitution because*
33 *the only costs that may be incurred by a local agency or school*
34 *district will be incurred because this act creates a new crime or*
35 *infraction, eliminates a crime or infraction, or changes the penalty*
36 *for a crime or infraction, within the meaning of Section 17556 of*
37 *the Government Code, or changes the definition of a crime within*

- 1 *the meaning of Section 6 of Article XIII B of the California*
- 2 *Constitution.*

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