

HOUSE BILL 1006

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By: **Delegates Miller, Adams, Arentz, T. Branch, Brooks, Carey, D.E. Davis, Fennell, Howard, Impallaria, Mautz, Qi, Rogers, Turner, Valderrama, Walker, and Wilson**

Introduced and read first time: February 5, 2020

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Real Estate Brokers – Exemption for Auctioneers – Repeal**

3 FOR the purpose of repealing an exemption from certain provisions relating to real estate
4 brokers and licensure for licensed auctioneers while selling any real estate at public
5 auction; and generally relating to real estate brokers.

6 BY repealing and reenacting, with amendments,
7 Article – Business Occupations and Professions
8 Section 17–102
9 Annotated Code of Maryland
10 (2018 Replacement Volume and 2019 Supplement)

11 BY repealing and reenacting, without amendments,
12 Article – Business Occupations and Professions
13 Section 17–301
14 Annotated Code of Maryland
15 (2018 Replacement Volume and 2019 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Business Occupations and Professions**

19 17–102.

20 This title does not apply to:

21 (1) a person while acting under a judgment or order of a court;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) a public officer while performing the duties of office;

(3) a person while engaging in a single transaction that involves the sale or lease of any real estate under a power of attorney executed by the owner of the real estate;

[(4) a licensed auctioneer while selling any real estate at public auction;]

[(5)] (4) an owner or lessor of any real estate while managing, leasing, or selling the real estate, unless the primary business of the owner or lessor is providing real estate brokerage services; or

[(6)] (5) a person while acting in the capacity of:

(i) a receiver;

(ii) a trustee;

(iii) a personal representative; or

(iv) a guardian.

17–301.

(a) (1) Except as otherwise provided in this title, an individual shall be licensed by the Commission as a real estate broker before the individual may provide real estate brokerage services in the State.

(2) Except as otherwise provided in this title, an individual shall be licensed by the Commission as an associate real estate broker or a real estate salesperson before the individual, while acting on behalf of a real estate broker, may provide real estate brokerage services in the State.

(b) A license is not required for:

(1) a financial institution, as defined in Title 1 of the Financial Institutions Article, a subsidiary or affiliate of such a financial institution, or mortgage loan institution incorporated under the laws of any state or of the United States to manage, lease, or sell any property that the institution or subsidiary or affiliate of a financial institution acquires in connection with a mortgage foreclosure or deed or assignment in lieu of foreclosure;

(2) a lawyer authorized to practice law in the State who:

(i) is not engaged regularly in the business of providing real estate brokerage services;

(ii) does not represent to the public, by use of a sign or advertisement

1 or otherwise, that the lawyer is in the business of providing real estate brokerage services;
2 and

3 (iii) provides real estate brokerage services while representing
4 another person in the course of the lawyer's regular practice of law;

5 (3) a home builder in the rental or initial sale of a home constructed by the
6 builder;

7 (4) an agent of a licensed real estate broker or of an owner of real estate
8 while managing or leasing that real estate for the real estate broker or owner;

9 (5) any person in negotiating the sale, lease, or other transfer of a business
10 enterprise if the proposed transfer does not include any interest in real property other than
11 a lease under which the business enterprise operates; or

12 (6) any person to subdivide and sell unimproved property owned by that
13 person if the person meets the requirements of § 17-302 of this subtitle.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2020.