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SENATE BILL NO. 316

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws

on January 31, 1996)

(Patron Prior to Substitute—Senator Marye)

A BILL to amend and reenact § 54.1-2105 of the Code of Virginia, relating to powers of the Real Estate Board.

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2105 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2105. General powers of Real Estate Board; regulations; educational and experience requirements for licensure.

A. The Board may do all things necessary and convenient for carrying into effect the provisions of this chapter and may promulgate necessary regulations.

B. The Real Estate Board shall include in its regulations educational requirements as conditions for licensure to ensure the protection of the public interest. The Board is authorized to regulate any school which is established to offer real estate courses except such schools as are regulated by another state agency. Such authority shall include, but not be limited to, qualification of instructors, approval of course curricula and the requirement that such schools submit evidence of financial responsibility to ensure that these schools protect the public health, safety and welfare. The Board shall have the discretion to waive any requirement under the regulations relating to education or experience when the broker or salesperson is found to have education or experience equivalent to that required. No regulation imposing educational requirements for initial licensure beyond those specified by law shall apply to any person who was licensed prior to July 1, 1975, and who has been continuously licensed since that time, except that licensure as a salesperson prior to such time shall not exempt a salesperson who seeks to be licensed as a broker from the educational requirements established for brokers. Regulations promulgated by the Board shall include the following requirements:

1. a. Every applicant to the Real Estate Board for an initial license as a real estate salesperson shall have completed a course in the principles of real estate which carried an academic credit of at least three semester hours or six quarter hours (but not less than forty-five *hours of* classroom or correspondence *or other distance learning instruction* ~~hours~~ in ~~either~~ any case). The course shall be one offered by an accredited university, college, community college, high school offering adult distributive education courses, or other school or educational institution offering an equivalent course.

b. However, on and after January 1, 1991, the academic credit required for the initial license as a real estate salesperson shall be at least four semester hours, but not less than sixty classroom or correspondence hours.

2. Every applicant to the Real Estate Board for an initial license as a real estate broker shall have completed not less than twelve *hours of* classroom or correspondence *or other distance learning instruction* ~~semester hours~~ in real estate courses offered by an accredited university, college, community college, or other school or educational institution offering equivalent courses.

C. The Board shall establish criteria, ~~including appropriate testing procedures, for the purpose of~~ ~~correspondence courses upon a showing by the applicant that classroom courses are not available in a~~ ~~reasonable geographical proximity to the applicant's residence or business location in the Commonwealth~~ ~~to ensure that prelicensure and broker licensure courses meet the standards of quality deemed by the~~ ~~Board to be necessary to protect the public interests. For correspondence and other distance learning~~ ~~instruction offered by an approved provider, such criteria may include appropriate testing procedures.~~

Noncollegiate institutions shall not be authorized to grant collegiate semester hours for academic credit.

The specific content of the real estate courses shall be in real estate brokerage, real estate finance, real estate appraisal, real estate law, and such related subjects as are approved by the Board.

D. The Board shall include in its regulations educational requirements as a condition for relicensure of brokers and salespersons to whom active licenses have been issued by the Board beyond those now specified by law as conditions for licensure. Brokers and salespersons to whom active licenses have been issued by the Board shall be required to satisfactorily complete courses of not less than eight *hours of* classroom or correspondence *or other distance learning instruction* ~~hours~~ during each licensing term, no less than two hours of which shall include training in fair housing laws and ~~recent developments in~~ ~~federal, state and local real estate law~~ *state real estate laws and regulations. If the licensee submits a notarized affidavit to the Board which certifies that he does not practice residential real estate and shall not do so during the licensing term, training in fair housing shall not be required; instead, such licensee shall receive training in other applicable federal and state discrimination laws and regulations.*

60 The remaining six hours shall include real estate-related subjects as are approved by the Board. *For*
61 *correspondence and other distance learning instruction offered by an approved provider, the Board shall*
62 *establish the appropriate testing procedures to verify completion of the course and require the licensee*
63 *to file a notarized affidavit certifying compliance with the course requirements. The Board shall not*
64 *require testing for continuing education courses completed through classroom instruction. For purposes*
65 *of this chapter, "distance learning" means instruction delivered by an approved provider through a*
66 *medium other than a classroom setting.* Such courses shall be those offered by an accredited university,
67 college, community college, high school offering adult distributive education courses, other school or
68 educational institution, or real estate professional association or related entities.

69 *E.* As of July 1, 1990, every applicant for relicensure as an active salesperson or broker shall
70 complete the continuing education requirements prior to each renewal or reinstatement of his license.
71 The continuing education requirement shall also apply to inactive licensees who make application for an
72 active license. Notwithstanding this requirement, military personnel called to active duty in the Armed
73 Forces of the United States may complete the required continuing education within six months of their
74 release from active duty.

75 *F.* The Board shall also include in its regulations remedial educational requirements for any
76 salesperson or broker who has been inactive for more than three years. The regulations shall require the
77 applicant to meet the educational requirements for a salesperson or broker in effect at the time either
78 becomes active.

79 *G.* When the license has been inactive for more than three years the Board may waive the
80 educational requirements for reactivation of a license under the following conditions: (i) during the time
81 the license has been inactive the holder of such inactive license has been engaged in an occupation
82 whereby the knowledge of real estate would be retained; or (ii) the holder of such license is a member
83 of or the spouse of a member of the Armed Forces of the United States who has been permanently
84 assigned outside Virginia for a portion of the time the license has been inactive and the holder of the
85 inactive license remained current in the field of real estate and demonstrates this fact to the satisfaction
86 of the Board.

87 *H.* The Board shall develop a residential property disclaimer statement form and a residential
88 property disclosure statement form for use in accordance with the provisions of § 55-519.