

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § 54.1-2105 of the Code of Virginia, relating to the Real Estate Board; continuing education.

[H 2260]

Approved

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 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 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 in 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 hours of classroom, correspondence or other distance learning instruction.

2. Every applicant to the Board for an initial license as a real estate broker shall have completed not less than twelve semester hours of classroom or correspondence or other distance learning instruction 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 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 during each licensing term, no less than two hours of which shall include training in fair housing laws and ~~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. The remaining six hours shall include real estate-related subjects as are approved by the Board. For correspondence and other distance learning instruction offered by an

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

64 *E. The Board shall include in its regulations, a procedure for processing applications of educational*  
65 *institutions, real estate professional associations, or related entities, to provide continuing education*  
66 *courses, which procedure, at a minimum, shall (i) provide for a broad range of subject matters suitable*  
67 *for the continuing education of licensed professionals in multi-family residential and commercial office,*  
68 *as well as single-family residential, sales, leasing and property management; (ii) acknowledge, in*  
69 *writing, receipt of such applications within ten calendar days after receipt; and (iii) provide written*  
70 *notification to the applicant, within seventy-five calendar days of receipt of the application, whether the*  
71 *application has been approved or disapproved, and if disapproved, the reasons therefor.*

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

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

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

90 *E. I.* The Board shall develop a residential property disclaimer statement form and a residential  
91 property disclosure statement form for use in accordance with the provisions of § 55-519.

92 **2. That the Real Estate Board shall examine the feasibility and desirability of establishing**  
93 **reciprocal agreements with neighboring states and the District of Columbia for the mutual**  
94 **recognition of continuing education courses approved by such states and the District of Columbia.**