

HOUSE BILL NO. 572

INTRODUCED BY D. HAYMAN

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING REAL ESTATE BROKER AND SALESPERSON LAWS;
 5 ESTABLISHING A MAXIMUM LIMIT ON THE NUMBER OF SALESPERSONS A BROKER CAN SUPERVISE;
 6 GRANTING RULEMAKING AUTHORITY; AMENDING SECTIONS 37-51-203 AND 37-51-302, MCA."

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 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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 10 **Section 1.** Section 37-51-203, MCA, is amended to read:

11 **"37-51-203. Rulemaking power.** The board shall ~~from time to time~~ adopt rules establishing a limit on
 12 the maximum number of salespersons a broker with a supervising broker endorsement can supervise and to carry
 13 out the provisions of this chapter."

14
 15 **Section 2.** Section 37-51-302, MCA, is amended to read:

16 **"37-51-302. Broker's or salesperson's license -- qualifications of applicant -- supervising broker**
 17 **endorsement.** (1) Licenses may be granted only to individuals considered by the board to be of good repute and
 18 competent to transact the business of a broker or a salesperson in a manner that safeguards the interests of the
 19 public.

20 (2) An applicant for a broker's license:

- 21 (a) must be at least 18 years of age;
- 22 (b) must have graduated from an accredited high school or completed an equivalent education as
 23 determined by the board;
- 24 (c) must have been actively engaged as a licensed real estate salesperson for a period of 2 years or
 25 have had experience or special education equivalent to that which a licensed real estate salesperson ordinarily
 26 would receive during this 2-year period as determined by the board, except that if the board finds that an applicant
 27 could not obtain employment as a licensed real estate salesperson because of conditions existing in the area
 28 where the applicant resides, the board may waive this experience requirement;
- 29 (d) shall file an application for a license with the department; and
- 30 (e) shall furnish written evidence that the applicant has completed 60 classroom or equivalent hours, in

1 addition to those required to secure a salesperson's license, in a course of study approved by the board and
2 taught by instructors approved by the board and has satisfactorily passed an examination dealing with the
3 material taught in each course. The course of study must include the subjects of real estate principles, real estate
4 law, real estate finance, and related topics.

5 (3) The board shall require information it considers necessary from an applicant to determine honesty,
6 trustworthiness, and competency.

7 (4) (a) An applicant for a salesperson's license:

8 (i) must be at least 18 years of age;

9 (ii) must have received credit for completion of 2 years of full curriculum study at an accredited high
10 school or completed an equivalent education as determined by the board;

11 (iii) shall file an application for a license with the department; and

12 (iv) shall furnish written evidence that the applicant has completed 60 classroom or equivalent hours in
13 a course of study approved by the board and taught by instructors approved by the board and has satisfactorily
14 passed an examination dealing with the material taught in each course. The course of study must include the
15 subjects of real estate principles, real estate law and ethics, real estate finance, and related topics.

16 (b) The application must be accompanied by the recommendation of a licensed broker with a supervising
17 broker endorsement by whom the applicant will be employed or placed under contract, certifying that the applicant
18 is of good repute and that the broker will actively supervise and train the applicant during the period the requested
19 license remains in effect.

20 (5) If the board determines that an applicant possesses the qualifications required by this chapter, the
21 department shall issue a license to the applicant.

22 (6) (a) An applicant for a supervising broker endorsement must meet the education and experience
23 requirements established by the board by rule except that continuing education requirements for a supervising
24 broker endorsement may not be in addition to the continuing education requirements for a licensed broker with
25 respect to the total number of hours or credits required.

26 (b) The board may not assess a licensing fee for obtaining or renewing a supervising broker
27 endorsement.

28 (c) A supervising broker may not supervise more than the maximum number of salespersons established
29 by rule as provided in 37-51-203.

30 ~~(c)~~(d) The board may adopt rules allowing a salesperson to temporarily associate with a broker with a

1 supervising broker endorsement other than the supervising broker listed on the salesperson's license."

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