

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

1

HOUSE BILL 33

Short Title: Real Estate Exam Fees/AB.

(Public)

Sponsors: Representatives Howard; Buchanan, Davis, Gardner, and Pate.

Referred to: Finance.

January 26, 1995

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE FEE SCHEDULE FOR REAL ESTATE LICENSE EXAMINATIONS AND RENEWALS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 93A-4 reads as rewritten:

"§ 93A-4. Applications for licenses; fees; qualifications; examinations; bond; privilege licenses; renewal or reinstatement of license; power to enforce provisions.

(a) Any person, partnership, association, or corporation hereafter desiring to enter into business of and obtain a license as a real estate broker or real estate salesman shall make written application for such license to the Commission on such forms as are prescribed by the Commission. Each applicant for a license as a real estate broker or real estate salesman shall be at least 18 years of age. Each applicant for a license as a real estate salesman shall, within five years preceding the date application is made, have satisfactorily completed, at a school approved by the Commission, a real estate fundamentals course consisting of at least 30 hours of classroom instruction in subjects determined by the Commission, or possess real estate education or experience in real estate transactions which the Commission shall find equivalent to the course. Each applicant for a license as a real estate broker shall, within five years preceding the date the application is made, either have been actively engaged on a full-time basis as a

1 licensed real estate salesman for at least two years, or have satisfactorily completed, at a
2 school approved by the Commission, advanced courses in Real Estate Law, Real Estate
3 Finance, and Real Estate Brokerage Operations, each consisting of at least 30 hours of
4 classroom instruction, these courses to be in addition to those required for a real estate
5 salesman license, or possess real estate education or experience in real estate transactions
6 which the Commission shall find equivalent to the above requirements. Each application
7 for license as a real estate broker shall be accompanied by a fee, fixed by the Commission
8 but not to exceed thirty dollars (\$30.00). Each application for license as a real estate
9 salesman shall be accompanied by a fee, fixed by the Commission but not to exceed
10 thirty dollars (\$30.00). The Commission is authorized to engage an outside agency or
11 private firm to provide examination services, including examination development,
12 administration, and related services. If the Commission elects to obtain the services of an
13 outside agency or private firm, it may require each applicant for licensure to pay an
14 amount apart from the application fee each time the applicant requests to take the
15 examination in order to defray the cost of the services. The additional amount shall not
16 be a part of the application fee and may be paid to the Commission or to the provider of
17 examination services as the Commission may direct.

18 (b) Any person who files such application to the Commission in proper manner for
19 a license as real estate broker or a license as real estate salesman shall be required to take
20 an oral or written examination to determine his qualifications with due regard to the
21 paramount interests of the public as to the honesty, truthfulness, integrity and competency
22 of the applicant.

23 The Commission may make such investigation as it deems necessary into the ethical
24 background of the applicant. If the results of the examination and investigation shall be
25 satisfactory to the Commission, then the Commission shall issue to such a person a
26 license, authorizing such person to act as a real estate broker or real estate salesman in
27 the State of North Carolina, upon the payment of privilege taxes now required by law or
28 that may hereafter be required by law. ~~Anyone failing to pass an examination may be~~
29 ~~reexamined without payment of additional fee, under such rules as the Commission may adopt in~~
30 ~~such cases.~~

31 Provided, however, that any person who, at the time of the passage or at the effective
32 date of this Chapter, has a license to engage in, and is engaged in business as a real estate
33 broker or real estate salesman and who shall file a sworn application with the
34 Commission setting forth his qualifications, including a statement that such applicant has
35 not within five years preceding the filing of the application been convicted of any felony
36 or any misdemeanor involving moral turpitude, shall not be required to take or pass such
37 examination, but all such persons shall be entitled to receive such license from the
38 Commission under the provisions of this Chapter on proper application therefor and
39 payment of a fee of ten dollars (\$10.00).

40 (c) All licenses issued by the Commission under the provisions of this Chapter
41 shall expire on the 30th day of June following issuance or on any other date that the
42 Commission may determine and shall become invalid after that date unless reinstated. A
43 license may be renewed 45 days prior to the expiration date by filing an application with

1 and paying to the Executive Director of the Commission the fee required by the
2 ~~Commission, which may not exceed twenty-five dollars (\$25.00).~~ ~~Commission.~~ The license
3 renewal fee shall be thirty dollars (\$30.00). After July 1, 1995, the Commission may set
4 the renewal fee at an amount not to exceed fifty dollars (\$50.00), provided, however, the
5 Commission shall not increase the renewal fee by more than five dollars (\$5.00) during a
6 12-month period. The Commission may adopt rules establishing a system of license
7 renewal in which the licenses expire annually with varying expiration dates. These rules
8 shall provide for prorating the annual fee to cover the initial renewal period so that no
9 licensee shall be charged an amount greater than the annual fee for any 12-month period.
10 All licenses reinstated after the expiration date thereof shall be subject to a late filing fee
11 of five dollars (\$5.00) in addition to the required renewal fee. In the event a licensee fails
12 to obtain a reinstatement of such license within 12 months after the expiration date
13 thereof, the Commission may, in its discretion, consider such person as not having been
14 previously licensed, and thereby subject to the provisions of this Chapter relating to the
15 issuance of an original license, including the examination requirements set forth herein.
16 Duplicate licenses may be issued by the Commission upon payment of a fee of five
17 dollars (\$5.00) by the licensee. Commission certification of a licensee's license history
18 shall be made only after the payment of a fee of ten dollars (\$10.00).

19 (d) The Commission is expressly vested with the power and authority to make and
20 enforce any and all such reasonable rules and regulations connected with the application
21 for any license as shall be deemed necessary to administer and enforce the provisions of
22 this Chapter. The Commission is further authorized to adopt rules and regulations
23 necessary for the approval of real estate schools and such rules and regulations may, in
24 accordance with G.S. 93A-4(a), prescribe specific requirements pertaining to the teaching
25 of mechanics and law governing real estate transactions at such schools.

26 (e) Nothing contained in this Chapter shall be construed as giving any authority to
27 the Commission nor any licensee of the Commission as authorizing any licensee whether
28 by examination or under the grandfather clause or by comity to engage in the practice of
29 law or to render any legal service as specifically set out in G.S. 84-2.1 or any other legal
30 service not specifically referred to in said section."

31 Sec. 2. This act is effective upon ratification and applies to applications for
32 renewal filed on or after the date of ratification.