

2019 Regular Session

HOUSE BILL NO. 353

BY REPRESENTATIVE EMERSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LICENSING: Provides with respect to real estate licensing renewal time periods

1 AN ACT

2 To amend and reenact R.S. 37:1442 and 1443(4), relative to real estate licensing; to provide
3 for the issuance and renewal of licenses, certificates, and registration; to provide time
4 frames for renewal; to provide for the payment of delinquent fees; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 37:1442 and 1443(4) are hereby amended and reenacted to read as
8 follows:

9 §1442. License, certificate, and registration issuance and renewal

10 A. Each license, certificate, or registration issued ~~under~~ pursuant to the
11 provisions of this Chapter shall be issued for a period of one year and shall expire on
12 December thirty-first following the date upon which it is issued. Each license,
13 certificate, or registration shall be renewed annually. Conducting any activity
14 authorized by the license, certificate, or registration after the expiration of the
15 license, certificate, or registration shall be deemed a violation of this Chapter.
16 Licenses, certificates, or registrations not renewed ~~by January first~~ on or before
17 December 31 shall be considered expired.

18 B. Any licensee or registrant who fails to renew timely may thereafter renew
19 upon payment of the appropriate renewal and delinquent fees and upon filing of a
20 complete renewal application. The period for delinquent renewal of ~~an expired a~~

1 license or registration shall be limited to the ~~three-month~~ two-month period
 2 ~~immediately following the expiration date of the active license or registration of~~
 3 November and December. Failure to delinquently renew an ~~expired~~ a license or
 4 registration during this ~~three-month~~ two-month period shall result in a forfeiture of
 5 renewal rights and shall require the former licensee or registrant to apply as an initial
 6 applicant and meet all requirements of an initial applicant.

7 C. Any inactive licensee who fails to renew timely may thereafter renew
 8 upon payment of the appropriate renewal fees and filing of a complete renewal
 9 application. The period for delinquent renewal of an expired delinquent inactive
 10 license will be limited to the ~~three-month~~ two-month period ~~immediately following~~
 11 ~~the expiration date of the inactive license~~ of November and December. Failure to
 12 renew delinquently an ~~expired~~ inactive license during the ~~three-month~~ two-month
 13 period will result in the forfeiture of renewal rights and will require the former
 14 licensee to apply as an initial applicant and meet all requirements of an initial
 15 applicant.

16 D. Timeshare registrants who fail to renew timely may thereafter renew
 17 within ~~three months of the expiration of their registration upon~~ the two-month period
 18 of November and December upon payment of a delinquency renewal fee; however,
 19 registered developers of timeshare projects who qualify under Section 5 of Act No.
 20 999 of the 1985 Regular Session of the Legislature but who fail to renew timely shall
 21 no longer qualify ~~under~~ pursuant to the provisions of that Section.

22 §1443. Fees

23 The commission may charge:

24 * * *

25 (4) Delinquent fees, in addition to the renewal fee, if not renewed by
 26 ~~December~~ October thirty-first of the applicable license, registration, or certification
 27 period:

- 28 (a) ~~January 1 - February 15 Active and inactive Licensees~~ \$ 50.00
 29 (b) ~~February 16 - March 31 Active Licensees~~ \$200.00

1	(e) February 16 - March 31 Inactive Licensees	\$ 50.00
2	(d) January 1 - January 31 Real estate schools, vendors,	
3	and pre-license instructors	\$ 50.00
4	<u>(a) November 1 - November 30 active and inactive licensees</u>	<u>\$ 50.00</u>
5	<u>(b) December 1 - December 31 active licensees</u>	<u>\$200.00</u>
6	<u>(c) December 1 - December 31 inactive licensees</u>	<u>\$ 50.00</u>
7	<u>(d) December 1 - December 31 real estate schools, vendors,</u>	
8	<u>and pre-license instructors</u>	<u>\$ 50.00</u>
9	* * *	

10 Section 2. This Act shall become effective upon signature by the governor or, if not
 11 signed by the governor, upon expiration of the time for bills to become law without signature
 12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 13 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 14 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 353 Original	2019 Regular Session	Emerson
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Abstract: Provides for the dates during which real estate licensing renewal and delinquent fees may be paid.

Present law provides that each license, certificate, or registration issued pursuant to the La. Real Estate License Law shall be issued for one year and expire on December 31 of that year. Present law further provides that if a license, certificate, or registration is not renewed by January 1, it expires. Proposed law changes the date to clarify licensing expiration from "by January 1" to a renewal requirement of "on or before December 31". Proposed law otherwise retains present law.

Present law allows a licensee or registrant whose license or registration has expired within three months to renew the license or registration by filing a renewal application and paying any renewal fee and any delinquency fee. If the three-month window has lapsed, the former licensee or registrant shall register and apply as an initial applicant.

Present law allows an inactive licensee whose license has expired within three months to renew the license by filing a renewal application and paying any licensing renewal fee and any delinquency fee. If the three-month window has lapsed, the inactive former licensee shall register and apply as an initial applicant.

Proposed law changes present law as it relates to both licensees and inactive licensees similarly to delete the three-month time period after expiration and provide for a two-month time period, limited to November and December, during which an individual can submit a renewal application and pay any renewal fees and delinquency fees. Proposed law retains present law as it relates to re-application after the specified time period after expiration has lapsed.

Present law allows a timeshare registrant whose registration has expired within three months to renew the registration by filing a renewal application and paying any applicable renewal fee and any delinquency fee; however, certain registered developers of timeshare projects who fail to renew timely shall no longer qualify pursuant to present law.

Proposed law changes present law as it relates to timeshare registrants, to delete the three-month period after expiration and provide for a two-month time period, limited to November and December, during which an individual can submit a renewal application and pay any renewal fees and delinquency fees. Proposed law retains present law as it relates to re-application eligibility after the specified time period after expiration has lapsed.

Present law provides for the delinquent fees that the real estate commission can charge for licenses not renewed by December 31 of the license, registration, or certification period. Proposed law changes December 31 to October 31.

Present law requires a fee of \$50 if paid between January 1 and February 15 for active and inactive licenses. Proposed law changes the time period to November 1 through November 30 and otherwise retains present law.

Present law requires a fee of \$200 if paid between February 16 and March 31 for active licenses. Proposed law changes the time period to December 1 through December 31 and otherwise retains present law.

Present law requires a fee of \$50 if paid between February 16 and March 31 for inactive licenses. Proposed law changes the time period to December 1 through December 31 and otherwise retains present law.

Present law requires a fee of \$50 if paid between January 1 and January 31 for real estate schools, vendors, and pre-license instructors. Proposed law changes the time period to December 1 through December 31 and otherwise retains present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 37:1442 and 1443(4))