

2021 Regular Session

HOUSE BILL NO. 258

BY REPRESENTATIVE EDMONSTON

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

REAL ESTATE/COMMISSION: Provides relative to renewal of real estate licenses and timeshare registrations

1 AN ACT

2 To amend and reenact R.S. 37:1437(C)(5)(a), 1437.3(B), 1442, and 1443(4), relative to real
3 estate license and registration renewal; to provide for continuing education
4 requirements; to provide for the procedure for inactive license status; to provide for
5 renewal procedure; to provide for renewal deadlines; to provide for effectiveness; to
6 provide for applicability; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 37:1437(C)(5)(a), 1437.3(B), 1442, and 1443(4) are hereby amended
9 and reenacted to read as follows:

10 §1437. Application for license

11 * * *

12 C.

13 * * *

14 (5)(a) In addition to all other education requirements set forth in this
15 Chapter, regardless of initial license date, ~~the license of an individual real estate~~
16 ~~broker or salesperson shall not be renewed unless the broker or salesperson shall~~
17 furnish proof of completion of twelve hours per year of continuing education
18 pertaining to matters, including but not limited to laws, rules, and regulations relative
19 to licensing, appraisal, finance, taxes, zoning, environmental quality, and the rules
20 and programs promulgated or administered by the United States Department of

1 Housing and Urban Development. A minimum of four of the required annual
 2 continuing education hours shall be in subjects specified by the commission.
 3 Post-license education hours may be used to satisfy eight hours of the twelve-hour
 4 annual continuing education requirement; however, post-license education hours
 5 shall not satisfy the mandatory continuing education topics specified by the
 6 commission. The commission shall not allow a licensee to complete fewer than
 7 twelve hours of continuing education to satisfy the requirements of this Section.
 8 Failure to timely complete continuing education in accordance with this Subsection
 9 constitutes a violation of this Chapter.

10 * * *

11 §1437.3. Inactive license

12 * * *

13 B. Any licensee in good standing with the commission may elect to place his
 14 license in an inactive license status at any time prior to expiration of the license by
 15 submitting the appropriate transfer application and remitting the applicable fees as
 16 set forth in this Chapter. ~~Within the three-month delinquency period immediately~~
 17 ~~following the expiration of the last active license and upon payment of appropriate~~
 18 ~~renewal and inactive license transfer fees, former licensees may transfer their license~~
 19 ~~to the inactive status.~~

20 * * *

21 §1442. License, ~~certificate~~, and registration issuance and renewal

22 A.(1) Each license, ~~certificate~~, or registration issued under pursuant to this
 23 Chapter shall be:

24 (a) Effective issued for a period of one year.

25 (b) Renewed timely on or before September thirtieth annually.

26 (c) Expired and shall expire on December thirty-first following the date upon
 27 which it is issued. ~~Each license, certificate, or registration shall be renewed~~
 28 ~~annually.~~

1 ~~(2) Conducting~~ A licensee or registrant who conducts any activity authorized
2 by the license, ~~certificate,~~ or registration after the expiration of the license;
3 ~~certificate,~~ or registration shall be deemed a in violation of this Chapter. ~~Licenses,~~
4 ~~certificates, or registrations not renewed by January first shall be considered expired.~~

5 B.(1) Any licensee or registrant who fails to renew timely may ~~thereafter~~
6 renew ~~upon payment of the~~ license or registration delinquently by submitting all of
7 the following no later than December thirty-first annually:

8 (a) Payment of the appropriate renewal and delinquent fees prescribed by
9 this Chapter.

10 (b) A and upon filing of a complete renewal application.

11 ~~(2) The period for delinquent renewal of an expired license or registration~~
12 ~~shall be limited to the three-month period immediately following the expiration date~~
13 ~~of the active license or registration. Failure~~ A licensee or registrant who fails to
14 ~~delinquently renew an expired a~~ license or registration during this three-month
15 ~~period shall result in a forfeiture of~~ by December thirty-first forfeits his renewal
16 ~~rights, and shall require the former licensee or registrant~~ shall be required to apply
17 ~~as an initial applicant and meet all requirements of an initial applicant. However,~~
18 ~~notwithstanding any other provision of this Chapter, nothing herein requires the~~
19 ~~former licensee or registrant to complete the ninety hours of real estate coursework,~~
20 ~~which is required prior to initial licensure pursuant to R.S. 37:1437.~~

21 C. ~~Any inactive licensee who fails to renew timely may thereafter renew~~
22 ~~upon payment of the appropriate renewal fees and filing of a complete renewal~~
23 ~~application. The period for delinquent renewal of an expired delinquent inactive~~
24 ~~license will be limited to the three-month period immediately following the~~
25 ~~expiration date of the inactive license. Failure to renew delinquently an expired~~
26 ~~inactive license during the three-month period will result in the forfeiture of renewal~~
27 ~~rights and will require the former licensee to apply as an initial applicant and meet~~
28 ~~all requirements of an initial applicant.~~

1 insurance policy required by R.S. 37:1430 et seq. and pays the applicable renewal fee
2 required by Section 1 of this Act.

3 Section 3. This Section and Section 2 of this Act shall be effective only from April
4 1, 2022 through February 1, 2023.

5 Section 4. Sections 1, 2, 3, and this Section shall become effective on April 1, 2022.

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 258 Engrossed

2021 Regular Session

Edmonston

Abstract: Provides for the issuance and renewal time periods and delinquent fee of certain real estate licenses and registrations.

Present law requires an individual real estate broker or salesperson to provide proof that they have completed 12 hours of continuing education coursework in areas including but not limited to laws, rules, and regulations relative to licensing, appraisal finance, taxes, zoning, environmental quality, and the U.S. Dept. of Housing and Urban Development in order for their license to be renewed.

Proposed law retains present law but removes the provision stating that the license shall not be renewed.

Proposed law changes the continuing education requirement relative to the U.S. Dept. of Housing and Urban Development to require that the coursework pertain to the rules and programs promulgated or administered by the U.S. Dept. of Housing and Urban Development.

Proposed law prohibits the La. Real Estate Commission from allowing a licensee to complete less than 12 hours of continuing education to satisfy the requirements of present and proposed law and provides that failing to timely complete such continuing education is a violation of present and proposed law.

Present law allows a licensee in good standing to place his license in inactive license status by submitting the transfer application and paying certain fees.

Proposed law retains present law but adds that transfer to inactive status be done prior to the expiration of the license.

Present law provides for the process for transferring an expired license to inactive license status.

Proposed law repeals present law.

Present law allows the La. Real Estate Commission to issue licenses, certificates, and registrations.

Proposed law removes certificates.

Present law provides that each license or registration is issued for one year and expires on December 31st following the date that the license was issued. Further, present law requires a license or registration to be renewed by January 1st or it expires.

Proposed law requires each license or registration to be renewed timely on or before September 30th each year.

Present law provides a delinquent fee schedule based on the time frame that active licensees and inactive licensees renew the expired license or registration.

Proposed law revises the time frames.

Present law provides for the delinquent renewal of an expired license or registration within a three-month period immediately following the expiration date of the active license or registration.

Proposed law repeals present law.

Present law provides that failure to delinquently renew an expired license or registration within the required three-months period results in a forfeiture of his renewal rights and requires the former licensee to apply as an initial applicant.

Proposed law retains present law but changes the applicability from an expired license to a license and adds that delinquent renewal be done by Dec. 31, to avoid forfeiture.

Proposed law states that the requirement that the former licensee who fails to delinquently renew apply as an initial applicant does not require the licensee to complete the 90 hours of real estate coursework required prior to initial licensure.

Present law allows timeshare registrants who fail to renew timely to pay a delinquency renewal fee within three months of the expiration of their registration.

Proposed law repeals present law.

Proposed law allows for a grace period from Jan. 1, 2023 through Jan. 31, 2023 in which a licensee applying for delinquent renewal can do so without having to reapply as an initial applicant and makes this grace period effective from April 1, 2022 to Feb. 1, 2023.

Effective April 1, 2022.

(Amends R.S. 37:1437(C)(5)(a), 1437.3(B), 1442, and 1443(4))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.
2. Change a provision stating that the license of an individual real estate broker or salesperson shall not have his license renewed unless the broker or salesperson provides proof of completion of 12 hours of continuing education pertaining to certain matters to require the broker or salesperson to furnish proof of 12 hours of continuing education but remove portion stating that the license shall not be renewed.

3. Change continuing education requirement pertaining to the U.S. Dept. of Housing and Urban Development to add that the continuing education pertain to the rules and programs promulgated or administered by the U.S. Dept. of Housing and Urban Development.
4. Prohibit the La. Real Estate Commission from allowing a licensee to complete less than 12 hours of continuing education to satisfy the continuing education requirements.
5. Add a provisions regarding inactive license status that makes inactive license status applicable only to licenses that are not expired and removes the provision which outlines the process for transferring an expired license to inactive status.
6. Remove reference to delinquent renewal of an expired license and makes delinquent renewal applicable only to active licenses.
7. Add that the process for delinquent renewal of a license does not require the former licensee to complete the 90 hours of real estate coursework that is required for initial licensure.
8. Add a grace period for licensees applying for delinquent renewal of a license to allow a licensee who is applying for delinquent renewal to apply without having to reapply as an initial applicant from Jan. 1, 2023 through Jan. 31, 2023 and provides that this grace period is effective from April 1, 2022 through Feb. 1, 2023.