

SENATE BILL NO. 99—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF REAL ESTATE DIVISION)

FEBRUARY 4, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Revises educational requirements for obtaining original real estate broker's or broker-salesman's license. (BDR 54-740)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to real estate; revising the educational requirements for obtaining an original real estate broker's or broker-salesman's license; abolishing the authority of the real estate commission to waive those requirements for applicants in rural areas; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 645.343 is hereby amended to read as follows:
2 645.343 1. In addition to the other requirements contained in this
3 chapter, an applicant for an original real estate salesman's license must
4 furnish proof satisfactory to the real estate division that he has successfully
5 completed a course of instruction in the principles, practices, procedures,
6 law and ethics of real estate, which course may be an extension or
7 correspondence course offered by the University and Community College
8 System of Nevada, ***by*** any other accredited college or university or by any
9 other college or school approved by the commission. The course of
10 instruction must include the subject of disclosure of required information in
11 real estate transactions, including instruction on methods a seller may use to
12 obtain the required information.
13 2. An applicant for an original real estate broker's or broker-
14 salesman's license must furnish proof satisfactory to the real estate division
15 that he has successfully completed 45 semester units or the equivalent in
16 quarter units of college level courses which include:

1 (a) Three semester units or an equivalent number of quarter units in real
2 estate law, including at least 18 classroom hours of the real estate law of
3 Nevada and another course of equal length in the principles of real estate;

4 (b) Nine semester units or the equivalent in quarter units of college level
5 courses in real estate appraisal and business or economics; ~~{and}~~

6 (c) Nine semester units or the equivalent in quarter units of college level
7 courses in real estate, business or economics ~~{,}~~ ; and

8 *(d) Three semester units or an equivalent number of quarter units in*
9 *broker management.*

10 3. On and after January 1, 1986, in addition to other requirements
11 contained in this chapter, an applicant for an original real estate broker's or
12 broker-salesman's license must furnish proof satisfactory to the real estate
13 division that he has completed 64 semester units or the equivalent in
14 quarter units of college level courses. This educational requirement
15 includes and is not in addition to the requirements listed in subsection 2.

16 4. For the purposes of this section, each person holding a valid real
17 estate salesman's license under the provisions of this chapter is entitled to
18 receive credit for the equivalent of 16 semester units of college level
19 courses for each ~~{two}~~ 2 years of active experience he has as a licensed real
20 estate salesman. This credit may not be applied against the requirement in
21 subsection 2 for *three semester units or an equivalent number of quarter*
22 *units in broker management or* 18 classroom hours of the real estate law
23 of Nevada.

24 5. ~~{The educational requirements of this section may be waived partially~~
25 ~~or completely by the commission if the applicant for an original real estate~~
26 ~~broker's or broker-salesman's license furnishes proof satisfactory to the~~
27 ~~commission that he resides in a rural county where educational resources~~
28 ~~are not available and where excess travel would work a hardship on the~~
29 ~~applicant in meeting the requirements.~~

30 ~~—6.}~~ An applicant for a broker's license pursuant to NRS 645.350 must
31 meet the educational prerequisites applicable on the date his application is
32 received by the real estate division.

33 ~~{7.—For the purposes of}~~

34 6. *As used in* this section, "college level courses" are courses offered
35 by any accredited college or university or by any other institution which
36 meet the standards of education established by the commission. The
37 commission may adopt regulations setting forth standards of education
38 which are equivalent to the college level courses outlined in this subsection.
39 The regulations may take into account the standard of instructors, the scope
40 and content of the instruction, hours of instruction and such other criteria as
41 the commission requires.

1 **Sec. 2.** NRS 645.440 is hereby amended to read as follows:

2 645.440 1. If the division, after an application for a license in proper
3 form has been filed with it, accompanied by the proper fee, denies an
4 application, the division shall give notice of the fact to the applicant within
5 15 days after its ruling, order or decision.

6 2. Upon written request from the applicant, filed within 30 days after
7 receipt of that notice by the applicant, the president of the commission shall
8 set the matter for a hearing to be conducted within 90 days after receipt of
9 the applicant's request if the request contains allegations which, if true ~~it~~:

10 ~~—(a) Qualify~~, **qualify** the applicant for a license. ~~it or~~

11 ~~—(b) Would entitle the applicant to a waiver of the education~~
12 ~~requirements of NRS 645.343.]~~

13 3. The hearing must be held at such time and place as the commission
14 prescribes. At least 15 days before the date set for the hearing, the division
15 shall notify the applicant and shall accompany the notification with an exact
16 copy of any protest filed, together with copies of all communications,
17 reports, affidavits or depositions in **the** possession of the division relevant
18 to the matter in question. Written notice of **the** hearing may be served by
19 delivery personally to the applicant, or by mailing it by certified mail to the
20 last known address of the applicant.

21 4. The hearing may be held by the commission or **by** a majority
22 ~~thereof,] of its members,~~ and a hearing must be held, if the applicant so
23 desires. A record of the proceedings, or any part thereof, must be made
24 available to each party upon the payment to the division of the reasonable
25 cost of transcription.

26 5. The commission shall render a written decision on any appeal within
27 60 days ~~from~~ **after** the final hearing and shall notify the parties to the
28 proceedings, in writing, of its ruling, order or decision within 15 days after
29 it is made.

30 6. ~~Where] If~~ an applicant has made a false statement of material fact
31 on his application, the false statement may in itself be sufficient ground for
32 refusal of a license.

33 **Sec. 3.** This act becomes effective on January 1, 2001.