

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 33  
Committee Substitute Favorable 2/14/95

Short Title: Real Estate Renewal Fees/AB.

(Public)

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Sponsors:

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Referred to:

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January 26, 1995

A BILL TO BE ENTITLED

1 AN ACT TO INCREASE THE ANNUAL RENEWAL FEE FOR A REAL ESTATE  
2 LICENSE AND TO REQUIRE PAYMENT OF THE APPLICATION FEE EACH  
3 TIME AN APPLICANT TAKES THE REAL ESTATE EXAMINATION.  
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5 The General Assembly of North Carolina enacts:

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

7 "**§ 93A-4. Applications for licenses; fees; qualifications; examinations; bond;**  
8 **privilege licenses; renewal or reinstatement of license; power to enforce**  
9 **provisions.**

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

1 applicant for a license as a real estate broker shall, within five years preceding the date  
2 the application is made, either have been actively engaged on a full-time basis as a  
3 licensed real estate salesman for at least two years, or have satisfactorily completed, at a  
4 school approved by the Commission, advanced courses in Real Estate Law, Real Estate  
5 Finance, and Real Estate Brokerage Operations, each consisting of at least 30 hours of  
6 classroom instruction, these courses to be in addition to those required for a real estate  
7 salesman license, or possess real estate education or experience in real estate transactions  
8 which the Commission shall find equivalent to the above requirements. Each application  
9 for license as a real estate broker shall be accompanied by a fee, fixed by the Commission  
10 but not to exceed thirty dollars (\$30.00). Each application for license as a real estate  
11 salesman shall be accompanied by a fee, fixed by the Commission but not to exceed  
12 thirty dollars (\$30.00).

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

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

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

35 (c) All licenses issued by the Commission under the provisions of this Chapter  
36 shall expire on the 30th day of June following issuance or on any other date that the  
37 Commission may determine and shall become invalid after that date unless reinstated. A  
38 license may be renewed 45 days prior to the expiration date by filing an application with  
39 and paying to the Executive Director of the Commission the ~~fee required by the~~  
40 ~~Commission, which may not exceed twenty five dollars (\$25.00).~~ license renewal fee. The  
41 license renewal fee is thirty dollars (\$30.00) unless the Commission sets the fee at a  
42 higher amount. The Commission may set the license renewal fee at an amount that does  
43 not exceed fifty dollars (\$50.00). The license renewal fee may not increase by more than

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

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

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

27 Sec. 2. This act is effective upon ratification and applies to applications for a  
28 license or for renewal of a license filed on or after that date.