

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 715

Introduced by Pahls, 31.

Read first time January 09, 2008

Committee: Banking, Commerce and Insurance

A BILL

1 FOR AN ACT relating to real estate; to amend section 81-885.17,
2 Revised Statutes Cumulative Supplement, 2006; to change
3 provisions relating to nonresident real estate licensees;
4 and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-885.17, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 81-885.17 (1)(a) A nonresident of this state who is
4 actively engaged in the real estate business, who maintains a
5 place of business in his or her resident regulatory jurisdiction,
6 and who has been duly licensed in that regulatory jurisdiction
7 to conduct such business in that regulatory jurisdiction may, in
8 the discretion of the commission, be issued a nonresident broker's
9 license.

10 (b) A nonresident salesperson employed by a broker
11 holding a nonresident broker's license may, in the discretion
12 of the commission, be issued a nonresident salesperson's license
13 under such nonresident broker.

14 (c) A nonresident who becomes a resident of the State
15 of Nebraska and who holds a broker's or salesperson's license
16 in his or her prior resident regulatory jurisdiction shall be
17 issued a resident broker's or salesperson's license upon filing an
18 application, paying the applicable license fee, complying with the
19 criminal history record information check under subsection (4) of
20 this section, ~~and~~ filing the affidavit required by subsection (7)
21 of this section, and providing to the commission adequate proof
22 of completion of a three-hour class approved by the commission
23 specific to the Nebraska Real Estate License Act and sections
24 76-2401 to 76-2430.

25 (2) Obtaining a nonresident broker's license shall

1 constitute sufficient contact with this state for the exercise of
2 personal jurisdiction over the licensee in any action arising out
3 of the licensee's activity in this state.

4 (3) Prior to the issuance of any license to any
5 nonresident, he or she shall file with the commission a duly
6 certified copy of the license issued to the applicant by the
7 resident regulatory jurisdiction, ~~and~~ pay to the commission the
8 nonresident license fee as provided in section 81-885.14 for the
9 obtaining of a broker's or salesperson's license, and provide to
10 the commission adequate proof of completion of a three-hour class
11 approved by the commission specific to the Nebraska Real Estate
12 License Act and sections 76-2401 to 76-2430.

13 (4) An applicant for an original nonresident broker's
14 or salesperson's license shall be subject to fingerprinting and a
15 check of his or her criminal history record information maintained
16 by the Federal Bureau of Investigation through the Nebraska State
17 Patrol. Each applicant shall furnish to the Nebraska State Patrol
18 a full set of fingerprints to enable a criminal background
19 investigation to be conducted. The applicant shall request that
20 the Nebraska State Patrol submit the fingerprints to the Federal
21 Bureau of Investigation for a national criminal history record
22 check. The applicant shall pay the actual cost, if any, of the
23 fingerprinting and check of his or her criminal history record
24 information. The applicant shall authorize release of the national
25 criminal history record check to the commission. The criminal

1 history record information check shall be completed within ninety
2 days preceding the date the original application for a license is
3 received in the commission's office, and if not, the application
4 shall be returned to the applicant.

5 (5) Nothing in this section shall preclude the commission
6 from entering into reciprocal agreements with other regulatory
7 jurisdictions when such agreements are necessary to provide
8 Nebraska residents authority to secure licenses in other regulatory
9 jurisdictions.

10 (6) Nonresident licenses granted as provided in this
11 section shall remain in force for only as long as the requirements
12 of issuing and maintaining a license are met unless (a) suspended
13 or revoked by the commission for just cause or (b) lapsed for
14 failure to pay the annual renewal fee.

15 (7) Prior to the issuance of any license to a nonresident
16 applicant, an affidavit shall be filed by the applicant with
17 the commission certifying that the applicant has reviewed and is
18 familiar with the Nebraska Real Estate License Act and the rules
19 and regulations of the commission and agrees to be bound by the
20 act, rules, and regulations. Within ninety days after the issuance
21 of a license to a nonresident licensee prior to the effective
22 date of this act, the licensee shall provide to the commission
23 adequate proof of completion of a three-hour class approved by
24 the commission specific to the Nebraska Real Estate License Act
25 and the law of agency relationships enumerated in sections 76-2401

1 to 76-2430. If the licensee fails to provide adequate proof of
2 completion of the approved class to the commission within the
3 ninety-day period, the director of the commission or his or her
4 designee shall place the license on inactive status and notify the
5 licensee that he or she must show cause why the license should not
6 be revoked.

7 Sec. 2. Original section 81-885.17, Revised Statutes
8 Cumulative Supplement, 2006, is repealed.