

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 12

FINAL READING

Introduced by Blood, 3; Gragert, 40; Linehan, 39; Hunt, 8; Arch, 14;
Crawford, 45.

Read first time January 10, 2019

Committee: Banking, Commerce and Insurance

- 1 A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to
- 2 amend section 81-885.14, Reissue Revised Statutes of Nebraska, and
- 3 section 81-885.17, Revised Statutes Cumulative Supplement, 2018; to
- 4 provide a license fee exemption for servicemembers and their spouses
- 5 as prescribed; to harmonize provisions; to repeal the original
- 6 sections; and to declare an emergency.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-885.14, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 81-885.14 (1) To pay the expense of the maintenance and operation of
4 the office of the commission and the enforcement of the Nebraska Real
5 Estate License Act, the commission shall, at the time an application is
6 submitted, collect from an applicant for each broker's or salesperson's
7 examination a fee to be established by the commission of not more than
8 two hundred fifty dollars and an application fee of not more than two
9 hundred fifty dollars. The commission shall also collect a reexamination
10 fee to be established by the commission of not more than two hundred
11 fifty dollars for each reexamination. The commission may direct an
12 applicant to pay the examination or reexamination fee to a third party
13 who has contracted with the commission to administer the examination.
14 Prior to the issuance of an original license, each applicant who has
15 passed the examination required by section 81-885.13 or who has received
16 a license under section 81-885.17 shall pay a license fee to be
17 established by the commission. The license fee established by the
18 commission shall not exceed the following amounts: For a broker's
19 license, not more than two hundred fifty dollars; and for a salesperson's
20 license, not more than two hundred dollars.

21 (2) Any applicant who is an active duty member of the armed forces
22 of the United States or the spouse of such servicemember shall be exempt
23 from payment of the license fee described in subsection (1) of this
24 section if (a) such servicemember is assigned to a permanent duty station
25 in Nebraska and (b)(i) the applicant is already duly licensed in another
26 regulatory jurisdiction or (ii) the applicant was previously licensed in
27 Nebraska within three years prior to becoming a resident of the State of
28 Nebraska after such duty assignment.

29 (3) ~~(2)~~ After the original issuance of a license, a renewal
30 application and a renewal fee to be established by the commission of not
31 more than five hundred dollars for each broker, and not more than four

1 hundred dollars for each salesperson, shall be due and payable on or
2 before November 30 of each renewal year. A broker or salesperson who: (a)
3 Is required to submit evidence of completion of continuing education
4 pursuant to section 81-885.51 on or before November 30, 2011, shall renew
5 his or her license on or before such date for two years; (b) is not
6 required to submit evidence of completion of continuing education until
7 November 30, 2012, shall renew his or her license on or before November
8 30, 2011, for one year and shall renew his or her license on or before
9 November 30, 2012, for two years; or (c) receives his or her original
10 license on or after January 1, 2011, shall renew his or her license on or
11 before the immediately following November 30 for two years. Each
12 subsequent renewal under subdivisions (a), (b), and (c) of this
13 subsection shall be for a two-year period and shall be due on or before
14 November 30 of each renewal year. Failure to remit renewal fees when due
15 shall automatically cancel such license on December 31 of the renewal
16 year, but otherwise the license shall remain in full force and effect
17 continuously from the date of issuance unless suspended or revoked by the
18 commission for just cause. Any licensee who fails to file an application
19 for the renewal of any license and pay the renewal fee as provided in
20 this section may file a late renewal application and shall pay, in
21 addition to the renewal fee, an amount to be established by the
22 commission of not more than twenty-five dollars for each month or
23 fraction thereof beginning with the first day of December if such late
24 application is filed before July 1 of the ensuing year.

25 (4) ~~(3)~~ Any check presented to the commission as a fee for either an
26 original or renewal license or for examination for license which is
27 returned to the State Treasurer unpaid or any electronic payment
28 presented to the commission as a fee for either an original or renewal
29 license or for examination for license that is not accepted against the
30 commission shall be cause for revocation or denial of license.

31 (5) ~~(4)~~ An inactive broker or salesperson may renew his or her

1 license by submitting an application before December 1 prior to the
2 ensuing year. Such broker or salesperson shall submit the renewal fee
3 together with the completed renewal application on which he or she has
4 noted his or her present inactive status. Any broker or salesperson whose
5 license has been renewed on such inactive status shall not be permitted
6 to engage in the real estate business until such time as he or she
7 fulfills the requirements for active status. Any license which has been
8 inactive for a continuous period of more than three years shall be
9 reinstated only if the licensee has met the examination requirement of an
10 original applicant.

11 Sec. 2. Section 81-885.17, Revised Statutes Cumulative Supplement,
12 2018, is amended to read:

13 81-885.17 (1)(a) A nonresident of this state who is actively engaged
14 in the real estate business, who maintains a place of business in his or
15 her resident regulatory jurisdiction, and who has been duly licensed in
16 that regulatory jurisdiction to conduct such business in that regulatory
17 jurisdiction may, in the discretion of the commission, be issued a
18 nonresident broker's license.

19 (b) A nonresident salesperson employed by a broker holding a
20 nonresident broker's license may, in the discretion of the commission, be
21 issued a nonresident salesperson's license under such nonresident broker.

22 (c) A nonresident who becomes a resident of the State of Nebraska
23 and who holds a broker's or salesperson's license in his or her prior
24 resident regulatory jurisdiction shall be issued a resident broker's or
25 salesperson's license upon filing an application, paying the applicable
26 license fee except as provided in subsection (2) of section 81-885.14,
27 complying with the criminal history record information check under
28 subsection (4) of this section, filing the affidavit required by
29 subsection (7) of this section, and providing to the commission adequate
30 proof of completion of a three-hour class approved by the commission
31 specific to the Nebraska Real Estate License Act and sections 76-2401 to

1 76-2430.

2 (2) Obtaining a nonresident broker's license shall constitute
3 sufficient contact with this state for the exercise of personal
4 jurisdiction over the licensee in any action arising out of the
5 licensee's activity in this state.

6 (3) Prior to the issuance of any license to a nonresident applicant,
7 he or she shall: (a) File with the commission a duly certified copy of
8 the license issued to the applicant by his or her resident regulatory
9 jurisdiction or provide verification of such licensure to the commission;
10 (b) pay to the commission a the nonresident license fee equal to the fee
11 as provided in section 81-885.14 for the obtaining of a broker's or
12 salesperson's license, whichever is applicable, as provided in section
13 81-885.14; and (c) provide to the commission adequate proof of completion
14 of a three-hour class approved by the commission specific to the Nebraska
15 Real Estate License Act and sections 76-2401 to 76-2430.

16 (4) An applicant for an original nonresident broker's or
17 salesperson's license shall be subject to fingerprinting and a check of
18 his or her criminal history record information maintained by the Federal
19 Bureau of Investigation through the Nebraska State Patrol. After filing
20 application for a license, each applicant shall furnish directly to the
21 Nebraska State Patrol, or to a fingerprint processing service that may be
22 selected by the commission for this purpose, a full set of fingerprints
23 to enable a criminal background investigation to be conducted. The
24 applicant shall request that the Nebraska State Patrol submit the
25 fingerprints to the Federal Bureau of Investigation for a national
26 criminal history record check. The applicant shall pay the actual cost,
27 if any, of the fingerprinting and check of his or her criminal history
28 record information. The applicant shall authorize release of the national
29 criminal history record check to the commission.

30 (5) Nothing in this section shall preclude the commission from
31 entering into reciprocal agreements with other regulatory jurisdictions

1 when such agreements are necessary to provide Nebraska residents
2 authority to secure licenses in other regulatory jurisdictions.

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

8 (7) Prior to the issuance of any license to a nonresident applicant,
9 he or she shall file an affidavit with the commission certifying that the
10 applicant has reviewed and is familiar with the Nebraska Real Estate
11 License Act and the rules and regulations of the commission and agrees to
12 be bound by the act, rules, and regulations.

13 Sec. 3. Original section 81-885.14, Reissue Revised Statutes of
14 Nebraska, and section 81-885.17, Revised Statutes Cumulative Supplement,
15 2018, are repealed.

16 Sec. 4. Since an emergency exists, this act takes effect when
17 passed and approved according to law.