

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 384**

Introduced by Walz, 15.

Read first time January 17, 2019

Committee: Banking, Commerce and Insurance

- 1 A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to
- 2 amend section 81-885.13, Revised Statutes Cumulative Supplement,
- 3 2018; to change provisions relating to education requirements; to
- 4 provide an operative date; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-885.13, Revised Statutes Cumulative  
2 Supplement, 2018, is amended to read:

3 81-885.13 (1) No broker's or salesperson's license shall be issued  
4 to any person who has not attained the age of nineteen years. No broker's  
5 or salesperson's license shall be issued to any person who is not a high  
6 school graduate or the holder of a certificate of high school  
7 equivalency.

8 (2) Each applicant for a salesperson's license shall furnish  
9 evidence that he or she has completed two courses in real estate  
10 subjects, approved by the commission, composed of not less than sixty  
11 class hours of study or, in lieu thereof, courses delivered in a distance  
12 education format approved by the commission.

13 (3) Each applicant for a broker's license shall either:

14 (a) ~~Have~~ have first served actively for five ~~two~~ years as a licensed  
15 salesperson or broker and shall furnish evidence of completion of sixty  
16 class hours in addition to the hours required by subsection (2) of this  
17 section in a course of study approved by the commission or, in lieu  
18 thereof, courses delivered in a distance education format approved by the  
19 commission; or

20 (b) Upon special application and hearing before the commission,  
21 provide satisfactory evidence of (i) equivalent or sufficiently relevant  
22 experience in a real estate related industry or (ii) hardship due to an  
23 existing brokerage being unable to retain the services of a licensee to  
24 act as their designated broker who has the five years' experience  
25 required in this subsection. Any applicant so approved must furnish a  
26 certificate that he or she has passed a course of at least eighteen  
27 credit hours in subjects related to real estate at an accredited  
28 university or college, or completed six courses in real estate subjects  
29 composed of not less than one hundred eighty class hours in a course of  
30 study approved by the commission or, in lieu thereof, courses delivered  
31 in a distance education format approved by the commission.

1       (4) No person issued a broker's license may act as a designated  
2 broker for any other licensee until such person has taken additional  
3 courses of post-licensure education in the subjects of real estate trust  
4 accounting, brokerage finance, business ethics, and risk management,  
5 except that the commission may extend, for up to six months, the post-  
6 licensure course work requirement under the hardship provision of  
7 subdivision (3)(a)(ii) of this section.

8       (5) Each applicant for a broker's or salesperson's license shall  
9 furnish evidence of completion of six class hours of study in a course  
10 approved by the commission related to professional practice and  
11 standards.

12       (6) (4) Each applicant for a broker's license must pass a written  
13 examination covering generally the matters confronting real estate  
14 brokers, and each applicant for a salesperson's license must pass a  
15 written examination covering generally the matters confronting real  
16 estate salespersons. Such examination may be taken before the commission  
17 or any person designated by the commission. Failure to pass the  
18 examination shall be grounds for denial of a license without further  
19 hearing. Within thirty days after passing the examination the applicant  
20 must complete all requirements necessary for the issuance of a license.  
21 The commission may prepare and distribute to licensees under the Nebraska  
22 Real Estate License Act informational material deemed of assistance in  
23 the conduct of their business.

24       (7) (5) An applicant for an original broker's or salesperson's  
25 license shall be subject to fingerprinting and a check of his or her  
26 criminal history record information maintained by the Federal Bureau of  
27 Investigation through the Nebraska State Patrol. After filing application  
28 for a license, each applicant shall furnish directly to the Nebraska  
29 State Patrol, or to a fingerprint processing service that may be selected  
30 by the commission for this purpose, a full set of fingerprints to enable  
31 a criminal background investigation to be conducted. The applicant shall

1 request that the Nebraska State Patrol submit the fingerprints to the  
2 Federal Bureau of Investigation for a national criminal history record  
3 check. The applicant shall pay the actual cost, if any, of the  
4 fingerprinting and check of his or her criminal history record  
5 information. The applicant shall authorize release of the national  
6 criminal history record check to the commission.

7 (8) {6} Courses of study, referred to in subsections (2), ~~and (3)~~,  
8 (4), (5), and (9) of this section, shall include courses offered by  
9 private proprietary real estate schools when such courses are prescribed  
10 by the commission and are taught by instructors approved by the  
11 commission. The commission shall monitor schools offering approved real  
12 estate courses and for good cause shall have authority to suspend or  
13 withdraw approval of such courses or instructors.

14 (9) All licensees shall, within one hundred eighty days after  
15 license issuance, furnish satisfactory evidence of completion of twelve  
16 hours of class study in a commission-approved class related to required  
17 knowledge and skills for real estate practice, including, but not limited  
18 to, completing contracts and listing agreements and handling of client  
19 funds. If a licensee fails to do so, the commission shall place his or  
20 her license on inactive status until the commission receives such  
21 satisfactory evidence. Transfer to active status pursuant to this  
22 subsection shall be subject to the fee provided for in section 81-885.20.

23 Sec. 2. This act becomes operative on July 1, 2020.

24 Sec. 3. Original section 81-885.13, Revised Statutes Cumulative  
25 Supplement, 2018, is repealed.