

FIRST REGULAR SESSION

HOUSE BILL NO. 1401

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RUSH.

2967H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 339.040, RSMo, and to enact in lieu thereof one new section relating to temporary real estate salesperson licenses.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 339.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 339.040, to read as follows:

339.040. 1. Licenses shall be granted only to persons who present, and corporations, associations, partnerships, limited partnerships, limited liability companies, and professional corporations whose officers, managers, associates, general partners, or members who actively participate in such entity's brokerage, broker-salesperson, or salesperson business present, satisfactory proof to the commission that they are competent to transact the business of a broker or salesperson in such a manner as to safeguard the interest of the public.

2. In order to determine an applicant's qualifications to receive a license under sections 339.010 to 339.180 and sections 339.710 to ~~339.860~~ **339.855**, the commission shall hold oral or written examinations at such times and places as the commission may determine.

3. Each applicant for a broker or salesperson license shall be at least eighteen years of age and shall pay the broker examination fee or the salesperson examination fee.

4. Each applicant for a broker license shall be required to have satisfactorily completed the salesperson license examination prescribed by the commission. For the purposes of this section only, the commission may permit a person who is not associated with a licensed broker to take the salesperson examination.

5. Each application for a broker license shall include a certificate from the applicant's broker or brokers that the applicant has been actively engaged in the real estate business as a

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 licensed salesperson for at least two years immediately preceding the date of application, and
19 shall include a certificate from a school accredited by the commission under the provisions of
20 section 339.045 that the applicant has, within six months prior to the date of application,
21 successfully completed the prescribed broker curriculum or broker correspondence course
22 offered by such school, except that the commission may waive all or part of the requirements
23 set forth in this subsection when an applicant presents proof of other educational background
24 or experience acceptable to the commission. Each application for a broker-salesperson
25 license shall include evidence of the current broker license held by the applicant.

26 6. Each application for a salesperson license shall include a certificate from a school
27 accredited by the commission under the provisions of section 339.045 that the applicant has,
28 within six months prior to the date of application, successfully completed the prescribed
29 salesperson curriculum or salesperson correspondence course offered by such school, except
30 that the commission may waive all or part of the educational requirements set forth in this
31 subsection when an applicant presents proof of other educational background or experience
32 acceptable to the commission.

33 7. **(1)** The commission may issue a temporary work permit pending final review and
34 printing of the license to an applicant who appears to have satisfied the requirements for
35 [~~licenses~~] **licensure**. The commission may, at its discretion, withdraw the work permit at any
36 time.

37 **(2) The commission shall issue a six-month nonrenewable temporary salesperson**
38 **license without examination to any applicant who has not previously taken the**
39 **salesperson examination but who meets the requirements set forth in subsection 6 of this**
40 **section and has no history of conduct or disciplinary action that would warrant refusal**
41 **to issue a license under section 339.080 or 339.110. The temporary license shall**
42 **automatically expire six months from the date of issuance or upon the issuance of a**
43 **permanent license and shall not be reissued.**

44 8. Every active broker, broker-salesperson, salesperson, officer, manager, general
45 partner, member or associate shall provide upon request to the commission evidence that
46 during the two years preceding he or she has completed twelve hours of real estate instruction
47 in courses approved by the commission. The commission may, by rule and regulation,
48 provide for individual waiver of this requirement.

49 9. Each entity that provides continuing education required under the provisions of
50 subsection 8 of this section may make available instruction courses that the entity conducts
51 through means of distance delivery. The commission shall by rule set standards for such
52 courses. The commission may by regulation require the individual completing such distance-
53 delivered course to complete an examination on the contents of the course. Such examination
54 shall be designed to ensure that the licensee displays adequate knowledge of the subject

55 matter of the course, and shall be designed by the entity producing the course and approved
56 by the commission.

57 10. In the event of the death or incapacity of a licensed broker, or of one or more of
58 the licensed general partners, officers, managers, members or associates of a real estate
59 partnership, limited partnership, limited liability company, professional corporation,
60 corporation, or association whereby the affairs of the broker, partnership, limited
61 partnership, limited liability company, professional corporation, corporation, or association
62 cannot be carried on, the commission may issue, without examination or fee, to the legal
63 representative or representatives of the deceased or incapacitated individual, or to another
64 individual approved by the commission, a temporary broker license which shall authorize
65 such individual to continue for a period to be designated by the commission to transact
66 business for the sole purpose of winding up the affairs of the broker, partnership, limited
67 partnership, limited liability company, professional corporation, corporation, or association
68 under the supervision of the commission.

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