

LEGISLATURE OF NEBRASKA  
NINETY-EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 60**

Introduced by Byars, 30

Read first time January 9, 2003

Committee: Banking, Commerce and Insurance

A BILL

1 FOR AN ACT relating to the Nebraska Real Estate License Act; to  
2 amend sections 81-885.13 and 81-885.17, Revised Statutes  
3 Supplement, 2002; to require criminal history record  
4 information checks of license applicants; and to repeal  
5 the original sections.  
6 Be it enacted by the people of the State of Nebraska,

1                   Section 1.           Section 81-885.13, Revised Statutes  
2 Supplement, 2002, is amended to read:

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

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

14                   (3) Each applicant for a broker's license shall either  
15 (a) have first served actively for two years as a licensed  
16 salesperson or broker and shall furnish evidence of completion of  
17 sixty class hours in addition to the hours required by subsection  
18 (2) of this section in a course of study approved by the commission  
19 or, in lieu thereof, courses delivered in a distance education  
20 format approved by the commission, or (b) furnish a certificate  
21 that he or she has passed a course of at least eighteen credit  
22 hours in subjects related to real estate at an accredited  
23 university or college, or completed six courses in real estate  
24 subjects composed of not less than one hundred eighty class hours  
25 in a course of study approved by the commission or, in lieu  
26 thereof, courses delivered in a distance education format approved  
27 by the commission.

28                   (4) Each ~~The~~ applicant for a broker's license must pass a

1 written examination covering generally the matters confronting real  
2 estate brokers, and each applicant for a salesperson's license must  
3 pass a written examination covering generally the matters  
4 confronting real estate salespersons. Such examination may be  
5 taken before the commission or any person designated by the  
6 commission. Failure to pass the examination shall be grounds for  
7 denial of a license without further hearing. The commission may  
8 prepare and distribute to licensees under the Nebraska Real Estate  
9 License Act informational material deemed of assistance in the  
10 conduct of their business.

11 ~~(4)~~ (5) An applicant for an original broker's or  
12 salesperson's license shall be subject to fingerprinting and a  
13 check of his or her criminal history record information maintained  
14 by the Federal Bureau of Investigation through the Nebraska State  
15 Patrol. Each applicant shall furnish to the Nebraska State Patrol  
16 a full set of fingerprints to enable a criminal background  
17 investigation to be conducted. The applicant shall request that  
18 the Nebraska State Patrol submit the fingerprints to the Federal  
19 Bureau of Investigation for a national criminal history record  
20 check. The applicant shall pay the actual cost, if any, of the  
21 fingerprinting and check of his or her criminal history record  
22 information. The applicant shall authorize release of the national  
23 criminal history record check to the commission. The criminal  
24 history record information check shall be completed within ninety  
25 days preceding the date the original application for a license is  
26 received in the commission's office, and if not, the application  
27 shall be returned to the applicant.

28 (6) Courses of study, referred to in subsections (2) and

1 (3) of this section, shall include courses offered by private  
2 proprietary real estate schools when such courses are prescribed by  
3 the commission and are taught by instructors approved by the  
4 commission. The commission shall monitor schools offering approved  
5 real estate courses and for good cause shall have authority to  
6 suspend or withdraw approval of such courses or instructors.

7 Sec. 2. Section 81-885.17, Revised Statutes Supplement,  
8 2002, is amended to read:

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

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

20 (c) A nonresident who becomes a resident of the State of  
21 Nebraska and who holds a broker's or salesperson's license in his  
22 or her prior resident regulatory jurisdiction shall be issued a  
23 resident broker's or salesperson's license upon filing an  
24 application, paying the applicable license fee, complying with the  
25 criminal history record information check under subsection (4) of  
26 this section, and filing the affidavit required by subsection ~~(6)~~  
27 (7) of this section.

28 (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.

10 (4) An applicant for an original nonresident broker's or  
11 salesperson's license shall be subject to fingerprinting and a  
12 check of his or her criminal history record information maintained  
13 by the Federal Bureau of Investigation through the Nebraska State  
14 Patrol. Each applicant shall furnish to the Nebraska State Patrol  
15 a full set of fingerprints to enable a criminal background  
16 investigation to be conducted. The applicant shall request that  
17 the Nebraska State Patrol submit the fingerprints to the Federal  
18 Bureau of Investigation for a national criminal history record  
19 check. The applicant shall pay the actual cost, if any, of the  
20 fingerprinting and check of his or her criminal history record  
21 information. The applicant shall authorize release of the national  
22 criminal history record check to the commission. The criminal  
23 history record information check shall be completed within ninety  
24 days preceding the date the original application for a license is  
25 received in the commission's office, and if not, the application  
26 shall be returned to the applicant.

27 (5) Nothing in this section shall preclude the commission  
28 from entering into reciprocal agreements with other regulatory

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

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

9 ~~(6)~~ (7) Prior to the issuance of any license to a  
10 nonresident applicant, an affidavit shall be filed by the applicant  
11 with the commission certifying that the applicant has reviewed and  
12 is familiar with the Nebraska Real Estate License Act and the rules  
13 and regulations of the commission and agrees to be bound by the  
14 act, rules, and regulations.

15 Sec. 3. Original sections 81-885.13 and 81-885.17,  
16 Revised Statutes Supplement, 2002, are repealed.