

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Representative Ferguson

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 17-35-304, 17-35-501, 17-
9 35-504 AND 17-35-505 TO AUTHORIZE THE ARKANSAS REAL ESTATE
10 COMMISSION TO ESTABLISH APPLICATION, EXAMINATION,
11 LICENSURE AND OTHER FEES FOR REAL ESTATE BROKERS AND
12 SALESPERSONS; TO CHANGE THE CONTINUING EDUCATION
13 REQUIREMENTS BY AUTHORIZING THE COMMISSION TO ACCEPT
14 COURSES OFFERED BY COLLEGES AND UNIVERSITIES AND TO
15 PRESCRIBE INSTRUCTOR QUALIFICATIONS AND CREDENTIALS; AND
16 FOR OTHER PURPOSES."

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Subtitle

19 "AN ACT RELATING TO THE ARKANSAS REAL
20 ESTATE COMMISSION."

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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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24 SECTION 1. Arkansas Code 17-35-304 is amended to read as follows:

25 "17-35-304. Fees.

26 The commission shall have authority to establish, charge, and collect
27 the following fees:

28 (1) An application fee not to exceed fifty dollars (\$50.00);

29 (2) An original broker's license fee not to exceed seventy dollars
30 (\$70.00) ;

31 (3) A broker's license annual renewal fee not to exceed seventy
32 dollars (\$70.00) ;

33 (4) An original salesperson's license fee not to exceed fifty dollars
34 (\$50.00) ;

35 (5) A salesperson's license annual renewal fee not to exceed fifty

1 dollars (\$50.00) ;

2 (6) A broker's expired license fee not to exceed one hundred dollars
3 (\$100.00) per year or fraction thereof;

4 (7) A salesperson's expired license fee not to exceed seventy dollars
5 (\$70.00) per year or fraction thereof;

6 (8) A license reissuance fee not to exceed thirty dollars (\$30.00);

7 (9) An initial duplicate license fee not to exceed thirty dollars
8 (\$30.00);

9 (10) A duplicate license annual renewal fee not to exceed thirty
10 dollars (\$30.00);

11 (11) A transfer fee not to exceed thirty dollars (\$30.00);

12 (12)(A) An examination fee not to exceed seventy-five dollars
13 (\$75.00). (B) Provided, however, the commission, at its discretion,
14 may direct each applicant to pay the actual costs of the examination fee
15 directly to a testing service engaged by the commission to administer the
16 examination;

17 (13) Pursuant to § 17-35-313, an appeal filing fee not to exceed one
18 hundred dollars (\$100); and

19 (14) A Real Estate Recovery Fund fee not to exceed twenty-five dollars
20 (\$25.00)."

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22 SECTION 2. Arkansas Code 17-35-501 is amended to read as follows:

23 "17-35-501. Renewal or reactivation requirements.

24 (a) As a condition precedent to renewal or activation of licenses,
25 licensees shall meet the following requirements:

26 (1)(A) Licensees on inactive status are not required to comply
27 with this subchapter during their inactive status.

28 (B)(i) Prior to activation of a license on inactive
29 status, the licensee shall satisfactorily complete six (6) classroom hours or
30 equivalent continuing education units or equivalent correspondence work of
31 continuing education.

32 (ii) However, that will satisfy the requirements
33 only for that particular license year and not for the following license year;

34 (2)(A) Persons licensed as real estate brokers or salespersons
35 shall successfully complete six (6) classroom hours or equivalent continuing

1 education units or equivalent correspondence work of continuing education
2 annually.

3 (B) Those persons shall be deemed to have successfully
4 completed the continuing education requirements for the licensing year
5 following the year in which first licensed in Arkansas;

6 (3) Provided the course or courses consist of no less than six
7 (6) classroom hours or equivalent continuing education units of real
8 estate-related subjects and otherwise comply with the minimum requirements of
9 this subchapter, and further provided that evidence of such compliance
10 satisfactory to the commission is submitted in form, manner, and content
11 prescribed by the commission, a nonresident licensee may meet the Arkansas
12 continuing education requirements by taking courses which meet the continuing
13 education requirements of his or her resident state for the licensing year in
14 question.

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16 (b) The commission may waive all or part of the requirements of
17 subsection (a) of this section for any licensee who submits satisfactory
18 evidence of inability to meet the continuing education requirements due to
19 health reasons or other hardship or extenuating circumstances beyond the
20 licensee's control.

21 (c) Licenses for persons who apply for renewal of their licenses and
22 who do not provide to the commission evidence of meeting the continuing
23 education requirements, but who have otherwise met all requirements for
24 license renewal, shall be placed on inactive status until the evidence is
25 provided to the commission."

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27 SECTION 3. Arkansas Code 17-35-504 is amended to read as follows:

28 "17-35-504. Qualifying courses.

29 The following courses and their instructors are not required to obtain
30 the approval of the board in order to qualify as continuing education courses
31 in this subchapter:

32 (1) Courses in real estate-related subjects offered by the National
33 Association of Realtors, the National Association of Real Estate Brokers, or
34 their societies, institutes, or councils;

35 (2) Courses in real estate-related subjects offered by the commission;

1 and

2 (3) Courses of at least three (3) semester hours or equivalent in real
3 estate subjects acceptable to the commission offered by colleges or
4 universities."

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6 SECTION 4. Arkansas Code 17-35-505 is amended to read as follows:

7 "17-35-505. Instructor credentials.

8 (a) Except as provided in this subchapter, instructors in continuing
9 education courses shall file credentials with the board showing the necessary
10 specialized preparation, training, and experience to ensure competent and
11 qualified instruction.

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16 (b) The board will prescribe instructor qualification credentials and
17 education requirements based upon advice and recommendation of the
18 commission."

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20 SECTION 5. All provisions of this act of a general and permanent
21 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
22 Code Revision Commission shall incorporate the same in the Code.

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24 SECTION 6. If any provision of this act or the application thereof to
25 any person or circumstance is held invalid, such invalidity shall not affect
26 other provisions or applications of the act which can be given effect without
27 the invalid provision or application, and to this end the provisions of this
28 act are declared to be severable.

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30 SECTION 7. All laws and parts of laws in conflict with this act are
31 hereby repealed.

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33 SECTION 8. EMERGENCY. It is hereby found and determined by the
34 General Assembly of the State of Arkansas that it is necessary and desirable
35 for the Arkansas Real Estate Commission to be granted the authority to

1 increase fees in order to have sufficient funds with which to efficiently and
2 effectively administer the laws and regulations pertaining to the licensure
3 and regulation of real estate brokers and salespersons and to effectively
4 administer the continuing education requirements for such licensees, and
5 that, therefore, immediate effect should be given to this measure.
6 Therefore, an emergency is hereby declared to exist and this act being
7 necessary for the immediate preservation of the public peace, health and
8 safety shall be in full force and effect from and after its passage and
9 approval.

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