

2019 Regular Session

HOUSE BILL NO. 299

BY REPRESENTATIVE CARMODY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

REAL ESTATE/REALTORS: Provides relative to approval of certain continuing legal education courses by the Louisiana Real Estate Commission

1 AN ACT

2 To enact R.S. 37:1461.1, relative to continuing education approved by the Louisiana Real  
3 Estate Commission; to provide for a continuing education approval process for  
4 certain courses; to require vendors to seek approval to provide such courses; and to  
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 37:1461.1 is hereby enacted to read as follows:

8 §1461.1. Continuing education; meetings and conferences; approved vendors;  
9 approval process; exceptions

10 A. A vendor which has been licensed by the Louisiana Real Estate  
11 Commission to provide continuing education courses to licensees of the commission  
12 shall be exempt from the continuing education approval processes as set forth in the  
13 Louisiana Administrative Code or prescribed by the commission when seeking  
14 approval of the following:

15 (1) Courses offered to obtain certifications or designations awarded by the  
16 National Association of REALTORS or its affiliated institutes, societies, and  
17 councils.

18 (2) Live courses offered once a year in any one location and in conjunction  
19 with a conference, meeting, forum, or similar event held or sponsored by a state or

1 local real estate trade association, or any institutes, societies, or councils affiliated  
2 with a state or local real estate trade association.

3 B. In order for licensees to earn continuing education credit for courses  
4 delineated in Subsection A of this Section, the vendor of the course shall submit the  
5 course for approval for continuing education credit pursuant to the process set forth  
6 in this Section.

7 C.(1) To obtain approval for continuing education credit for the courses  
8 delineated in Subsection A of this Section, a vendor shall submit the following  
9 information to the executive director of the commission by electronic mail at least  
10 forty-five days prior to the planned date of the course:

11 (a)(i) The date, location, and time the course will be provided.

12 (ii) If the date, location, or time of the course has not been finalized, the  
13 vendor shall state reasons for the uncertainty and ultimately submit the omitted  
14 information at least ten days before the course is taught.

15 (b)(i) For courses described in Paragraph (A)(1) of this Section, for initial  
16 approval, the vendor shall submit either the course materials, course syllabus, or  
17 both, if available. In applications for renewal, the vendor shall submit a brief  
18 summary of the course content.

19 (ii) For courses described in Paragraph (A)(2) of this Section, the vendor  
20 shall submit either the course content or a brief summary of the course content.

21 (c) The name and qualifications of every instructor involved in conducting  
22 the course.

23 (d) The number of credit hours.

24 (2) The executive director shall notify the vendor of whether the course has  
25 been approved or denied approval within seven calendar days of submission for  
26 approval.

27 (3) If approval is denied by the executive director, the question of approval  
28 shall be placed on the agenda of the next regularly scheduled meeting of the  
29 commission. At the meeting, the commissioners shall vote to either uphold the

1 decision of the executive director or to approve the course for continuing education  
2 credit.

3 D.(1) Any course described in Paragraph (A)(1) of this Section and approved  
4 pursuant to the provisions of this Section shall be valid for continuing education  
5 credit for three years from the date of approval or renewal.

6 (2) If a course described in Paragraph (A)(1) of this Section has not been  
7 approved for renewal before the expiration of the three-year time period, it shall not  
8 be acceptable for use as continuing education credit.

9 E.(1) Any state department, office, board, or commission may offer any  
10 course for continuing education credit for real estate licensees without being licensed  
11 as a real estate education vendor.

12 (2) Any state department, office, board, or commission seeking to offer any  
13 course for continuing education credit for real estate licensees shall submit the  
14 course for approval pursuant to the provisions of this Section and shall be exempt  
15 from course and instructor approval requirements provided for in the Louisiana  
16 Administrative Code or prescribed by the commission.

17 F. The following shall apply to any course submitted for approval or  
18 approved for continuing education pursuant to the provisions of this Section:

19 (1) The commission shall not require a separate process to approve the  
20 instructor of the course.

21 (2) If there is a change in the instructor, the vendor shall provide the  
22 executive director with the name of the new instructor and a brief statement as to  
23 why the instructor is qualified to conduct the course, at least seven days prior to the  
24 course.

25 (3) Neither the commission nor any third-party contractor shall require or  
26 request that the vendor or instructor provide an instructor guide, a narrative of the  
27 information to be presented in the course, a detailed course outline, time allotment  
28 for topics, detailed learning objectives, or instructional methods or aids, when the  
29 vendor is seeking approval or renewal of approval of a course.

1           (4) Neither the commission nor any third party shall require the vendor or  
2           instructor to submit additional information about the course content, delivery  
3           method, or instructor unless for use in addressing a formal written complaint that  
4           may be received by the commission about the course or instructor.

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## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 299 Engrossed

2019 Regular Session

Carmody

**Abstract:** Provides for an approval process for continuing education programs by the Louisiana Real Estate Commission.

Proposed law provides that vendors who have been licensed to provide continuing education courses shall be exempt from the approval process when seeking to conduct a course offered to obtain any certificate or designation awarded by the National Association of REALTORS.

Proposed law further provides an exemption for any live courses offered once a year in any one location in conjunction with a conference, meeting, or forum if the event is held or sponsored by a state or local real estate association or any affiliate institute, society, or council.

Proposed law requires that courses specified by proposed law be approved by the La. Real Estate Commission (commission) in order to be utilized for continuing education credit for licensees.

Proposed law requires a vendor of a continuing education program to submit the date, location, and time the course will be offered when applying for approval to conduct the program or approval for renewal of the ability to conduct the program, at least 45 days before the program is held. If the date, location, or time is not known at the time of submission for approval, the vendor is required to submit the missing information at least 10 days before the program is conducted.

Proposed law requires that for exempt courses offered at a conference, meeting, or forum by a trade association or its affiliate, the vendor shall submit either the course content or a brief summary of the course content.

Proposed law requires the vendor to submit the name and credentials of the instructor.

Proposed law requires the executive director of the commission to notify the vendor whether the course has been approved or not approved within seven days of the vendor's submission for approval.

Proposed law provides that if the course was denied approval by the executive director, the issue shall be placed on the agenda of the next meeting to be voted upon by the commission.

Proposed law provides that when a course is approved by the commission, it is valid for a period of three years. After three years, the course is no longer valid if the vendor fails to obtain renewed approval.

Proposed law allows any state department, office, board, or commission to offer a course for continuing education without being licensed as a real estate education vendor.

Proposed law requires any state department, office, board, or commission which seeks to offer a continuing education course to submit the course for approval and provides an exemption from certain course and instructor approval requirements in the Louisiana Administrative Code or prescribed by the commission.

Proposed law provides that once a course is approved, the instructor shall not be subject to an additional approval process. Proposed law further provides that if the instructor changes for a course, the vendor shall submit the name and credentials of the new instructor at least seven days before the course.

Proposed law provides that when a vendor is seeking approval or approval for renewal, the commission or any outside contractor is prohibited from asking the vendor or instructor to provide more specific course information such as an instructor guide, a narrative, outline, time allotment, detailed learning objectives, or any instructional methods or aids.

(Adds R.S. 37:1461.1)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Qualify that in order to be exempt, live courses offered once a year for a conference, meeting, forum, or similar event shall be held or sponsored by a state or local real estate trade association or any affiliated institute, society, or council.
2. Require that for courses offered to obtain certifications or designations awarded by the National Association of REALTORS, the vendor shall submit either the course materials, course syllabus, or both on initial application and submit a brief summary of the course content upon application for renewal.
3. Require that for exempt courses offered at a conference, meeting, or forum by a trade association or its affiliate, the vendor shall submit either the course content or a brief summary of the course content.
4. Allow any state department, office, board, or commission to offer a course for continuing education without being licensed as a real estate education vendor.
5. Provide that when a state department, office, board, or commission does seek to offer a continuing education course, the entity shall submit the course for approval but is exempt from course and instructor approval requirements in the Louisiana Administrative Code or prescribed by the commission.
6. Make technical changes.