The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Mary Dozier O'Brien.

DIGEST 2016 Regular Session

White

<u>Present law</u> provides wide powers for the Louisiana Real Estate Commission regarding licensing and certification and the duties of those involved in the real estate business in Louisiana.

<u>Proposed law</u> provides that the commission may grant the following credentials: real estate broker license, real estate salesperson license, real estate school or vendor certification, timeshare interest salesperson registration and real estate instructor approval/certification.

<u>Present law</u> provides for the granting of general commission powers as to brokers and timeshare developers.

<u>Proposed law</u> includes all licenses, registrants, and certificate holders.

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Present law provides prohibitions for individual licensees, registrants, and certificate holders.

<u>Proposed law</u> provides that partnerships, limited liability companies, associations, corporations are prohibited from conducting any real estate activities for valuable consideration without a license.

<u>Present law</u> provides that certain actions taken in the area of timeshare interests are prohibited without a license.

Proposed law adds the creation of a timeshare plan to the list of proscribed actions.

<u>Present law</u> requires four years experience as a real estate salesperson as a prerequisite for licensing.

<u>Proposed law</u> provides that experience required for a broker's license shall include two of the four years immediately precede the application for a broker's license.

<u>Present law</u> provides relative to liability of a timeshare developer for actions of brokers and timeshare salespersons.

<u>Proposed law</u> disallows a previous waiver of liability of timeshare developers for actions of brokers and timeshare salespersons on the basis that they operate as independent contractors.

<u>Present law</u> provides with respect to the dissolution of a legal entity engaged in timeshare development.

<u>Proposed law</u> provides that upon dissolution any of legal entity in possession of a broker's license to notify the commission within five days of the dissolution.

Present law provides for the categories of active and inactive license.

<u>Proposed law</u> provides requirements for moving from an inactive license to active, including continuing education requirements.

<u>Present law</u> provides that provisions of the licensing law shall not apply to certain unlicensed entities.

<u>Proposed law</u> provides specific guidelines for unlicensed entities not bound by the Louisiana Real Estate Licensing Law.

Present law provides relative to the issuance of a real estate broker license.

<u>Proposed law</u> provides for individual, partnership, limited liability company, association, corporation and other legal entities in the provisions regarding issuance of licenses.

<u>Present law</u> provides relative to timeshare sales registrant and timeshare developer requirements as they relate to real estate licensing law.

<u>Proposed law</u> adds requirements regarding the licensing of brokers and salespersons as they function in the area of timeshare properties.

<u>Present law</u> provides for the return of licenses or registrations upon transfer or termination.

<u>Proposed law</u> provides requirements particularly regarding the termination of sponsorship of associate brokers and salespersons.

Present law provides for a fee schedule.

<u>Proposed law</u> revises fee schedule and adds certain fees, particularly as to active and inactive licenses and real estate schools, vendors, and pre-license instructors.

Present law provides relative to the death of a sponsoring broker.

<u>Proposed law</u> provides that the commission may appoint an active license broker to complete transactions pending at the time of the death.

<u>Present law</u> provides that the commission may promulgate and enforce rules and qualifications relative to applications for licenses or registration.

<u>Proposed law</u> deletes this language and provides that the commission may adopt all necessary rules and by-laws for the administration and enforcement of the law.

Effective August 1, 2016.

(Amends R.S. 37:1433, 1435(C)(1) and (2), (D)-(F) and (H), 1436, 1437, 1437.1, 1437.2, 1437.3, 1438, 1439, 1441, 1443(1)(f), (3)(g) and (4), 1446, 1449, 1451, 1465, 1466(F), and repeals R.S. 37:1435(C)(3) and 1443(3)(g))