

## Session 117 - (2007-2008)

### H\*4554 (Rat #0421, Act #0412 of 2008) General Bill, By Cobb-Hunter and Bedingfield

#### Summary: Real estate licensees

AN ACT TO AMEND SECTION 6-1-315, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LIMITATION ON THE IMPOSITION OR INCREASE OF A BUSINESS LICENSE TAX, SO AS TO LIMIT THE IMPOSITION OF A LICENSE, OCCUPATION, OR PROFESSIONAL TAX OR FEE UPON REAL ESTATE LICENSEES, WITH CERTAIN EXCEPTIONS, TO PROVIDE THAT THE TAX OR FEE SHALL PERMIT THE BROKER-IN-CHARGE AND THE BROKER'S AFFILIATED ASSOCIATE BROKERS, SALESPERSONS, AND PROPERTY MANAGERS TO ENGAGE IN ALL OF THE BROKERAGE ACTIVITY DESCRIBED IN CHAPTER 57 OF TITLE 40 WITHOUT FURTHER LICENSING OR TAXING OTHER THAN STATE LICENSES, TO PROHIBIT THE REQUIREMENT OF A LICENSE, OCCUPATION, OR PROFESSIONAL TAX OR FEE ON CERTAIN REAL ESTATE PROFESSIONALS FOR GROSS RECEIPTS UPON WHICH A TAX OR FEE HAS ALREADY BEEN PAID, TO PROVIDE THAT BROKERED TRANSACTIONS OR REAL PROPERTY IN COUNTIES OR MUNICIPALITIES OTHER THAN THOSE IN WHICH THE BROKER-IN-CHARGE MAINTAINS A PRINCIPAL OR BRANCH OFFICE CREATES A NEXUS FOR THE IMPOSITION OF A LICENSE, OCCUPATION, OR PROFESSIONAL TAX OR FEE ONLY WITH RESPECT TO GROSS RECEIPTS DERIVED FROM TRANSACTIONS OF PROPERTY LOCATED IN THAT COUNTY OR MUNICIPALITY, TO PROHIBIT THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY FROM IMPOSING A LICENSE, OCCUPATION, OR PROFESSIONAL TAX OR FEE ON THE GROSS PROCEEDS OF AN AUCTIONEER LICENSED UNDER THE PROVISIONS OF CHAPTER 6, TITLE 40 FOR THE FIRST THREE AUCTIONS CONDUCTED BY THE AUCTIONEER IN THE COUNTY OR MUNICIPALITY, UNLESS THE AUCTIONEER MAINTAINS A PRINCIPAL OR BRANCH OFFICE IN THE COUNTY OR MUNICIPALITY; TO AMEND SECTION 5-7-30, RELATING TO THE POWERS CONFERRED UPON MUNICIPALITIES, SO AS TO PROVIDE THAT IF THE PERSON OR BUSINESS TAXED PAYS A BUSINESS LICENSE TO A COUNTY OR TO ANOTHER MUNICIPALITY WHERE THE INCOME IS EARNED, THE GROSS INCOME FOR THE PURPOSE OF COMPUTING THE TAX MUST BE REDUCED BY THE AMOUNT OF GROSS INCOME TAXED IN THE OTHER COUNTY OR MUNICIPALITY; TO AMEND SECTION 40-57-180, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION AND THE REAL ESTATE COMMISSION, SO AS TO PROVIDE THAT ALL CERTIFIED COMMERCIAL INVESTMENT MEMBER (CCIM) DESIGNATION COURSES APPROVED BY THE CCIM INSTITUTE AND ALL GRADUATE REALTOR INSTITUTE (GRI) DESIGNATION COURSES APPROVED BY THE NATIONAL ASSOCIATION OF REALTORS MUST BE APPROVED FOR POST-LICENSING AND CONTINUING EDUCATION CREDIT UPON APPLICATION ACCOMPANIED BY APPLICABLE FEES, TO PROVIDE THAT INSTRUCTORS HOLDING CCIM DESIGNATIONS ARE APPROVED FOR INSTRUCTION IN ALL COMMERCIAL REAL ESTATE COURSES UPON APPLICATION ACCOMPANIED BY THE APPLICABLE FEES, AND TO REQUIRE THE COMMISSION TO ALLOW FOR ELECTRONIC DELIVERY INCLUDING, BUT NO LIMITED TO, THE INTERNET, VIDEOCONFERENCE, OR OTHER INTERACTIVE ELECTRONIC MEANS, OF ALL COURSES APPROVED FOR CONTINUING EDUCATION. - ratified title

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|----------|--------|---|
| 01/24/08 | House  | Introduced and read first time HJ-4   |
| 01/24/08 | House  | Referred to Committee on Labor, Commerce and Industry HJ-4                    |
| 04/09/08 | House  | Committee report: Favorable with amendment Labor, Commerce and Industry HJ-3  |
| 04/10/08 |        | Scrivener's error corrected   |
| 04/15/08 | House  | Member(s) request name added as sponsor: Bedingfield                          |
| 04/15/08 | House  | Amended HJ-32   |
| 04/15/08 | House  | Read second time HJ-36  |
| 04/15/08 | House  | Roll call Yeas-102 Nays-0 HJ-36   |
| 04/16/08 | House  | Read third time and sent to Senate HJ-17                                      |
| 04/17/08 | Senate | Introduced and read first time SJ-8   |
| 04/17/08 | Senate | Referred to Committee on Labor, Commerce and Industry SJ-8                    |
| 05/22/08 | Senate | Committee report: Favorable with amendment Labor, Commerce and Industry SJ-24 |
| 05/27/08 | Senate | Committee Amendment Adopted SJ-18   |
| 05/27/08 | Senate | Read second time SJ-18  |
| 05/29/08 | Senate | Read third time and returned to House with amendments SJ-37                   |
| 06/05/08 | House  | Senate amendment amended HJ-61  |
| 06/05/08 | House  | Returned to Senate with amendments HJ-61                                      |
| 06/05/08 | Senate | Concurred in House amendment and enrolled SJ-142                              |
| 06/10/08 |        | Ratified R 421  |

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| 06/16/08 |        | Vetoed by Governor                                  |
| 06/25/08 | House  | Veto overridden by originating body Yeas-103 Nays-1 |
| 06/25/08 | Senate | Veto overridden Yeas-43 Nays-0                      |
| 08/12/08 |        | Copies available                                    |
| 08/12/08 |        | Effective date 06/25/08                             |
| 08/12/08 |        | Act No. 412   |