**South Carolina General Assembly**

120th Session, 2013-2014

**A258, R267, S75**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Cromer

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Introduced in the Senate on January 8, 2013

Introduced in the House on March 19, 2013

Last Amended on May 28, 2014

Passed by the General Assembly on May 29, 2014

Governor's Action: June 9, 2014, Signed

Summary: Licensure of real estate brokers and salesmen

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/13/2012 Senate Prefiled

 12/13/2012 Senate Referred to Committee on **Labor, Commerce and Industry**

 1/8/2013 Senate Introduced and read first time ([Senate Journal‑page 61](file:///H%3A%5CSJ%20Archive%5C2013%5C01-08-13.docx))

 1/8/2013 Senate Referred to Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 61](file:///H%3A%5CSJ%20Archive%5C2013%5C01-08-13.docx))

 2/20/2013 Senate Committee report: Favorable with amendment **Labor, Commerce and Industry** ([Senate Journal‑page 29](file:///H%3A%5CSJ%20Archive%5C2013%5C02-20-13.docx))

 3/13/2013 Senate Committee Amendment Amended and Adopted ([Senate Journal‑page 14](file:///H%3A%5CSJ%20Archive%5C2013%5C03-13-13.docx))

 3/13/2013 Senate Amended ([Senate Journal‑page 14](file:///H%3A%5CSJ%20Archive%5C2013%5C03-13-13.docx))

 3/13/2013 Senate Read second time ([Senate Journal‑page 14](file:///H%3A%5CSJ%20Archive%5C2013%5C03-13-13.docx))

 3/13/2013 Senate Roll call Ayes‑44 Nays‑0 ([Senate Journal‑page 14](file:///H%3A%5CSJ%20Archive%5C2013%5C03-13-13.docx))

 3/14/2013 Senate Read third time and sent to House ([Senate Journal‑page 7](file:///H%3A%5CSJ%20Archive%5C2013%5C03-14-13.docx))

 3/19/2013 House Introduced and read first time ([House Journal‑page 20](file:///H%3A%5CHJ%20Archive%5C2013%5C03-19-13.docx))

 3/19/2013 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 20](file:///H%3A%5CHJ%20Archive%5C2013%5C03-19-13.docx))

 5/23/2013 House Committee report: Favorable with amendment **Labor, Commerce and Industry** ([House Journal‑page 75](file:///H%3A%5CHJ%20Archive%5C2013%5C05-23-13.docx))

 5/29/2013 House Amended ([House Journal‑page 20](file:///H%3A%5CHJ%20Archive%5C2013%5C05-29-13.docx))

 5/29/2013 House Read second time ([House Journal‑page 20](file:///H%3A%5CHJ%20Archive%5C2013%5C05-29-13.docx))

 5/29/2013 House Roll call Yeas‑105 Nays‑0 ([House Journal‑page 32](file:///H%3A%5CHJ%20Archive%5C2013%5C05-29-13.docx))

 5/30/2013 House Read third time and returned to Senate with amendments ([House Journal‑page 34](file:///H%3A%5CHJ%20Archive%5C2013%5C05-30-13.docx))

 5/30/2013 Scrivener's error corrected

 1/15/2014 Senate Recommitted to Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 21](file:///H%3A%5CSJ%20Archive%5C2014%5C01-15-14.docx))

 4/10/2014 Senate Recalled from Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 3](file:///H%3A%5CSJ%20Archive%5C2014%5C04-10-14.docx))

 5/28/2014 Senate House amendment amended ([Senate Journal‑page 95](file:///H%3A%5CSJ%20Archive%5C2014%5C05-28-14.docx))

 5/28/2014 Senate Roll call Ayes‑42 Nays‑0 ([Senate Journal‑page 95](file:///H%3A%5CSJ%20Archive%5C2014%5C05-28-14.docx))

 5/28/2014 Senate Returned to House with amendments ([Senate Journal‑page 95](file:///H%3A%5CSJ%20Archive%5C2014%5C05-28-14.docx))

 5/29/2014 House Concurred in Senate amendment and enrolled ([House Journal‑page 17](file:///H%3A%5CHJ%20Archive%5C2014%5C05-29-14.docx))

 5/29/2014 House Roll call Yeas‑98 Nays‑0 ([House Journal‑page 17](file:///H%3A%5CHJ%20Archive%5C2014%5C05-29-14.docx))

 6/5/2014 Ratified R 267

 6/9/2014 Signed By Governor

 6/13/2014 Effective date 06/09/14

 6/26/2014 Act No. 258

**VERSIONS OF THIS BILL**

[12/13/2012](file:///p%3A%5Cpprever%5C2013-14%5C75_20121213.docx)

[2/20/2013](file:///p%3A%5Cpprever%5C2013-14%5C75_20130220.docx)

[3/13/2013](file:///p%3A%5Cpprever%5C2013-14%5C75_20130313.docx)

[5/23/2013](file:///p%3A%5Cpprever%5C2013-14%5C75_20130523.docx)

[5/29/2013](file:///p%3A%5Cpprever%5C2013-14%5C75_20130529.docx)

[5/30/2013](file:///p%3A%5Cpprever%5C2013-14%5C75_20130530.docx)

[5/28/2014](file:///p%3A%5Cpprever%5C2013-14%5C75_20140528.docx)

(A258, R267, S75)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-57-115 SO AS TO REQUIRE THE SOUTH CAROLINA REAL ESTATE COMMISSION TO REQUIRE INITIAL LICENSURE APPLICANTS TO SUBMIT TO A NATIONAL AND A STATE CRIMINAL RECORDS CHECK; TO AMEND SECTION 40-57-150, RELATING TO INVESTIGATIONS, SO AS TO REQUIRE INVESTIGATORS TO COMPLETE ONE HUNDRED HOURS OF TRAINING IN PROGRAMS APPROVED BY THE SOUTH CAROLINA REAL ESTATE COMMISSION, TO REQUIRE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION TO CONCLUDE THE INVESTIGATION WITHIN ONE HUNDRED FIFTY DAYS OF RECEIPT OF THE COMPLAINT, AND TO PROVIDE REPORTING REQUIREMENTS; AND TO AMEND SECTION 40-57-145, RELATING TO GROUNDS FOR DISCIPLINE OR DENIAL OF LICENSURE, SO AS TO AUTHORIZE THE SOUTH CAROLINA REAL ESTATE COMMISSION TO DISCIPLINE OR DENY LICENSURE IF THE APPLICANT IS CONVICTED OF CERTAIN CRIMES.**

Be it enacted by the General Assembly of the State of South Carolina:

**Real Estate Commission to require criminal background check before issuing license**

SECTION 1. Chapter 57, Title 40 of the 1976 Code is amended by adding:

 “Section 40‑57‑115. In addition to other requirements established by law and for the purpose of determining an applicant’s eligibility for licensure as a salesman, broker, broker‑in‑charge, property manager, and property manager‑in‑charge, the commission shall require initial applicants to submit to a state criminal records check, by a source approved by the commission, and a national criminal records check. Costs of conducting a criminal records check must be borne by the applicant. The commission shall keep information received pursuant to this section confidential, except that information relied upon in denying licensure may be disclosed as necessary to support the administrative action.”

**Investigations by Department of Labor, Licensing and Regulation**

SECTION 2. Section 40‑57‑150 of the 1976 Code is amended to read:

 “Section 40‑57‑150. (A) Investigations must be conducted in accordance with Section 40‑1‑80 and must be performed by investigators who have completed one hundred hours of training in programs that are approved by the commission and provide instruction on real estate principles, state statutory and regulatory law, and investigative techniques.

 (B) A restraining order must be obtained in accordance with Section 40‑1‑100.

 (C)(1) Whenever the department has reason to believe that a violation of this chapter has occurred, an investigation must be initiated within thirty days.

 (2) The department shall conclude its investigation within one hundred fifty days from receipt of the complaint or seek a waiver of this period from the commission upon a showing of due diligence and extenuating circumstances.

 (3) A hearing on the charges must be at the time and place designated by the commission and must be conducted in accordance with the Administrative Procedures Act.

 (4) The commission shall render a decision and shall serve, within ninety days, notice, in writing, of the commission’s decision to the licensee charged. The commission also shall state in the notice the date upon which the ruling or decision becomes effective.

 (5) The department shall maintain a public docket or other permanent record in which must be recorded all orders, consent orders, or stipulated settlements.

 (D) A licensee may voluntarily surrender his license in accordance with Section 40‑1‑150.

 (E)(1) The commission may impose disciplinary action in accordance with Section 40‑1‑120.

 (2) Upon determination by the commission that one or more of the grounds for discipline exists, as provided for in Section 40‑1‑110 or Section 40‑57‑140, the commission may impose a fine of not less than one hundred or more than one thousand dollars for each violation. The commission may recover the costs of the investigation and the prosecution as provided for in Section 40‑1‑170.

 (3) Nothing in this section prevents a licensee from voluntarily entering into a consent order with the commission wherein violations are not contested and sanctions are accepted.

 (F) The department annually shall post a report that provides the data for the number of complaints received, the number of investigations initiated, the average length of investigations, and the number of investigations that exceeded one hundred fifty days.”

**Real Estate Commission may discipline or deny license upon conviction of certain crimes**

SECTION 3. Section 40‑57‑145(A)(8) of the 1976 Code is amended to read:

 “(8) is convicted of violating the federal and state fair housing laws, forgery, embezzlement, breach of trust, larceny, obtaining money or property under false pretense, extortion, fraud, conspiracy to defraud, or has been convicted of a violent crime as defined in Section 16‑1‑60, has been convicted during the previous five years of a felony directly related to the practice of the profession, or has been convicted during the previous seven years of a felony, an essential element of which is dishonesty, reasonably related to the practice of the profession, or pleading guilty or nolo contendere to any such offense in a court of competent jurisdiction of this State, any other state, or any federal court;”

**Time effective**

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 5th day of June, 2014.

Approved the 9th day of June, 2014.

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