~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 20, 2013

**S. 75**

Introduced by Senator Cromer

S. Printed 2/20/13--S.

Read the first time January 8, 2013.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (S. 75) to amend Section 40‑57‑130, Code of Laws of South Carolina, 1976, relating to license renewals for real estate brokers and salesmen, so as to require, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking SECTION 1 and SECTION 2 and inserting:

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

“Section 40‑57‑133. 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 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.”

SECTION 2. Chapter 57, Title 40 of the 1976 Code is amended by adding:

“Section 40‑57‑245. The department must assign one investigator for every ~~two~~ ten thousand ~~five hundred~~ licensees to ensure that complaints are processed and considered in an expeditious manner.” /

Renumber sections to conform.

Amend title to conform.

THOMAS C. ALEXANDER for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The Department of Labor, Licensing and Regulation estimates this bill will have no fiscal impact on the state general fund or on federal and/or other funds.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND SECTION 40‑57‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LICENSE RENEWALS FOR REAL ESTATE BROKERS AND SALESMEN, SO AS TO REQUIRE A CRIMINAL BACKGROUND CHECK FROM A SOURCE APPROVED BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; AND BY ADDING SECTION 40‑57‑245 SO AS TO REQUIRE THAT THE DEPARTMENT ASSIGN ONE INVESTIGATOR FOR EVERY TWO THOUSAND FIVE HUNDRED LICENSEES TO ENSURE COMPLAINTS ARE PROCESSED AND CONSIDERED IN AN EXPEDITIOUS MANNER.

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

SECTION 1. Section 40‑57‑130(A) of the 1976 Code is amended to read:

“(A) As a condition of active license renewal, a broker or salesman shall provide proof of:

(1) satisfactory completion biennially of eight hours of continuing education in courses approved by the department and taught by instructors approved by the department. The eight hours shall include a minimum of two hours of instruction in current federal and state law affecting brokers and salesmen; and

(2) a clear criminal background check from a source approved by the commission.”

SECTION 2. Chapter 57, Title 40 of the 1976 Code is amended by adding:

“Section 40‑57‑245. The department must assign one investigator for every two thousand five hundred licensees to ensure that complaints are processed and considered in an expeditious manner.”

SECTION 3. This act takes effect upon approval by the Governor.

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