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COMMITTEE REPORT

March 22, 2018

**H. 5046**

Introduced by Reps. Loftis, Crawford, Hewitt, Ballentine, Anderson and Sandifer

S. Printed 3/22/18--H.

Read the first time March 1, 2018.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (H. 5046) to amend Section 40‑57‑100, Code of Laws of South Carolina, 1976, relating to the South Carolina Real Estate Commission, so as to provide a one, etc., respectfully

**REPORT:**

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

WILLIAM E. SANDIFER III for Committee.

**A** **BILL**

TO AMEND SECTION 40‑57‑100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA REAL ESTATE COMMISSION, SO AS TO PROVIDE A ONE‑MONTH GRACE PERIOD FOR LICENSEES OF THE COMMISSION TO SUBMIT RENEWAL APPLICATIONS AND PAY RENEWAL FEES WITHOUT INCURRING A LATE FEE OR ENGAGING IN THE UNLICENSED PRACTICE OF REAL ESTATE, TO PROVIDE THAT LICENSEES WHO FAIL TO SUBMIT RENEWAL APPLICATIONS AND PAY RENEWAL FEES AFTER THIS GRACE PERIOD ARE SUBJECT TO A SEVENTY‑FIVE DOLLAR LATE FEE AND MAY NOT BE ASSESSED AN ADDITIONAL LATE FEE OR RENEWAL FEE, AND TO PROVIDE LICENSES WHICH ARE NOT RENEWED BEFORE THE END OF THE YEAR OF EXPIRATION ARE CANCELLED AND THE LICENSEE MUST REAPPLY AND REQUALIFY FOR LICENSURE; AND TO AMEND SECTION 40‑57‑60, RELATING TO POWERS AND DUTIES OF THE COMMISSION, SECTION 40‑57‑70, RELATING TO LICENSE AND APPLICATION FEES, AND SECTION 40‑57‑110, RELATING TO LICENSE LAPSES FOR LATE RENEWALS, ALL SO AS TO MAKE CONFORMING CHANGES.

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

SECTION 1. Section 40‑57‑100 of the 1976 Code is amended to read:

“Section 40‑57‑100. ~~Reserved.~~ (A) The expiration of a license for a salesman, broker, broker‑in‑charge, property manager, or property manager‑in‑charge occurs on June thirtieth in the year of expiration. A licensee who fails to properly file for renewal and pay the renewal fee before June thirtieth has a grace period from July first to July thirty‑first in which he may submit the renewal application and pay the renewal fee without being assessed a late fee. If a licensee files a renewal application and pays the renewal fee during this grace period, his license must be considered to have been renewed retroactively to July first, he may not be considered to have engaged in unlicensed practice for the interim period, and any citation for unlicensed practice due to having an expired license during this interim period is void. The provisions of this subsection are subject to the provisions of Section 40‑57‑340(D) concerning criminal background checks and continuing education requirements for renewals.

(B) The license of a licensee who fails to file a renewal application, pay a renewal fee, or both, before August first is considered to be engaging in unlicensed practice for any actions for which his license is required, retroactive to July first. He may be assessed a seventy‑five dollar fee for a renewal made after July thirtieth but before January first of the year after the year of his license expiration. The board may not assess a monthly late fee in addition to this seventy‑five dollar late fee.

(C) If a licensee fails to file a renewal application, pay a renewal fee, or both, before January first of the year after the year of his license expiration, the license is cancelled and the licensee must reapply and requalify for licensure.”

SECTION 2. Section 40‑57‑60(A)(4) of the 1976 Code is amended to read:

“(4) establishing a fee schedule, subject to the provisions of Section 40‑57‑100.”

SECTION 3. Section 40‑57‑70(A) of the 1976 Code is amended to read:

“(A) Fees relevant to the licensure and regulation of real estate brokers, salespersons, and property managers must be established in accordance with Section 40‑1‑50(D) and promulgated by regulation prior to implementation, excluding late renewal fees provided in Section 40‑57‑100.”

SECTION 4. Section 40‑57‑110(C) of the 1976 Code is amended to read:

“(C) A license only may be renewed in accordance with procedures established by the commission pursuant to Section 40‑1‑50(D), subject to the provisions of Section 40‑57‑100. A licensee is responsible for renewing his license whether or not he receives notice.”

SECTION 5. This act takes effect July 1, 2018, and is applicable to license renewals in 2018.

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