**South Carolina General Assembly**

124th Session, 2021-2022

**A167, R167, S158**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Scott

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Introduced in the Senate on January 12, 2021

Introduced in the House on February 10, 2021

Last Amended on May 11, 2022

Passed by the General Assembly on May 12, 2022

Governor's Action: May 16, 2022, Signed

Summary: Real estate brokers and insurance producers, continuing education requirement exemptions

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 Senate Prefiled

12/9/2020 Senate Referred to Committee on **Labor, Commerce and Industry**

1/12/2021 Senate Introduced and read first time ([Senate Journal‑page 196](file:///h:\sj\20210112.docx))

1/12/2021 Senate Referred to Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 196](file:///h:\sj\20210112.docx))

2/2/2021 Senate Committee report: Favorable with amendment **Labor, Commerce and Industry** ([Senate Journal‑page 5](file:///h:\sj\20210202.docx))

2/4/2021 Senate Committee Amendment Adopted ([Senate Journal‑page 8](file:///h:\sj\20210204.docx))

2/4/2021 Senate Read second time ([Senate Journal‑page 8](file:///h:\sj\20210204.docx))

2/4/2021 Senate Roll call Ayes‑42 Nays‑0 ([Senate Journal‑page 8](file:///h:\sj\20210204.docx))

2/9/2021 Senate Read third time and sent to House ([Senate Journal‑page 10](file:///h:\sj\20210209.docx))

2/10/2021 House Introduced and read first time ([House Journal‑page 7](file:///h:\hj\20210210.docx))

2/10/2021 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 7](file:///h:\hj\20210210.docx))

4/28/2022 House Committee report: Favorable **Labor, Commerce and Industry** ([House Journal‑page 4](file:///h:\hj\20220428.docx))

5/4/2022 House Amended ([House Journal‑page 33](file:///h:\hj\20220504.docx))

5/4/2022 House Read second time ([House Journal‑page 33](file:///h:\hj\20220504.docx))

5/4/2022 House Roll call Yeas‑99 Nays‑0 ([House Journal‑page 35](file:///h:\hj\20220504.docx))

5/5/2022 House Read third time and returned to Senate with amendments ([House Journal‑page 9](file:///h:\hj\20220505.docx))

5/11/2022 Senate House amendment amended ([Senate Journal‑page 81](file:///h:\sj\20220511.docx))

5/11/2022 Senate Roll call Ayes‑41 Nays‑0 ([Senate Journal‑page 81](file:///h:\sj\20220511.docx))

5/11/2022 Senate Returned to House with amendments ([Senate Journal‑page 81](file:///h:\sj\20220511.docx))

5/12/2022 House Concurred in Senate amendment and enrolled ([House Journal‑page 92](file:///h:\hj\20220512.docx))

5/12/2022 House Roll call Yeas‑104 Nays‑0 ([House Journal‑page 93](file:///h:\hj\20220512.docx))

5/12/2022 Ratified R 167 ([Senate Journal‑page 201](file:///h:\sj\20220512.docx))

5/16/2022 Signed By Governor

5/31/2022 Effective date 05/16/22

5/31/2022 Act No.  167

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**VERSIONS OF THIS BILL**

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[2/2/2021](file:///p:\pprever\2021-22\158_20210202.docx)

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[5/12/2022](file:///p:\pprever\2021-22\158_20220512.docx)

(A167, R167, S158)

**AN ACT TO AMEND SECTION 40‑57‑340, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM CONTINUING EDUCATION REQUIREMENTS FOR REAL ESTATE BROKERS AND SALESPERSONS, SO AS TO PROVIDE AN EXEMPTION TO THE BIENNIAL CONTINUING EDUCATION REQUIREMENT FOR BROKERS AND SALESPERSONS WHO HAVE TWENTY‑FIVE YEARS OF LICENSURE AND ARE SIXTY‑FIVE YEARS OF AGE OR OLDER; TO AMEND SECTION 35‑1‑411, RELATING TO POSTREGISTRATION REQUIREMENTS, SO AS TO PROVIDE AN EXEMPTION TO CONTINUING EDUCATION FOR SUCH REGISTERED INDIVIDUALS WHO HAVE TWENTY‑FIVE YEARS OR MORE OF LICENSURE AND ARE SIXTY‑FIVE YEARS OF AGE OR OLDER; AND TO AMEND SECTION 38‑43‑106, RELATING TO CONTINUING EDUCATION REQUIREMENTS, SO AS TO PROVIDE AN EXEMPTION TO CONTINUING EDUCATION FOR SUCH INSURANCE PRODUCERS WHO HAVE TWENTY‑FIVE YEARS OR MORE OF LICENSURE AND ARE SIXTY‑FIVE YEARS OF AGE OR OLDER.**

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

**Continuing education exemptions**

SECTION 1. Section 40‑57‑340(B) of the 1976 Code is amended to read:

“(B)(1) Exempt from the biennial continuing education required by subsection (A) are a:

(a) salesperson who successfully completes a post‑licensing course or takes a broker course is exempt for the renewal period during which the course was taken;

(b) licensee while on inactive status;

(c) nonresident broker or salesperson who has successfully satisfied the continuing education requirements in their jurisdiction of residence may be exempt with approval of the commission;

(d) broker or salesperson with twenty‑five years or more of licensure in South Carolina who is sixty‑five years of age or more may apply for an age‑ and experience‑based full continuing education waiver, and upon granting of the waiver, is exempt from the continuing education requirements of this chapter; or

(e) broker or salesperson with a minimum of twenty‑five years of licensure in South Carolina may apply to be granted an experience‑based partial continuing education waiver, and upon granting of the waiver, is required to complete only the mandatory four‑hour core course biennially to maintain active licensure.

(2) A broker‑in‑charge who has been granted a partial continuing education waiver is required to take the four‑hour core course and the mandated four‑hour broker‑in‑charge course biennially.

(3) A licensee who previously has been granted a full continuing education waiver by the commission is exempt from the continuing education requirements of this chapter.”

**Postregistration requirements**

SECTION 2. Section 35‑1‑411(h) of the 1976 Code is amended to read:

“(h) A rule adopted or order issued under this chapter may require an individual registered under Section 35‑1‑402 or 35‑1‑404 to participate in a continuing education program approved by the Securities and Exchange Commission and administered by a self‑regulatory organization or, in the absence of such a program, a rule adopted or order issued under this chapter may require continuing education for an individual registered under Section 35‑1‑404 except for such registered individuals with twenty‑five years or more of licensure in South Carolina who are sixty‑five years of age or more.”

**Continuing education exemptions**

SECTION 3. Section 38‑43‑106 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“( ) A licensee with twenty‑five years or more of licensure in South Carolina who is sixty‑five years of age or more is exempt from the continuing education requirements of this chapter.”

**Time effective**

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

Ratified the 12th day of May, 2022.

Approved the 16th day of May, 2022.

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