~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 2, 2021

**S. 158**

Introduced by Senator Scott

S. Printed 2/2/21--S.

Read the first time January 12, 2021.

**THE COMMITTEE ON LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (S. 158) 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, 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 deleting all after the enacting words and inserting:

/ 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:

~~(1)~~(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;

~~(2)~~(b) licensee while on inactive status;

~~(3)~~(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;

~~(4)~~(d) broker or salesperson with twenty‑five years or more of experience in South Carolina who is sixty‑five years of age or more 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. 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.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

THOMAS C. ALEXANDER for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This bill removes continuing education requirements for real estate brokers or salespeople who have a minimum of twenty-five years of licensure and who are sixty-five years of age or older, allowing them to apply for a full experience-based waiver. Currently, the commission only requires an individual to have twenty-five years of licensure experience to apply, but only partial waivers are granted to individuals such that a four-hour course biennially is still required. LLR anticipates a minimal impact on the commission due to required updates to exemption forms, but expects it can be handled with existing resources as the bill does not impact LLR’s or the commission’s functions or responsibilities.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

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.

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

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

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

(1) 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;

(2) licensee while on inactive status;

(3) 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; ~~or~~

(4) broker or salesperson with a minimum of twenty‑five years of licensure and who is sixty‑five years of age or older may apply to be granted an experience‑based ~~partial~~ full 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. 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.~~; or

(5) 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.”

SECTION 2. This act takes effect upon approval by the Governor.

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