

SENATE BILL No. 60

By Committee on Commerce

1-30

1 AN ACT concerning real estate; relating to licensing of brokers and
2 salespersons; application, temporary licenses, education requirements,
3 deactivation and reinstatement of licenses, broker's primary office, fees,
4 effect on other licenses of suspension or revocation of certain licenses;
5 Kansas real estate commission; organization, seal; amending K.S.A.
6 74-4202 and K.S.A. 2018 Supp. 58-3039, 58-3040, 58-3045, 58-3046a,
7 58-3047, 58-3060, 58-3063, 58-3080 and 58-3081 and repealing the
8 existing sections; also repealing K.S.A. 58-3049.
9

10 *Be it enacted by the Legislature of the State of Kansas:*

11 Section 1. K.S.A. 2018 Supp. 58-3039 is hereby amended to read as
12 follows: 58-3039. (a) Any person desiring to act as a broker or salesperson
13 must file ~~a written~~ *an* application for a license with the commission or, if
14 required by the commission, with the testing service designated by the
15 commission. The application shall be in such form and detail as the
16 commission shall prescribe. *The commission may require any portion of*
17 *the application to be submitted electronically.*

18 (1) Any applicant who qualifies for licensure as a salesperson shall
19 submit the application accompanied by evidence of compliance with
20 ~~subsection (a) of K.S.A. 58-3046a(a) and (c), and amendments thereto.~~

21 (2) Any applicant who qualifies for licensure as a broker shall submit
22 the application accompanied by evidence of compliance with ~~subsection~~
23 ~~(b) of K.S.A. 58-3046a(b) and (d), and amendments thereto.~~

24 ~~(3) Any applicant who qualifies for licensure as a salesperson on or~~
25 ~~after July 1, 2007, shall submit the application accompanied by evidence~~
26 ~~of compliance with subsection (c) of K.S.A. 58-3046a, and amendments~~
27 ~~thereto.~~

28 ~~(4) Any applicant who qualifies for licensure as a broker on or after~~
29 ~~July 1, 2007, shall submit the application accompanied by evidence of~~
30 ~~compliance with subsection (d) of K.S.A. 58-3046a, and amendments~~
31 ~~thereto.~~

32 ~~(5) All applicants shall submit the application and license fees as~~
33 ~~prescribed by K.S.A. 58-3063, and amendments thereto.~~

34 (b) (1) As part of an application for an original license or in
35 connection with any investigation of any holder of a license, the
36 commission shall require a person to be fingerprinted and submit to a state

1 and national criminal history record check. The fingerprints shall be used
2 to identify the person and to determine whether the person has a record of
3 criminal history in this state or other jurisdiction. The commission shall
4 require the applicant to submit the fingerprints to the Kansas bureau of
5 investigation and the federal bureau of investigation for a state and
6 national criminal history record check *in the manner designated by the*
7 *Kansas bureau of investigation*. The commission shall use the information
8 obtained from fingerprinting and the criminal history for purposes of
9 verifying the identification of the person and in the official determination
10 of the qualifications and fitness of the person to be issued or to maintain a
11 license.

12 (2) Local and state law enforcement officers and agencies shall assist
13 the commission in taking and processing fingerprints of applicants for and
14 holders of any license and shall release all records of adult convictions to
15 the commission.

16 (3) The commission may fix and collect a fee in an amount necessary
17 to reimburse the ~~board~~ *commission* for the cost of fingerprinting and the
18 criminal history record check. Such fee shall be established by rule and
19 regulation in accordance with K.S.A. 58-3063, and amendments thereto.
20 Any moneys collected under this subsection shall be deposited in the state
21 treasury and credited to the ~~real estate~~ *background investigation* fee fund.

22 (c) A license to engage in business as a broker or salesperson shall be
23 granted only to a person who is 18 or more years of age and who has a
24 high school diploma or its equivalent.

25 (d) In addition to the requirements of subsection (c), except as
26 provided in subsection (e), each applicant for an original license as a
27 broker shall have been:

28 (†) licensed as a salesperson in this state or as a salesperson or broker
29 in another state, and shall have been actively engaged in any of the
30 activities described in ~~subsection (f) of~~ K.S.A. 58-3035(f), and
31 amendments thereto, for a period of at least two years during the ~~five~~ *three*
32 years immediately preceding the date of the application for a license; ~~or~~.

33 (2) ~~if an applicant resides in a county that has a population of 20,000~~
34 ~~or less, the commission may, upon a finding that such county suffers from~~
35 ~~a shortage of brokers and upon compelling evidence of need, waive or~~
36 ~~alter the requirements of this subsection. The commission shall adopt rules~~
37 ~~and regulations to establish alternative licensing criteria for such~~
38 ~~applicants. The commission may adopt rules and regulations to implement~~
39 ~~the provisions of this subsection.~~

40 (e) The commission may accept proof of experience in the real estate
41 or a related business or a combination of such experience and education
42 which the commission believes qualifies the applicant to act as a broker as
43 being equivalent to all or part of the experience required by subsection (d).

1 (f) Each applicant for an original license shall be required to pass an
2 examination covering the subject matter which brokers or salespersons
3 generally confront while conducting activities that require a real estate
4 license. The examination shall consist of a general portion that tests the
5 applicant's knowledge of real estate matters that have general application.
6 The state portion of the examination shall test the applicant's knowledge of
7 real estate subject matter applicable to a specific jurisdiction.

8 (1) Except as provided in K.S.A. 58-3040, and amendments thereto,
9 each applicant for an original license shall be required to pass the general
10 or national portion of the examination.

11 (2) Each applicant for an original license shall be required to pass the
12 Kansas state portion of the examination.

13 (3) No license shall be issued on the basis of an examination if either
14 or both portions of the examination were administered more than six
15 months prior to the date that the applicant's application is ~~filed with~~
16 *received by* the commission. The examination may be given by the
17 commission or ~~any person~~ *testing service* designated by the commission.
18 Each person taking the examination shall pay the examination fee
19 prescribed pursuant to K.S.A. 58-3063, and amendments thereto, which
20 fee the commission may require to be paid to it or directly to the testing
21 service designated by the commission. The examination for a broker's
22 license shall be different from or in addition to that for a salesperson's
23 license.

24 (g) The commission, prior to granting an original license, shall
25 require proof that the applicant has a good reputation for honesty,
26 trustworthiness, integrity and competence to transact the business of a
27 broker or salesperson in such manner as to safeguard the public interest.

28 (h) An application for an original license as a salesperson or associate
29 broker shall be accompanied by the recommendation of the supervising
30 broker or branch broker with whom the salesperson or associate broker is
31 to be associated, or by whom the salesperson or associate broker is to be
32 employed, certifying that the applicant is honest, trustworthy and of good
33 reputation.

34 ~~(i) (1) Each applicant for an original salesperson's license who meets~~
35 ~~the requirements of this act prior to July 1, 2007, shall be issued a~~
36 ~~temporary salesperson's license which shall expire six months after the last~~
37 ~~calendar day of the month in which the license was issued, on the last~~
38 ~~calendar day of that month.~~

39 ~~(2) No later than 10 days prior to the expiration date of a temporary~~
40 ~~salesperson's license, the salesperson shall file an application on a form~~
41 ~~provided by the commission. The application shall be accompanied by the~~
42 ~~license fee prescribed by K.S.A. 58-3063, and amendments thereto, and~~
43 ~~evidence of compliance with the requirements of subsection (f)(1) of~~

1 K.S.A. 58-3046a, and amendments thereto. The commission shall issue a
 2 salesperson's license to a person who complies with the provisions of this
 3 paragraph. The issuance date of the salesperson's license shall be the day
 4 following the expiration date of the temporary license. The expiration date
 5 of the license shall be determined in accordance with a schedule
 6 established by rules and regulations of the commission.

7 (3) ~~Failure to comply with the provisions of paragraph (2) shall~~
 8 ~~automatically cancel the temporary license on its expiration date.~~

9 (4) ~~A person whose temporary salesperson's license was canceled~~
 10 ~~pursuant to paragraph (3) may apply for a salesperson's license if such~~
 11 ~~application, the license fee prescribed by K.S.A. 58-3063, and~~
 12 ~~amendments thereto, plus a late fee of \$50 and evidence of attendance of~~
 13 ~~30 hours of instruction received after issuance of the temporary license~~
 14 ~~pursuant to subsection (f)(1) of K.S.A. 58-3046a, and amendments thereto,~~
 15 ~~are received by the commission within three months after the expiration~~
 16 ~~date of the temporary license. The commission shall issue a salesperson's~~
 17 ~~license to a person who complies with the provisions of this paragraph.~~
 18 ~~The expiration date of the license shall be determined in accordance with a~~
 19 ~~schedule established by rules and regulations of the commission.~~

20 (j) ~~Each applicant for an original salesperson's license who meets the~~
 21 ~~requirements of this act on and after July 1, 2007, shall be issued a~~
 22 ~~salesperson's license. The expiration date of the license shall be~~
 23 ~~determined in accordance with a schedule established by rules and~~
 24 ~~regulations of the commission.~~

25 Sec. 2. K.S.A. 2018 Supp. 58-3040 is hereby amended to read as
 26 follows: 58-3040. (a) A nonresident of this state may be granted a broker's
 27 license if:

28 (1) The nonresident is licensed as a broker in the nonresident's state
 29 of residence; and

30 (2) ~~such~~ *the* nonresident meets all requirements imposed by this act
 31 on Kansas residents for licensure as a broker, except as provided by
 32 subsection (e).

33 (b) A nonresident broker may be granted a salesperson's license, if:

34 (1) The nonresident is licensed as a broker in the nonresident's state
 35 of residence;

36 (2) ~~such~~ *the* nonresident meets all requirements imposed by this act
 37 on Kansas residents for licensure as a broker, except for the requirements
 38 of K.S.A. 58-3039(d)(~~†~~) or (e), and amendments thereto, and the
 39 nonresident does not qualify for a waiver pursuant to subsection (e); and

40 (3) the nonresident submits the certification described in K.S.A. 58-
 41 3039(h), and amendments thereto.

42 (c) A nonresident salesperson employed by or associated with a
 43 broker licensed pursuant to this act may be granted a salesperson's license

1 under ~~such~~ *the* broker, if:

2 (1) The salesperson is licensed as a salesperson in the salesperson's
3 state of residence; and

4 (2) ~~such~~ *the* salesperson meets all requirements imposed by this act
5 on Kansas residents for licensure as a salesperson, except as provided by
6 subsection (f).

7 (d) The commission may enter into agreements with other
8 jurisdictions as to the issuance of reciprocal licenses.

9 (e) The commission may waive the education provided by K.S.A. 58-
10 3046a(b), and amendments thereto, the examination provided by K.S.A.
11 58-3039, and amendments thereto, and the experience provided by K.S.A.
12 58-3039(d)(+) or (e), and amendments thereto, and issue an original
13 broker's license to a nonresident or to a Kansas resident who holds a
14 broker's license issued by another jurisdiction if, in the judgment of the
15 commission, the applicant received equivalent education, passed an
16 equivalent examination and obtained equivalent experience. The applicant
17 shall meet all other requirements imposed by this act.

18 (f) The commission may waive the education provided by K.S.A. 58-
19 3046a(a), and amendments thereto, and the examination provided by
20 K.S.A. 58-3039, and amendments thereto, and issue an original
21 salesperson's license to a nonresident or to a Kansas resident who holds a
22 license issued by another jurisdiction if, in the judgment of the
23 commission, the applicant received equivalent education and passed an
24 equivalent examination. The applicant shall meet all other requirements
25 imposed by this act.

26 (g) Prior to the issuance of a license to a nonresident, the applicant
27 must agree in writing to abide by all provisions of this act with respect to
28 the applicant's real estate activities within the state and submit to the
29 jurisdiction of the commission and the state in all matters relating thereto.
30 ~~Such~~ *The* agreement shall be filed with the commission and shall remain in
31 force for so long as the nonresident is licensed by this state and thereafter
32 with respect to acts or omissions committed while licensed as a
33 nonresident.

34 (h) A nonresident licensed under this section shall be entitled to the
35 same rights and subject to the same obligations as are provided in this act
36 for Kansas residents, except that revocation or suspension of a
37 nonresident's license in the nonresident's state of residence shall
38 automatically cause the same revocation or suspension of ~~such~~ *the*
39 nonresident's license issued under this act. No hearing shall be granted to a
40 nonresident licensee ~~where~~ *whose* license is subject to ~~such~~ *the* automatic
41 revocation or suspension except for the purpose of establishing the fact of
42 revocation or suspension of the nonresident's license by the nonresident's
43 state of residence.

1 Sec. 3. K.S.A. 2018 Supp. 58-3045 is hereby amended to read as
2 follows: 58-3045. (a) ~~Except for a temporary salesperson's license issued~~
3 ~~pursuant to subsection (i) of K.S.A. 58-3039, and amendments thereto,~~
4 Each license issued or renewed by the commission shall expire on a date
5 determined in accordance with a schedule established by rules and
6 regulations of the commission, which date shall be not more than two
7 years from the date of issuance or renewal. Except as otherwise provided
8 by this act, applicants for issuance or renewal of a license must satisfy all
9 applicable requirements prior to issuance or renewal of the license.

10 (b) (1) ~~Except for a temporary salesperson's license issued pursuant to~~
11 ~~subsection (i) of K.S.A. 58-3039, and amendments thereto,~~ Each license
12 shall be renewable upon the filing of a renewal application on or before the
13 renewal date, which is the last calendar day of the month preceding the
14 license expiration date. Such application shall be made on a form provided
15 by the commission and accompanied by (A) the renewal fee prescribed by
16 K.S.A. 58-3063, and amendments thereto, and (B) evidence of compliance
17 with the requirements of K.S.A. 58-3046a, and amendments thereto, or the
18 licensee's license with the licensee's request that the license be deactivated
19 on the renewal date pursuant to K.S.A. 58-3049, and amendments thereto.

20 (2) Failure to comply with paragraph (1) on or before the ~~renewal~~
21 ~~expiration~~ date will automatically ~~cancel~~ *expire* the license on the license
22 expiration date unless the license is *reinstated and* renewed pursuant to
23 subsection (c) ~~prior to the expiration date.~~

24 (c) The commission may reinstate and renew the license of a licensee
25 who has failed to comply with the requirements of subsection (b)(1) if
26 within six months following the date of the expiration of the license, the
27 licensee submits to the commission an application for late renewal. Such
28 application shall be made on a form provided by the commission ~~and shall~~
29 ~~be signed by the licensee.~~ Except for late renewal of a license on
30 deactivated status pursuant to K.S.A. 58-3049, and amendments thereto,
31 such application also shall be signed by the licensee's supervising broker
32 or branch broker, if applicable. Such application shall be accompanied by
33 (1) evidence of compliance with K.S.A. 58-3046a, and amendments
34 thereto, or a written request that such license be renewed on deactivated
35 status pursuant to K.S.A. 58-3049, and amendments thereto, and (2)
36 payment of the renewal fee prescribed by K.S.A. 58-3063, and
37 amendments thereto, plus a late fee of \$50 \$100.

38 (d) An application for renewal filed in compliance with the
39 requirements of subsection (b) shall entitle the applicant to continue
40 operating under the applicant's existing license after its specified
41 expiration date, unless such license has been suspended or revoked and has
42 not been reinstated or unless such license is restricted, until such time as
43 the commission determines whether the application fulfills such

1 requirements.

2 Sec. 4. K.S.A. 2018 Supp. 58-3046a is hereby amended to read as
3 follows: 58-3046a. (a) Except as provided in K.S.A. 58-3040, and
4 amendments thereto, any person who applies for an original license in this
5 state as a salesperson shall submit evidence, satisfactory to the
6 commission, of attendance of a principles of real estate course, of not less
7 than 30 hours of instruction, approved by the commission and ~~received~~
8 ~~completed~~ within the 12 months immediately preceding the ~~filing receipt~~
9 ~~by the commission~~ of the application for salesperson's license. The
10 commission may require the evidence to be furnished to the commission
11 with the original application for license or it may require the applicant to
12 furnish the evidence to the testing service designated by the commission as
13 a prerequisite to taking the examination required by K.S.A. 58-3039, and
14 amendments thereto. If the evidence is furnished to the testing service, the
15 instruction shall have been ~~received~~ ~~completed~~ within 12 months
16 immediately preceding the date of the examination.

17 (b) Except as provided in K.S.A. 58-3040, and amendments thereto,
18 any person who applies for an original license in this state as a broker shall
19 submit evidence, satisfactory to the commission, of attendance of ~~24 a~~
20 *Kansas real estate fundamentals course, of not less than 30 and no more*
21 *than 45* hours of instruction, approved by the commission and received
22 within the 12 months immediately preceding the filing of application for
23 broker's license. Such hours shall be in addition to any hours of instruction
24 used to meet the requirements of subsection (c), (d), (e) or (f). The
25 commission may require the evidence to be furnished to the commission
26 with the original application for license, or it may require the applicant to
27 furnish the evidence to the testing service designated by the commission as
28 a prerequisite to taking the examination provided in K.S.A. 58-3039, and
29 amendments thereto. If the evidence is furnished to the testing service, the
30 instruction shall have been ~~received~~ ~~completed~~ within 12 months
31 immediately preceding the date of the examination.

32 (c) Any person who applies for an original license in this state as a
33 salesperson ~~on or after July 1, 2007,~~ shall submit evidence, satisfactory to
34 the commission, of attendance of a Kansas real estate practice course, of
35 not less than 30 hours of instruction, approved by the commission and
36 ~~received~~ ~~completed~~ within the six months immediately preceding the ~~filing~~
37 ~~receipt by the commission~~ of the application for licensure.

38 (d) *Any person who applies for an original license in this state as a*
39 *broker on or after January 1, 2020, shall submit evidence, satisfactory to*
40 *the commission, of attendance of a Kansas real estate management*
41 *course, of not less than 30 and no more than 45 hours of instruction,*
42 *approved by the commission and completed within the six months*
43 *immediately preceding the receipt by the commission of the application for*

1 *licensure. The hours shall be in addition to any hours of instruction used*
 2 *to meet the requirements of subsection (b), (c), (e) or (f).*

3 *(e) Any person who applies for an original license in this state as a*
 4 *broker ~~on or after July 1, 2007,~~ who is a nonresident of Kansas or who is a*
 5 *resident of Kansas applying for licensure pursuant to K.S.A. 58-3040(e),*
 6 *and amendments thereto, shall submit evidence, satisfactory to the*
 7 *commission, of attendance of a Kansas real estate course, of not less than*
 8 *four hours of instruction and ~~received~~ completed within the six months*
 9 *immediately preceding the filing of the application for licensure. Such*
 10 *course shall be approved by the commission and shall be specific to*
 11 *Kansas law with primary emphasis on issues that arise under the brokerage*
 12 *relationships in real estate transactions act, K.S.A. 58-30,101 et seq., and*
 13 *amendments thereto, and rules or regulations adopted thereunder.*

14 *~~(e)(f)~~ At or prior to each ~~renewal~~ license expiration date established*
 15 *by the commission, any person who is licensed in this state as a broker or*
 16 *as a salesperson shall submit evidence, satisfactory to the commission, of*
 17 *attendance of not less than 12 hours of continuing education approved by*
 18 *the commission and ~~received~~ completed after issuance of the license and*
 19 *during the renewal period. This requirement shall not apply to a license on*
 20 *deactivated status pursuant to K.S.A. 58-3047, and amendments thereto.*

21 *~~(f) Any person who obtains a temporary license in this state as a~~*
 22 *~~salesperson prior to July 1, 2007, shall submit evidence, satisfactory to the~~*
 23 *~~commission, of attendance of courses of instruction approved by the~~*
 24 *~~commission as follows:~~*

25 *~~(1) No later than ten days prior to the expiration date of the temporary~~*
 26 *~~license, 30 hours of instruction received after the date of licensure.~~*

27 *~~(2) At or prior to the first renewal of a license issued pursuant to~~*
 28 *~~K.S.A. 58-3039, and amendments thereto, 12 hours of continuing~~*
 29 *~~education received during the renewal period. Such evidence shall not be~~*
 30 *~~required until the second license renewal if the license expires less than six~~*
 31 *~~months after issuance.~~*

32 *~~(3) At or prior to each license renewal thereafter, 12 hours of~~*
 33 *~~continuing education received during the renewal period.~~*

34 *~~(g) Any person who qualifies for original licensure as a salesperson~~*
 35 *~~pursuant to K.S.A. 58-3039, and amendments thereto, on or after July 1,~~*
 36 *~~2007, shall not be required to comply with subsection (e) until the second~~*
 37 *~~license renewal period if the license expires less than six months after it is~~*
 38 *~~issued.~~*

39 *~~(h)(g)~~ Except for courses reviewed pursuant to subsection ~~(k)~~ (j),*
 40 *courses of instruction required by this section shall be courses approved by*
 41 *the commission and offered by:*

42 *(1) An institution which is accredited by the north central association*
 43 *of colleges and secondary schools accrediting agency;*

1 (2) a technical college as defined by K.S.A. 74-32,407, and
2 amendments thereto;

3 (3) a private or out-of-state postsecondary educational institution
4 which has been issued a certificate of approval pursuant to the Kansas
5 private and out-of-state postsecondary educational institution act;

6 (4) any agency of the state of Kansas;

7 (5) a similar institution, approved by the commission, in another
8 state; or

9 (6) an entity, approved by the commission, to provide continuing
10 education.

11 ~~(h)~~(h) The commission shall adopt rules and regulations to: (1)
12 Prescribe minimum curricula and standards for all courses offered to fulfill
13 education requirements of this act; (2) designate a course of study to fulfill
14 any specific requirement, which may include a testing requirement; (3)
15 prescribe minimum qualifications for instructors of approved courses; and
16 (4) establish standards and procedures for approval of courses and
17 instructors, monitoring courses, advertising, registration and maintenance
18 of records of courses, and withdrawal of approval of courses and
19 instructors.

20 ~~(i)~~(i) The commission may approve distance education courses
21 consisting solely or primarily of instruction provided online or in other
22 computer-assisted formats, or by correspondence, audiotape, videotape or
23 other media. For the purposes of this section, attendance of one hour of
24 instruction shall mean 50 minutes of classroom instruction or the
25 equivalent thereof in distance education study as determined by the
26 commission.

27 ~~(j)~~(j) Courses of instruction required by this section shall be courses
28 approved by the commission either before or after their completion. The
29 commission may give credit toward the 12 hours of continuing education
30 required by subsection ~~(e)~~ or (f) to any licensee who submits an
31 application for course review obtained from the commission and pays the
32 fee prescribed by K.S.A. 58-3063, and amendments thereto, if, in the
33 judgment of the commission, the course meets the objectives of continuing
34 education.

35 ~~(k)~~(k) The commission shall publish ~~annually~~ a list of ~~educational~~
36 ~~institutions and entities and the courses offered by them in this state which~~
37 ~~are~~ approved by the commission.

38 ~~(m)~~(l) No license shall be issued or renewed unless the applicable
39 requirements set forth in this section are met within the time prescribed.

40 Sec. 5. K.S.A. 2018 Supp. 58-3047 is hereby amended to read as
41 follows: 58-3047. (a) The commission shall issue a license as broker or
42 salesperson to each applicant who is qualified under and complies with all
43 provisions of this act and rules and regulations adopted hereunder. The

1 form of license shall be prescribed by the commission.

2 (b) A salesperson's or associate broker's license shall be ~~delivered or~~
3 ~~mailed to the~~ *in the control of their* supervising broker or branch broker, if
4 applicable, ~~and shall be kept in the custody and control of such broker~~
5 ~~until canceled or until the salesperson or associate broker leaves~~
6 ~~employment by or association with the broker~~ *until deactivated by the*
7 *commission at the request of the salesperson or associate broker or the*
8 *supervising broker or branch broker.*

9 (c) ~~Immediately upon the termination of a salesperson or associate~~
10 ~~broker from employment by or association with a broker, the supervising~~
11 ~~broker or branch broker, if applicable, shall return such salesperson's or~~
12 ~~associate broker's license to the commission for cancellation~~ *The*
13 *supervising broker or branch broker shall immediately notify the*
14 *commission of the termination of employment or association with a*
15 *salesperson or associate broker and request deactivation of the*
16 *salesperson's or associate broker's license.* A license ~~canceled~~ *deactivated*
17 but not suspended or revoked may be reinstated at any time during the
18 period for which it was issued upon receipt of the fee for reinstatement
19 prescribed by K.S.A. 58-3063, and amendments thereto, and an
20 application therefor. Such application shall be made on a form provided by
21 the commission and shall be signed by the licensee and the licensee's
22 supervising broker or branch broker, if applicable.

23 (d) ~~Upon a change in a supervising broker's name, business name or~~
24 ~~trade name for the primary office or a change in the location of a~~
25 ~~supervising broker's office, the supervising broker shall, within 10 days,~~
26 ~~return to the commission together with the reinstatement fee prescribed by~~
27 ~~K.S.A. 58-3063, and amendments thereto, for cancellation and~~
28 ~~reinstatement under the new name or location of the supervising broker:~~
29 ~~(1) The license of the supervising broker; (2) the license of any other~~
30 ~~broker who is associated with the supervising broker and whose license~~
31 ~~requires reinstatement under the new name or location; and (3) the licenses~~
32 ~~of all salespersons and associate brokers employed by or associated with~~
33 ~~the supervising broker.~~

34 (e) ~~The supervising broker of the primary office shall be responsible~~
35 ~~for ensuring that the branch broker complies with subsections (f) and (l).~~

36 (f) ~~Upon a change in a supervising broker's name, business name or~~
37 ~~trade name for the primary office or a change in the location of a branch~~
38 ~~broker's office, the branch broker shall, within 10 days, return to the~~
39 ~~commission, for cancellation and reinstatement under the new name for~~
40 ~~the primary office and branch office or location of the branch office, the~~
41 ~~license of the branch broker and the licenses of all salespersons and~~
42 ~~associate brokers assigned to the branch office, together with the~~
43 ~~reinstatement fee prescribed by K.S.A. 58-3063, and amendments thereto.~~

1 ~~(g) (1) To change the broker designated as the branch broker or~~
2 ~~supervising broker of an office, the supervising broker shall, within 10~~
3 ~~days, notify the commission on a form approved by the commission.~~
4 ~~Except as provided in paragraphs (2), (3) or (4), the supervising broker~~
5 ~~shall return to the commission, for cancellation and reinstatement, the~~
6 ~~licenses of the current broker and new broker, together with the~~
7 ~~reinstatement fee prescribed by K.S.A. 58-3063, and amendments thereto.~~

8 ~~(2) The license of a broker is not required to be returned to the~~
9 ~~commission for cancellation and reinstatement if the broker is:~~

10 ~~(A) An associate broker in the primary office and will function as the~~
11 ~~supervising broker; or~~

12 ~~(B) an associate broker in the branch office and will function as the~~
13 ~~branch broker.~~

14 ~~(3) The license of a supervising broker is not required to be returned~~
15 ~~to the commission for cancellation and reinstatement if the broker will~~
16 ~~continue to be associated or employed by the primary office as an~~
17 ~~associate broker.~~

18 ~~(4) The license of a branch broker is not required to be returned to the~~
19 ~~commission for cancellation and reinstatement if the broker will continue~~
20 ~~to be associated or employed by the branch office as an associate broker.~~

21 ~~(h)(d) If a salesperson's or associate broker's employment or~~
22 ~~association with a supervising broker is terminated by the supervising~~
23 ~~broker supervising broker or branch broker requests a salesperson's or~~
24 ~~associate broker's license to be deactivated for a violation of this act or~~
25 ~~rules and regulations adopted hereunder, or the brokerage relationships in~~
26 ~~real estate transactions act or rules and regulations adopted thereunder, the~~
27 ~~supervising broker or branch broker shall submit a written statement to the~~
28 ~~commission, within 10 days, setting forth the alleged facts that were~~
29 ~~involved. *The supervising broker of the primary office shall be responsible*~~
30 ~~*for ensuring that the branch broker complies with this subsection.*~~

31 ~~(i) If a salesperson's or associate broker's employment or association~~
32 ~~with a branch broker is terminated by the branch broker for violation of~~
33 ~~this act or rules and regulations adopted hereunder, or the brokerage~~
34 ~~relationships in real estate transactions act or rules and regulations adopted~~
35 ~~thereunder, the branch broker shall submit a written statement to the~~
36 ~~commission, within 10 days, setting forth the alleged facts that were~~
37 ~~involved.~~

38 ~~(j) When a termination occurs pursuant to subsections (h) or (i) and a~~
39 ~~real estate transaction is involved, the duty to report shall apply whether~~
40 ~~the salesperson or associate broker acted as an agent, transaction broker or~~
41 ~~as a principal in the transaction.~~

42 ~~(k) Upon closure of a primary office, the supervising broker shall,~~
43 ~~within 10 days, notify the commission of the closure of the office and~~

1 return to the commission the supervising broker's license and the licenses
2 of all salespersons or associate brokers employed by or associated with the
3 primary office for the following:

4 (1) ~~Cancellation and reinstatement if the supervising broker has paid~~
5 ~~the appropriate fee and filed the appropriate form with the commission for~~
6 ~~purposes of the supervising broker becoming employed by or associated~~
7 ~~with a new supervising broker or branch broker;~~

8 (2) ~~cancellation and reinstatement if the salesperson or associate~~
9 ~~broker has paid the appropriate fee and filed the appropriate form with the~~
10 ~~commission for purposes of the salesperson or associate broker becoming~~
11 ~~employed by or associated with a new supervising broker or branch~~
12 ~~broker; or~~

13 (3) ~~placement of each license on inactive status.~~

14 (1) Upon closure of a branch office, the branch broker shall, within 10
15 days, notify the commission of the closure of the office and return to the
16 commission the branch broker's license and the licenses of all salespersons
17 or associate brokers employed by or associated with the branch office for
18 the following:

19 (1) ~~Cancellation and reinstatement if the branch broker has paid the~~
20 ~~appropriate fee and filed the appropriate form with the commission for~~
21 ~~purposes of the branch broker becoming employed by or associated with a~~
22 ~~new supervising broker or branch broker;~~

23 (2) ~~cancellation and reinstatement if the salesperson or associate~~
24 ~~broker has paid the appropriate fee and filed the appropriate form with the~~
25 ~~commission for purposes of the salesperson or associate broker becoming~~
26 ~~employed by or associated with a new supervising broker or branch~~
27 ~~broker; or~~

28 (3) ~~placement of each license on inactive status~~

29 (e) *A license deactivated for a period of not more than two years and*
30 *that is not suspended or revoked shall be reinstated if the licensee*
31 *complies with the requirements of K.S.A. 58-3046a, and amendments*
32 *thereto, for the immediately preceding license period and pays the fee for*
33 *reinstatement prescribed by K.S.A. 58-3063, and amendments thereto, and*
34 *an application therefor. Such application shall be made on a form*
35 *provided by the commission.*

36 (f) *A license deactivated for a continuous period of more than two*
37 *years and not more than five years and that is not suspended or revoked*
38 *shall be reinstated if the licensee submits evidence, satisfactory to the*
39 *commission, of attendance at continuing education approved by the*
40 *commission that totals six additional hours of instruction for each full*
41 *year that the license has been on deactivated status, pays the fee for*
42 *reinstatement prescribed by K.S.A. 58-3063, and amendments thereto, and*
43 *an application therefor. Such application shall be made on a form*

1 *provided by the commission.*

2 (g) *A license deactivated for a continuous period of more than five*
3 *years and that is not suspended or revoked shall be reinstated if the*
4 *licensee meets the examination requirements for an original applicant,*
5 *submits evidence, satisfactory to the commission, of attendance at courses*
6 *of instruction approved by the commission that totals six additional hours*
7 *of instruction for each full year that the license has been on deactivated*
8 *status, pays the fee for reinstatement prescribed by K.S.A. 58-3063, and*
9 *amendments thereto, and an application therefor. Such application shall*
10 *be made on a form provided by the commission.*

11 (h) *A licensee whose license is deactivated shall not be entitled to act*
12 *in any capacity for which a license is required, until the licensee's license*
13 *has been reinstated.*

14 Sec. 6. K.S.A. 2018 Supp. 58-3060 is hereby amended to read as
15 follows: 58-3060. (a) Each licensed resident broker shall have and
16 maintain a ~~principal place of business~~ *primary office* in the state of Kansas,
17 or in an adjoining state ~~with the written permission of the commission,~~
18 ~~which shall serve as such broker's primary office for the transaction of~~
19 ~~business.~~ Each licensed nonresident broker shall have and maintain a
20 ~~principal place of business~~ *primary office* in the broker's state of residence
21 or in the state of Kansas ~~which shall serve as such broker's primary office~~
22 ~~for the transaction of business.~~

23 (b) A supervising broker shall be designated to supervise the primary
24 office and the activities of salespersons and associate brokers assigned to
25 the primary office. Each additional office or place of business, other than
26 the primary office, shall be designated a branch office and a branch broker
27 shall be designated to supervise such office and the activities of
28 salespersons and associate brokers assigned to such office.

29 (c) ~~A branch broker's license and those of salespersons and associate~~
30 ~~brokers assigned to the branch office shall be displayed in the branch~~
31 ~~office. All other licenses of brokers, salespersons and associate brokers~~
32 ~~shall be displayed in the broker's primary office.~~

33 (d) ~~A supervising broker shall give written notice to the director~~
34 ~~commission within five days of any change in location of any office of the~~
35 ~~broker, by returning licenses for cancellation and reinstatement under the~~
36 ~~new location as provided by K.S.A. 58-3047, and amendments thereto~~ *the:*

37 (1) *Supervising broker's name;*

38 (2) *business name;*

39 (3) *trade name;*

40 (4) *location of any office of the broker; or*

41 (5) *broker designated as the branch broker or supervising broker of*
42 *an office.*

43 (d) *A supervising broker shall give written notice to the commission*

1 *within five days of closure of a primary office or branch office. The*
 2 *commission shall place each license that is still affiliated with the closed*
 3 *office, at the time of closure, on inactive status unless that license is*
 4 *affiliated with another office.*

5 (e) The requirement of maintaining an office as provided by this
 6 section shall not apply to an associate broker, to a broker whose license is
 7 on deactivated status or to an officer, member, partner, shareholder or
 8 employee of an association, corporation, limited liability company, limited
 9 liability partnership, partnership or professional corporation who is not
 10 designated as the supervising broker of an office of the association,
 11 corporation, limited liability company, limited liability partnership,
 12 partnership or professional corporation.

13 *(f) A primary office may be in the supervising broker's residence. A*
 14 *branch office may be in the branch broker's residence.*

15 Sec. 7. K.S.A. 2018 Supp. 58-3063 is hereby amended to read as
 16 follows: 58-3063. (a) The commission shall adopt rules and regulations
 17 fixing the amounts of the fees provided for by this act, subject to the
 18 following:

19 (1) For any examination required for licensure, a fee in an amount
 20 equal to the actual cost of the examination and the administration thereof.

21 (2) For any criminal history record check ~~required for licensure~~, a fee
 22 in the amount necessary to reimburse the commission for the cost of
 23 administering the criminal history record check.

24 (3) For submission of an application for an original salesperson's
 25 license, an amount not exceeding \$25.

26 (4) For submission of an application for an original broker's license,
 27 an amount not exceeding \$50.

28 (5) For an original salesperson's license, a ~~prorated~~ fee based on a
 29 two-year amount not exceeding \$150.

30 (6) For an original broker's license, a ~~prorated~~ fee based on a two-
 31 year amount not exceeding \$200.

32 (7) For renewal of a salesperson's license, a fee based on a two-year
 33 amount not exceeding \$150.

34 (8) For renewal of a broker's license, a fee based on a two-year
 35 amount not exceeding \$200.

36 (9) For reinstatement of a license which has been deactivated ~~or~~
 37 ~~which has been canceled~~ pursuant to K.S.A. 58-3047(c), and amendments
 38 thereto, ~~or by reason of termination of a salesperson~~, an amount not
 39 exceeding \$15.

40 (10) ~~For reinstatement of all licenses canceled pursuant to K.S.A. 58-~~
 41 ~~3047(d) or (f), and amendments thereto, an amount not exceeding \$7.50~~
 42 ~~for each license canceled.~~

43 (11) ~~For issuance of a duplicate license, an amount not exceeding~~

1 \$10:

2 ~~(12) For certification of licensure to another jurisdiction, an amount~~
3 ~~not exceeding \$10.~~

4 ~~(13) For approval of a course of instruction submitted by a course~~
5 ~~provider pursuant to K.S.A. 58-3046a, and amendments thereto, an~~
6 ~~amount not exceeding \$75.~~

7 ~~(14) For renewal of an approved course of instruction pursuant to~~
8 ~~K.S.A. 58-3046a, and amendments thereto, an amount not exceeding \$15.~~

9 ~~(15)(11) For approval of a course of instruction submitted by any~~
10 ~~licensee for credit toward the 12 hours of additional instruction required by~~
11 ~~K.S.A. 58-3046a, and amendments thereto, an amount not less than \$10~~
12 ~~nor more than exceeding \$20, as determined by the commission.~~

13 ~~(16) For a temporary salesperson's license, an amount not exceeding~~
14 ~~\$25.~~

15 ~~(17)(12) For each branch office opened or established after July 1,~~
16 ~~2006, an amount not exceeding \$100.~~

17 ~~(18)(13) For each primary office of a company created or established~~
18 ~~by a supervising broker after July 1, 2006, an amount not exceeding \$100.~~

19 ~~(19) For certification of a licensee's education history under K.S.A.~~
20 ~~58-3046a, and amendments thereto, an amount not exceeding \$25.~~

21 ~~(20) For certification of licensure of a professional corporation, an~~
22 ~~amount not exceeding \$25.~~

23 ~~(21) For each additional primary or branch office at which a~~
24 ~~salesperson or an associate, supervising or branch broker is associated or~~
25 ~~employed, if such person is associated or employed by more than one~~
26 ~~primary or branch office, an amount not exceeding \$50, to be paid by such~~
27 ~~salesperson or broker.~~

28 ~~(b) For each prorated fee, the commission shall establish a monthly~~
29 ~~amount, rounded off to the nearest dollar, and shall compute the fee from~~
30 ~~the last calendar day of the month in which the license is issued to the~~
31 ~~expiration date of the license.~~

32 ~~(e)(b) Subject to the limitations of this section, the commission shall~~
33 ~~fix the fees provided for by this section in the amounts necessary to~~
34 ~~administer and enforce this act.~~

35 ~~(d)(c) The fees provided for by this section shall be applicable~~
36 ~~regardless of the type of license.~~

37 Sec. 8. K.S.A. 2018 Supp. 58-3080 is hereby amended to read as
38 follows: 58-3080. ~~(a) Except as provided in subsection (e),~~ When the
39 license of a supervising broker or branch broker expires or is deactivated,
40 the licenses of all licensees associated with or employed by the supervising
41 broker or branch broker shall automatically be placed on inactive status
42 within five calendar days after written notice is issued by the commission
43 to the associated or employed licensee unless notification is provided to

1 the commission prior to the expiration date of the license or the date the
2 license is deactivated that another broker will assume the role as the
3 supervising broker or branch broker ~~or~~, the licensee transfers to another
4 supervising broker or branch broker *or the licensee is currently associated*
5 *or employed with another broker. If deemed in the public interest until*
6 *pending transactions are closed, the commission may authorize another*
7 *broker to act as the supervising or branch broker during any period of*
8 *deactivation.*

9 ~~(b) If notification is not received by the commission prior to the~~
10 ~~expiration date or deactivation date of the supervising broker's or branch~~
11 ~~broker's license that another broker will act as supervising broker or~~
12 ~~branch broker, the supervising broker or branch broker whose license~~
13 ~~expires or is deactivated shall return to the commission the licenses of all~~
14 ~~licensees associated or employed by the supervising broker or branch~~
15 ~~broker before or immediately upon the expiration date or deactivation date~~
16 ~~of the supervising broker's or branch broker's license.~~

17 ~~(c) If deactivation is a condition imposed upon the license of a~~
18 ~~supervising broker or a branch broker by order of the commission pursuant~~
19 ~~to K.S.A. 58-3050, and amendments thereto, the commission may~~
20 ~~authorize another broker to act as the supervising broker or branch broker~~
21 ~~during the period of deactivation. If another broker is not authorized to act~~
22 ~~as the supervising broker or branch broker during the period of~~
23 ~~deactivation, the supervising broker or branch broker shall return to the~~
24 ~~commission the licenses of all licensees associated with or employed by~~
25 ~~the supervising broker or branch broker within five calendar days of the~~
26 ~~effective date of the commission's order of deactivation.~~

27 ~~(d) The provisions of this section shall be a part of and supplemental~~
28 ~~to the Kansas real estate brokers' and salespersons' license act.~~

29 Sec. 9. K.S.A. 2018 Supp. 58-3081 is hereby amended to read as
30 follows: 58-3081. (a) When the license of a supervising broker or branch
31 broker is suspended or revoked, the licenses of all licensees associated
32 with or employed by the supervising broker or branch broker shall
33 automatically be placed on inactive status within five calendar days after
34 written notice is issued by the commission to the associated or employed
35 licensee for the duration of the suspension or revocation, unless the
36 licensee transfers to another supervising broker or branch broker *or the*
37 *licensee is currently associated or employed with another broker. If*
38 *deemed in the public interest until pending transactions are closed, the*
39 *commission may authorize another broker to act as the supervising or*
40 *branch broker during any period of suspension or revocation.*

41 ~~(b) If another broker is not authorized by the commission to act as the~~
42 ~~supervising broker or branch broker during the period of suspension or~~
43 ~~revocation, the supervising broker or branch broker whose license is~~

1 ~~suspended or revoked shall return to the commission the licenses of all~~
2 ~~licensees associated or employed by the supervising broker or branch~~
3 ~~broker within five calendar days of the effective date of the order of~~
4 ~~suspension or revocation.~~

5 ~~(e)~~—The provisions of this section shall be a part of and supplemental
6 to the Kansas real estate brokers' and salespersons' license act.

7 Sec. 10. K.S.A. 74-4202 is hereby amended to read as follows: 74-
8 4202. (a) ~~Within 30 days after the appointment of the members to be~~
9 ~~regularly appointed within any year, the commission shall meet in the city~~
10 ~~of Topeka for the purpose of organizing by selecting from its membership~~
11 ~~a chairperson and such other officers as the commission may deem~~
12 ~~necessary and appropriate~~ *At the first meeting of the commission after*
13 *January 1 of each year, or as required thereafter, the members shall elect a*
14 *chairperson and a vice-chairperson from its membership. The members*
15 *elected shall serve for a term of one year or the remainder of the term, as*
16 *the case may be. The vice-chairperson shall exercise all of the powers of*
17 *the chairperson in the absence of the chairperson. A majority of the*
18 *members of the commission shall constitute a quorum for the exercise of*
19 *the powers or authority conferred upon it.*

20 (b) The commission shall receive applications for, and issue licenses
21 to, brokers and salespersons, as provided in the real estate brokers' and
22 salespersons' license act and shall administer the provisions of this act and
23 the brokerage relationships in real estate transactions act. The commission
24 may do all things necessary and convenient for carrying into effect the
25 provisions of the acts and may adopt rules and regulations ~~not inconsistent~~
26 *consistent* with the acts. For the purpose of the acts, the commission shall
27 make all necessary investigations, and every licensee shall furnish to the
28 commission such evidence as the licensee may have as to any violation the
29 acts or any rules and regulations adopted under the acts. The commission
30 may enforce any order by an action in the district court of the county
31 where the alleged violator resides or where the violation allegedly
32 occurred.

33 (c) Each member of the commission shall be paid compensation,
34 subsistence allowances, mileage and other expenses as provided in K.S.A.
35 75-3223, and amendments thereto.

36 (d) The commission shall hold meetings and hearings in the city of
37 Topeka or at such places as it shall determine at such times as it may
38 designate and on request of two or more of its members.

39 (e) The commission shall maintain an office in the city of Topeka,
40 ~~and all files, records and property of the commission shall at all times be~~
41 ~~and remain therein.~~

42 ~~(f) The commission shall adopt a seal by which it shall attest its~~
43 ~~proceedings. Copies of all records and papers required by law or the~~

1 ~~commission to be filed in the office of the commission, when duly~~
2 ~~certified by the director, assistant director or chairperson of the~~
3 ~~commission and attested by the seal of the commission, shall be received~~
4 ~~in evidence in all courts of the state of Kansas equally and with like effect~~
5 ~~as the originals.~~

6 Sec. 11. K.S.A. 58-3049 and 74-4202 and K.S.A. 2018 Supp. 58-
7 3039, 58-3040, 58-3045, 58-3046a, 58-3047, 58-3060, 58-3063, 58-3080
8 and 58-3081 are hereby repealed.

9 Sec. 12. This act shall take effect and be in force from and after its
10 publication in the statute book.