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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **855**

02/06/2017 Authored by O'Driscoll  
The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform

1.1 A bill for an act  
1.2 relating to commerce; regulating real estate brokers; modifying licensing experience  
1.3 requirement waivers; amending Minnesota Statutes 2016, section 82.59,  
1.4 subdivisions 4, 5.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2016, section 82.59, subdivision 4, is amended to read:

1.7 Subd. 4. **Broker's examination.** (a) The examination for a real estate broker's license  
1.8 shall be more exacting than that for a real estate salesperson, and shall require a higher  
1.9 degree of knowledge of the fundamentals of real estate practice and law.

1.10 (b) Every application for a broker's examination shall be accompanied by proof that the  
1.11 applicant has had a minimum of three years of actual experience within the previous five-year  
1.12 period prior to application as a licensed real estate salesperson in this or in another state  
1.13 having comparable requirements or ~~is, in the opinion of the commissioner, otherwise or~~  
1.14 ~~similarly qualified by reason of education or practical experience~~ was granted a waiver  
1.15 under subdivision 5 within the previous one-year period. The applicant shall have completed  
1.16 educational requirements in accordance with subdivision 8.

1.17 (c) An applicant for a limited broker's license pursuant to section 82.63, subdivision 13,  
1.18 shall not be required to have a minimum of three years of actual experience as a real estate  
1.19 person in order to obtain a limited broker's license.

1.20 Sec. 2. Minnesota Statutes 2016, section 82.59, subdivision 5, is amended to read:

1.21 Subd. 5. **Waivers.** (a) The commissioner may grant a waiver of the real estate licensing  
1.22 experience requirement for the broker's examination to a qualified applicant for a waiver.

2.1 (b) A qualified applicant for a waiver is an individual who:

2.2 (1) has a degree in real estate from an accredited college or university;

2.3 (2) is a licensed practicing attorney whose practice involves real estate law; ~~or~~

2.4 (3) is a public officer whose official duties involve real estate law or real estate  
2.5 transactions; or

2.6 (4) has had in Minnesota or in another state having comparable requirements a minimum  
2.7 of five years of actual experience as a licensed real estate broker within the previous ten-year  
2.8 period prior to application for the waiver, and has not been the subject of any license  
2.9 suspension or revocation.

2.10 (c) The commissioner shall grant a waiver of the real estate licensing experience  
2.11 requirement for the broker's examination to a qualified individual whose license lapsed or  
2.12 became ineffective and who applies for the waiver. The qualified individual shall not be  
2.13 required to pay a fee or charge for applying for the waiver or retaking the examination. The  
2.14 qualified individual may retake the examination under the terms of the waiver. For purposes  
2.15 of this paragraph, "qualified individual" means: (1) an active duty military member on the  
2.16 date of license cancellation or the date by which a timely renewal must have been made;  
2.17 (2) the spouse of an active duty military member on the date of license cancellation or the  
2.18 date by which a timely renewal must have been made; or (3) a veteran or spouse of a veteran  
2.19 who has left service in the two years preceding the date of license cancellation or the date  
2.20 by which a timely renewal must have been made, and has confirmation of an honorable or  
2.21 general discharge status.

2.22 If a waiver is granted under this paragraph, the commissioner shall not assess or retain  
2.23 any fine or penalty arising from the related licensing action.

2.24 (d) A request for a waiver shall be submitted to the commissioner in writing on a form  
2.25 prescribed by the commissioner and be accompanied by documents necessary to evidence  
2.26 qualification as set forth in paragraph (b).

2.27 (e) The waiver will lapse if the applicant fails to successfully complete the broker's  
2.28 examination within one year from the date of the granting of the waiver.