

2016

SENATE BILL NO. ____

By Committee on Commerce

AN ACT concerning real estate; relating to licensing requirements for nonresidents; amending K.S.A. 58-3040 and repealing the existing section.

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

Section 1. K.S.A. 58-3040 is hereby amended to read as follows: 58-3040. (a) A nonresident of this state may be granted a broker's license if:

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

(2) such nonresident meets all requirements imposed by this act on Kansas residents for licensure as a broker, except ~~that the commission may waive the education provided by subsection (b) of K.S.A. 58-3046a and amendments thereto, the examination provided by K.S.A. 58-3039 and amendments thereto and the experience provided by subsection (c) of K.S.A. 58-3039 and amendments thereto for a nonresident who, in the judgment of the commission, has received equivalent education, has passed an equivalent examination and has obtained equivalent experience~~ as provided by subsection (e).

(b) A nonresident broker ~~employed by or associated with a broker licensed pursuant to this act~~ may be granted a ~~broker's~~ salesperson's license ~~under such broker~~, if:

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

(2) such ~~broker~~ nonresident meets all requirements imposed by this act on Kansas residents for licensure as a broker, ~~except that the commission may waive the education provided by subsection (b) of K.S.A. 58-3046a and amendments thereto, the examination provided by K.S.A. 58-3039 and amendments thereto and the experience provided by subsection (c) of K.S.A. 58-3039 and amendments thereto if, in the judgment of the commission, the broker has~~

~~received equivalent education, has passed an equivalent examination and has obtained equivalent experience~~ except for the requirements of K.S.A. 58-3039(d)(1) or (e), and amendments thereto, and the nonresident does not qualify for a waiver pursuant to subsection (e); and

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

(c) A nonresident salesperson employed by or associated with a broker licensed pursuant to this act may be granted a salesperson's license under such broker, if:

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

(2) such salesperson meets all requirements imposed by this act on Kansas residents for licensure as a salesperson, ~~except that the commission may waive the education provided by subsection (a) of K.S.A. 58-3046a and amendments thereto and the examination provided by K.S.A. 58-3039 and amendments thereto if, in the judgment of the commission, the salesperson has received equivalent education and has passed an equivalent examination~~ as provided by subsection (f).

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

(e) The commission may waive the education provided by ~~subsection (b) of~~ K.S.A. 58-3046a (b), and amendments thereto, the examination provided by K.S.A. 58-3039, and amendments thereto, and the experience provided by ~~subsection (e) of~~ K.S.A. 58-3039 (d)(1) or (e), and amendments thereto, and issue an original broker's license to a nonresident or to a Kansas resident who holds a broker's license issued by another jurisdiction if, in the judgment of

the commission, the applicant received equivalent education, passed an equivalent examination and obtained equivalent experience. The applicant shall meet all other requirements imposed by this act.

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

~~(g) Prior to the issuance of a license to a nonresident, the applicant shall file with the commission a designation in writing that appoints the director of the commission as the applicant's agent, upon whom all judicial and other process or legal notices directed to the applicant may be served in the event such applicant becomes a licensee. Any process or legal notices to a nonresident licensee shall be directed to the director, accompanied by a fee of \$3, and, in the case of a summons, shall require the nonresident licensee to answer within 40 days from the date of service on such licensee. A summons and a certified copy of the petition shall be forthwith forwarded by the clerk of the court to the director, who shall immediately forward a copy of the summons and the certified copy of the petition to the nonresident licensee. Thereafter, the director shall make return of the summons to the court from which it was issued, showing the date of its receipt by the director, the date of forwarding and the name and address of the person to whom the director forwarded a copy. Such return shall have the same force and effect as a return made by the sheriff on process directed to the sheriff.~~

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

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

Sec. 2. K.S.A. 58-3040 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.