

ORIGINAL HOUSE  
BILL NO. 0195

ENROLLED ACT NO. 46, HOUSE OF REPRESENTATIVES

SIXTIETH LEGISLATURE OF THE STATE OF WYOMING  
2009 GENERAL SESSION

AN ACT relating to the Real Estate License Act of 1971; providing for fingerprinting of license applicants as specified; clarifying certain exemption provisions; providing for compensation of members of the Wyoming real estate commission as specified; clarifying commission authority; reducing the amount of time that certain records shall be retained; requiring licensees to obtain and maintain insurance coverage as specified; providing definitions; and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** W.S. 7-19-201(a) by creating a new paragraph (xiii), 33-28-103(a)(i) and (ii), 33-28-105(e), 33-28-106(a) and (b), 33-28-111(a)(ii), 33-28-123 and 33-28-401(a), (b), (e) and by creating a new subsection (f) are amended to read:

**7-19-201. State or national criminal history record information.**

(a) The following persons shall be required to submit to fingerprinting in order to obtain state and national criminal history record information:

(xiii) Persons applying for a new license under W.S. 33-28-106.

**33-28-103. Exemptions.**

(a) The provisions of this act shall not apply to:

(i) An owner of real estate or to a member of his immediate family or to his regular employees with

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respect to property owned by him unless the owner, his immediate family or regular employee is a licensee;

(ii) An attorney in fact under a duly executed and recorded power of attorney to convey real estate from the owner or lessor, or the services rendered by an attorney-at-law in the performance of his duties as an attorney unless the attorney is a licensee;

**33-28-105. Creation of commission; membership; terms; removal; chairman; powers and duties; director and duties thereof; other employees; compensation; disposition of fees.**

(e) Each member of the commission shall receive as compensation from the real estate board account for each day actually spent on his official duties, ~~twenty dollars (\$20.00) and~~ per diem and mileage allowance as allowed to state employees and salary in the amount provided by W.S. 28-5-101(d) for the performance of official duties.

**33-28-106. Application for license; qualifications; sworn statement; commission approval of course of study; statement of broker; denial of license; license and pocket card.**

(a) Any person desiring to act as a real estate broker, associate broker or real estate salesman shall file an application for a license with the commission. The application shall be in the form and detail as the commission shall prescribe and the applicant shall provide to the commission fingerprints and other information necessary for a criminal history record background check as provided in W.S. 7-19-201(a).

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(b) Licenses shall be granted only to persons who bear a good reputation for honesty, trustworthiness, integrity and competence to transact the business of a broker, associate broker or salesman in a manner which will safeguard the interests of the public, and only after satisfactory proof of the applicant's qualifications has been presented to the commission including a criminal history record background check as provided in W.S. 7-19-201(a).

**33-28-111. Censure of licensee and suspension or revocation of license; grounds.**

(a) The commission shall upon a written sworn complaint or may upon its own motion investigate the actions of any broker, associate broker or salesman, impose an administrative fine not to exceed two thousand five hundred dollars (\$2,500.00) for each separate offense and may censure the licensee, place the licensee on probation and set the terms of probation, suspend or revoke any license issued under this act and impose an administrative fine for any of the following:

(ii) Violation of this act or any rule of the commission;

**33-28-123. Retention of records.**

Every broker licensed in this state shall keep and maintain a full set of records of every real estate transaction in which he participates on behalf of any party to the transaction. The records shall be maintained not less than ~~ten (10)~~ seven (7) years from the latest date on which the broker participated in the transaction.

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**33-28-401. Errors and omissions insurance; rulemaking authority; commission duties; certificate of coverage; administrative fee.**

(a) Beginning January 1, 2008, an applicant for a real estate license pursuant to W.S. 33-28-106, a licensee renewing a license or an inactive licensee activating a license pursuant to W.S. 33-28-118, shall submit proof of insurance coverage through the group ~~plan~~program provided pursuant to this section or through certification of ~~optional~~individual coverage. All licensees shall obtain and maintain errors and omissions insurance coverage under the group program or individual coverage.

(b) The commission shall make errors and omissions insurance available to all licensees by contracting with an insurer for a group ~~policy~~program after competitive bidding. Any group ~~policy~~program obtained by the commission shall be available to all licensees and shall prevent the insurer from canceling any licensee. Licensees may obtain errors and omissions insurance independently if the coverage complies with the minimum requirements established by the commission.

(e) The commission shall charge and collect an administrative fee in addition to the premium paid from each licensee who obtains errors and omissions insurance through the ~~commission~~group program. This administrative fee shall be of an amount sufficient to cover the administration of this section and shall not exceed ten percent (10%) of the premium. The maximum premium specified in subsection (d) of this section applies only to premium cost and not to any administrative fee charged.

(f) As used in this section:

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(i) "Group program" means an insurance policy from an insurance provider selected by the commission through the competitive bid process as specified in this section;

(ii) "Individual coverage" means insurance coverage, other than the group program, from any provider which meets the minimum requirements of the commission.

**Section 2.** This act is effective July 1, 2009.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk