

5508--B

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property law, in relation to defining real estate team and requiring the registration of real estate teams

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Section 440 of the real property law is amended by adding a
2 new subdivision 7 to read as follows:
3 7. "TEAM" MEANS TWO OR MORE PERSONS, ONE OF WHOM MUST BE A REAL ESTATE
4 BROKER, ASSOCIATE REAL ESTATE BROKER OR REAL ESTATE SALESPERSON, WHO ARE
5 ASSOCIATED WITH THE SAME REAL ESTATE BROKERAGE AND WHO REGISTER THEM-
6 SELVES AS A TEAM PURSUANT TO THIS ARTICLE.
7 S 2. The real property law is amended by adding a new section 440-c to
8 read as follows:
9 S 440-C. REAL ESTATE TEAMS; REGISTRATION. 1. ANY DULY LICENSED REAL
10 ESTATE BROKER, ASSOCIATE BROKER OR SALESPERSON DESIRING TO ACT AS A REAL
11 ESTATE TEAM SHALL HAVE THE REAL ESTATE BROKER WITH WHOM THEY ARE ASSOCI-
12 ATED FILE, WITH THE DEPARTMENT OF STATE AT ITS OFFICE IN ALBANY, AN
13 APPLICATION FOR THE REGISTRATION OF THE TEAM NAME.
14 SUCH APPLICATION SHALL BE IN SUCH FORM AND DETAIL AS SUCH DEPARTMENT
15 SHALL PRESCRIBE INCLUDING:
16 (A) THE FULL TEAM NAME AND ADDRESS OF THE OFFICE WHERE THE TEAM WILL
17 OPERATE; AND
18 (B) THE NAME OR NAMES AND LICENSE NUMBER OR NUMBERS OF THE LICENSED
19 INDIVIDUAL OR INDIVIDUALS COMPRISING THE TEAM NAME.
20 2. TEAM NAMES SHALL EITHER:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 (A) INCLUDE THE FULL LICENSED NAME OF AT LEAST ONE OF THE REAL ESTATE
2 BROKER OR BROKERS, ASSOCIATE BROKER OR BROKERS OR REAL ESTATE SALESPER-
3 SON OR SALESPERSONS THAT ARE PART OF SUCH TEAM; OR

4 (B) IF SUCH A NAME IS NOT INCLUDED, THE TEAM NAME SHALL BE IMMEDIATELY
5 FOLLOWED BY "AT/OF (FULL NAME OF REAL ESTATE BROKER/BROKERAGE)".

6 ALL TEAM NAMES SHALL USE THE TERM "TEAM". THE USE OF ANY OTHER TERM
7 BESIDES "TEAM" INCLUDING, BUT NOT LIMITED TO "ASSOCIATE", "REALTY" OR
8 "GROUP" IS PROHIBITED. THE USE OF THE NAME OF ANY PERSON WHO IS NOT
9 LICENSED PURSUANT TO THIS ARTICLE IN A TEAM NAME IS PROHIBITED.

10 3. TEAMS SHALL NOT BE LICENSED ENTITIES AND AS SUCH, ARE PROHIBITED
11 FROM PERFORMING ANY ACTIVITY REQUIRING A LICENSE PURSUANT TO THIS ARTI-
12 CLE. TEAMS ARE PROHIBITED FROM ENTERING INTO AGREEMENTS WITH CONSUMERS
13 AND EACH TEAM MEMBER CAN ONLY ACT AS A REAL ESTATE BROKER, ASSOCIATE
14 BROKER OR SALESPERSON.

15 4. REGISTRATION OF A TEAM NAME DOES NOT CONFER ANY ADDITIONAL RIGHTS
16 OR STATUS TO THE TEAM OR ANY MEMBER OF THE TEAM.

17 5. THE SUPERVISION OF TEAM MEMBERS BY A LICENSED REAL ESTATE BROKER
18 SHALL CONSIST OF REGULAR, FREQUENT AND CONSISTENT PERSONAL GUIDANCE,
19 INSTRUCTION, OVERSIGHT AND SUPERINTENDENCE BY THE REAL ESTATE BROKER
20 WITH RESPECT TO THE GENERAL REAL ESTATE BROKERAGE BUSINESS CONDUCTED BY
21 THE TEAM, AND ALL MATTERS RELATING THERETO.

22 6. A REAL ESTATE BROKER MAY CANCEL A REGISTERED REAL ESTATE TEAM NAME
23 OR, UPON REQUEST BY THE LICENSED INDIVIDUAL OR INDIVIDUALS REGISTERED AS
24 MEMBERS OF A TEAM PURSUANT TO PARAGRAPH (B) OF SUBDIVISION ONE OF THIS
25 SECTION, A REGISTERED REAL ESTATE TEAM NAME SHALL BE CANCELLED BY THE
26 ASSOCIATED REAL ESTATE BROKER WHO SHALL FILE A CANCELLATION OF REGISTRA-
27 TION NOTICE ON SUCH FORM AS THE SECRETARY OF STATE MAY DESIGNATE. THERE
28 SHALL BE NO FEE FOR CANCELLING A TEAM NAME REGISTRATION.

29 S 3. This act shall take effect on the first of January next succeed-
30 ing the date on which it shall have become a law. Provided, however,
31 that effective immediately, the secretary of state is authorized and
32 directed to promulgate any rules and regulations necessary to implement
33 the provisions of this act on its effective date on or before such date.