

7840--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

June 6, 2013

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Introduced by M. of A. CUSICK -- read once and referred to the Committee on Judiciary -- 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:

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

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

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

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

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

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

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

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

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