

5508

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

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 SALES PERSON DESIRING TO ACT AS A  
11 REAL ESTATE TEAM SHALL HAVE THE REAL ESTATE BROKER WITH WHOM THEY ARE  
12 ASSOCIATED FILE, WITH THE DEPARTMENT OF STATE AT ITS OFFICE IN ALBANY,  
13 AN APPLICATION FOR THE REGISTRATION OF THE TEAM.

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 NAMES AND LICENSE NUMBERS OF THE LICENSED INDIVIDUALS REGIS-  
19 TERING THE TEAM NAME.

20 2. TEAMS SHALL NOT BE LICENSED ENTITIES AND AS SUCH, ARE PROHIBITED  
21 FROM PERFORMING ANY ACTIVITY REQUIRING A LICENSE PURSUANT TO THIS ARTI-  
22 CLE. TEAMS ARE PROHIBITED FROM ENTERING INTO AGREEMENTS WITH CONSUMERS  
23 AND EACH TEAM MEMBER CAN ONLY ACT AS A REAL ESTATE BROKER, ASSOCIATE  
24 BROKER OR SALESPERSON.

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

LBD11016-02-3

1 3. REGISTRATION OF A TEAM DOES NOT CONFER ANY ADDITIONAL RIGHTS OR  
2 STATUS TO THE TEAM OR ANY MEMBER OF THE TEAM.

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

8 5. A REGISTERED REAL ESTATE TEAM MAY BE TERMINATED BY THE ASSOCIATED  
9 REAL ESTATE BROKER WHO SHALL FILE A TERMINATION OF REGISTRATION NOTICE  
10 ON SUCH FORM AS THE SECRETARY OF STATE MAY DESIGNATE. THERE SHALL BE NO  
11 FEE FOR TERMINATING A TEAM REGISTRATION.

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