STATE OF NEW YORK

2134

2021-2022 Regular Sessions

IN SENATE

January 19, 2021

Introduced by Sen. SKOUFIS -- 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 requiring faculty to be in compliance with all requirements pertaining to the instruction of the established curriculum

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (c) of subdivision 3 of section 441 of the real property law, as amended by chapter 470 of the laws of 1998, is amended to read as follows:

(c) **(i)** The secretary of state shall promulgate rules establishing the method, content, setting and supervision requirements of the continuing education real estate course or courses provided for in this section. In establishing the requirements for the continuing education course or courses, the secretary of state shall permit alternatives with respect to content and method of presentation in consideration of the type of brokerage practiced and the availability of the sources of such course or courses in different areas of the state. Each course shall have an established curriculum composed primarily of real estate practice and professional responsibility and ethics and properly prepared written materials of the subject matter which shall be distributed as part of the course. It shall be taught by a qualified faculty with attorneys presenting legal subjects. Credit shall be awarded on the basis of one hour for each sixty minutes of actual attendance and records shall be maintained of attendance at each session which shall be transmitted to the department at the conclusion of the course. Computer-based and distance learning courses may be approved by the department so long as providers demonstrate the ability to monitor and verify participation by the licensee for the specified time period.

(ii) The secretary of state shall require approved faculty to sign a document under oath, approved by and submitted to the department of

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

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state, attesting to compliance with all applicable statutory and regulatory requirements pertaining to the instruction of the established curriculum. The secretary of state shall promulgate penalties for faculty that fail to meet the obligations required under this section and department of state regulations including, but not limited to, the temporary suspension of their instructor certificate for the first such failure and the revocation of their instructor certificate for any subsequent failure.

§ 2. This act shall take effect immediately.