

Senate Bill No. 1461

CHAPTER 284

An act to amend Section 10140.6 of the Business and Professions Code, relating to real estate.

[Approved by Governor September 25, 2008. Filed with
Secretary of State September 25, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1461, Negrete McLeod. Real estate licensees.

Existing law, the Real Estate Law, governs the licensing and regulation of real estate licensees, as defined, as administered by the Real Estate Commissioner. Under those provisions, a real estate licensee is prohibited from publishing, circulating, distributing, or causing to be published, circulated, or distributed in any newspaper or periodical, or by mail, any matter pertaining to any activity for which a real estate license is required that does not contain a designation disclosing that the licensee is performing acts for which a real estate license is required.

This bill would, on and after July 1, 2009, require a licensee to disclose his or her license identification number on specified solicitation materials, as defined, and on real property purchase agreements when acting as an agent in those transactions. The bill would authorize the Real Estate Commissioner to adopt regulations in that regard.

The people of the State of California do enact as follows:

SECTION 1. Section 10140.6 of the Business and Professions Code is amended to read:

10140.6. (a) A real estate licensee shall not publish, circulate, distribute, or cause to be published, circulated, or distributed in any newspaper or periodical, or by mail, any matter pertaining to any activity for which a real estate license is required that does not contain a designation disclosing that he or she is performing acts for which a real estate license is required.

(b) (1) A real estate licensee shall disclose his or her license identification number on all solicitation materials intended to be the first point of contact with consumers and on real property purchase agreements when acting as an agent in those transactions. The commissioner may adopt regulations identifying the materials in which a licensee must disclose a license identification number.

(2) For purposes of this section, "solicitation materials intended to be the first point of contact with consumers" includes business cards, stationery, advertising fliers, and other materials designed to solicit the creation of a

professional relationship between the licensee and a consumer, and excludes an advertisement in print or electronic media and “for sale” signs.

(3) Nothing in this section shall be construed to limit or change the requirement described in Section 10236.4 as applicable to real estate brokers.

(c) The provisions of this section shall not apply to classified rental advertisements reciting the telephone number at the premises of the property offered for rent or the address of the property offered for rent.

(d) The amendments made to this section by the act adding this subdivision shall become operative on July 1, 2009.