



Substitute House Bill No. 6769

Public Act No. 23-84

AN ACT CONCERNING THE DEPARTMENT OF CONSUMER PROTECTION'S RECOMMENDATIONS REGARDING REAL ESTATE LICENSING AND ENFORCEMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 20-311 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

As used in this chapter and sections 2 to 7, inclusive, of this act, unless the context otherwise requires:

(1) "Advertising" (A) means disseminating, publishing or causing to be posted by way of any (i) print media, including, but not limited to, outdoor signage and periodicals, (ii) audio or video broadcast, streaming or other electronic dissemination, or (iii) written or photographic material disseminated or posted via online, telephonic notification, electronic mail or other electronic means, and (B) does not include any (i) stockholder communication, including, but not limited to, any annual report, interim financial report, proxy material, registration statement, securities prospectus or application for listing a security on a stock exchange, (ii) prospectus, property report, offering statement or other document that any federal agency or agency of another state requires be delivered to a prospective purchaser, (iii)

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communication addressed to, and relating to the account of, a person who has executed a contract for the purchase of a subdivider's lands, except if such communication concerns the sale of additional lands, or (iv) press release or other communication delivered to a media outlet for general information or public relations purposes, provided no charge is imposed by such media outlet for publication or use of any part of such communication;

(2) "Affiliated" means having a working relationship with a real estate licensee by way of an (A) employer-employee relationship, or (B) independent contractor relationship;

(3) "Associate broker" means a real estate broker who (A) is affiliated with a supervising licensee as an independent contractor or employed by a supervising licensee, and (B) has the authority to engage in the real estate business on behalf of such supervising licensee;

(4) "Business entity" means any association, corporation, limited liability company, limited liability partnership or partnership;

[(1)] (5) "Commercial real estate transaction" means any transaction involving the sale, exchange, lease or sublease of real property other than (A) real property containing any building or structure occupied, or intended to be occupied, by not more than four families, or (B) a single building lot to be used for family or household purposes;

[(2)] (6) "Commission" means the Connecticut Real Estate Commission appointed under the provisions of section 20-311a;

(7) "Confidential information" means any fact concerning a person's assets, expenses, income, liabilities, motivations to purchase, rent or sell real property and previous offers received or made to purchase or lease real property which (A) a client has not authorized for release, or (B) is not (i) a matter of general knowledge, (ii) part of a public record or file to which access is authorized pursuant to section 1-210, or (iii) otherwise

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subject to disclosure under any other provision of the general statutes or regulations of Connecticut state agencies;

(8) "Custodial broker" means any individual who is (A) licensed as a real estate broker, and (B) temporarily appointed solely to (i) conclude the real estate business matters of another broker who is deceased or incapacitated, (ii) transition such matters to a real estate broker who is alive and not incapacitated, or (iii) assist in transitioning the deceased or incapacitated broker's ownership interest in a business entity that is engaged in the real estate business for the purpose of satisfying the requirements established in section 20-312, as amended by this act;

(9) "Department" means the Department of Consumer Protection;

[(3)] (10) "Designated agency" means the appointment by a real estate broker of one or more brokers or salespersons affiliated with or employed by the real estate broker to solely represent a buyer or tenant as a designated buyer's agent and appoint another to represent a seller or landlord as a designated seller's agent in a transaction;

(11) "Designated broker" means the individual real estate broker whom a real estate broker business entity names as the individual broker responsible for the supervision and overall operation of such business entity's engagement in the real estate business in this state;

[(4)] (12) "Designated buyer agent" means a [broker or salesperson] real estate licensee who is designated by the real estate broker by whom such real estate licensee is employed, or with whom [the broker or salesperson] such real estate licensee is affiliated, [or employed to] solely to represent a named buyer or tenant client of the real estate broker during the term of a buyer representation agreement or authorization;

[(5)] (13) "Designated seller agent" means a [broker or salesperson] real estate licensee who is designated by the real estate broker by whom

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such real estate licensee is employed, or with whom [the broker or salesperson] such real estate licensee is affiliated, [or employed to] solely to represent a named seller or landlord client of the real estate broker during the term of a listing agreement or authorization;

(14) "Development owner" means (A) the owner of record of a multiunit development that is offered for lease, or (B) the parent company of such owner of record if such parent company holds a one hundred per cent ownership interest in such owner of record;

[(6) "Engaging in the real estate business"] (15) "Engage in the real estate business" means to, while acting for another and for a fee, commission or other valuable consideration, [in the listing for sale, selling, exchanging, buying or renting, or offering or attempting to negotiate a sale, exchange, purchase or rental of] negotiate for or offer, or attempt to list for sale, sell, exchange, buy or rent, an estate or interest in real estate or [a resale of] to resell a mobile manufactured home, as defined in [subdivision (1) of section 21-64, or collecting upon a loan secured or to be secured by a mortgage or other encumbrance upon or transfer of real estate] section 21-64;

(16) "Incapacity" means any physical or mental incapacity which prevents an individual from substantially satisfying such individual's duties and responsibilities as a real estate licensee;

(17) "Influence residential real estate appraisals" includes, but is not limited to, refusing or intentional failing to refer a homebuyer, or encouraging other real estate licensees not to refer a homebuyer, to a mortgage broker or lender, as such terms are defined in section 36a-760, based solely on the fact that the mortgage broker or lender uses an appraiser who has provided an appraisal reflecting a fair market value estimate that was less than the sale contract price;

(18) "Leasing agent" means any individual, other than a real estate

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licensee, who (A) acts as an agent for a principal for a commission, fee or other valuable consideration, and (B) engages in leasing or renting activity, including, but not limited to, (i) collecting security deposits, (ii) offering or attempting to negotiate a rental, or (iii) collecting, offering or attempting to collect rent for the use of real estate;

(19) "Multiunit development" means any residential complex with at least fifty units that are leased or available to be leased;

(20) "Negotiate" means acting, directly or indirectly, as an intermediary by facilitating, or participating in, communications between parties related to the parties' interests in a real estate or mobile manufactured home transaction;

(21) "Nonmaterial fact concerning real property" means any fact, set of facts or circumstances surrounding real property which includes, but is not limited to, the fact that (A) an occupant of real property is or has been infected with a disease on the list of reportable diseases, emergency illnesses and health conditions issued by the Commissioner of Public Health pursuant to section 19a-2a, or (B) the real property was at any time suspected to have been the site of a death or felony;

[(7)] (22) "Person" means any individual [, partnership, association, limited liability company or corporation] or business entity;

(23) "Promotional note" (A) means any promissory note that (i) is secured by a trust deed executed (I) on unimproved real property, (II) after construction of an improvement of real property but before the first sale of such property so improved, or (III) as a means of financing the first purchase of such property so improved, and (ii) is subordinate, or which by its terms may become subordinate, to any other trust deed on such property, and (B) does not include any note which was executed more than three years prior to being offered for sale or was secured by a first trust deed on real property in a subdivision, which evidences a

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bona fide loan made in connection with the financing of the usual costs of the development of one or more residential, commercial or industrial buildings on the property under a written agreement providing (i) for either the disbursement of the loan funds as costs are incurred or in relation to the progress of the work, and (ii) for title insurance insuring the priority of the security as against mechanic's liens or for the final disbursement of at least ten per cent of the loan funds after the expiration of the period for the filing of mechanic's liens;

(24) "Prospective party" means any person that communicates with a real estate licensee in contemplation of potential representation by the real estate licensee in a real estate transaction;

~~[(8)]~~ (25) "Real estate broker" or "broker" means (A) any person [, partnership, association, limited liability company or corporation which acts for another person or entity and for a fee, commission or other valuable consideration, lists for sale, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale, exchange, purchase or rental of, an estate or interest in real estate, or a resale of a mobile manufactured home, as defined in subdivision (1) of section 21-64, or collects or offers or attempts to collect rent for the use of real estate] engaged in the real estate business, and (B) any person [, partnership, association, limited liability company or corporation] employed by or on behalf of the owner or owners of lots or other parcels of real estate, at a stated salary, upon commission, upon a salary and commission basis or otherwise to sell such real estate, or any parts thereof, in lots or other parcels, and who sells or exchanges, or offers, attempts or agrees to negotiate the sale or exchange of, any such lot or parcel of real estate;

(26) "Real estate licensee" means any real estate broker or real estate salesperson licensed pursuant to this chapter;

~~[(9)]~~ (27) "Real estate salesperson" or "salesperson" means [a person] any individual who is affiliated with [any real estate broker as an

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independent contractor or employed by a real estate broker to list for sale, sell or offer for sale, to buy or offer to buy or to negotiate the purchase or sale or exchange of real estate, or to offer for resale, a mobile manufactured home, as defined in subdivision (1) of section 21-64, or to lease or rent or offer to lease, rent or place for rent any real estate, or to collect or offer or attempt to collect rent for the use of real estate] a supervising licensee to (A) engage in the real estate business for or on behalf of such [real estate broker, or who offers, sells or attempts to sell the real estate or mobile manufactured homes of a licensed broker] supervising licensee, or (B) if such individual is acting for another person as a designated seller agent or designated buyer agent, [lists for sale, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale, exchange, purchase or rental of, an estate or interest in real estate, or a resale of a mobile manufactured home, as defined in subsection (a) of section 21-64, or collects or offers or attempts to collect rent for the use of real estate, but does not include employees of any real estate broker whose principal occupation is clerical work in an office, or janitors or custodians engaged principally in that occupation] engage in the real estate business;

(28) "Real estate transaction" means any transaction in which (A) real property is legally transferred to another person, or (B) a lease agreement is executed between a landlord and a tenant;

(29) "Residential real property" means any one to four-family residential real estate located in this state, including, but not limited to, (A) a cooperative or condominium where the total number of units in such cooperative or condominium does not exceed four units, and (B) any individual unit within a multiunit development;

(30) "School" means any person that offers prelicensing or continuing education courses approved pursuant to this chapter and sections 3 and 4 of this act;

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(31) "Supervising licensee" means the real estate broker that is responsible for controlling and supervising another real estate licensee or a team;

[(10)] (32) "Team" means [a group] any combination of at least two licensed real estate brokers, designated brokers or real estate salespersons who are affiliated with the same [sponsoring real estate broker] supervising licensee and engage in advertising as a group using a team name; and

[(11)] (33) "Team name" means the name used to refer to a team in team advertisements.

Sec. 2. (NEW) (*Effective April 1, 2024*) (a) No associate broker shall engage in the real estate business unless the supervising licensee that is responsible for controlling and supervising the associate broker (1) knows that such associate broker is engaging in the real estate business, and (2) has consented to such associate broker engaging in the real estate business.

(b) Each supervising licensee shall be responsible for the actions of the associate brokers who are under such supervising licensee's control and supervision to the same extent that such supervising licensee would be responsible for such associate brokers if such associate brokers were real estate salespersons affiliated with such supervising licensee.

(c) If an associate broker's affiliation with a supervising licensee is terminated, the associate broker shall notify the department of such termination not later than fourteen calendar days after such termination or such associate broker's affiliation with another supervising licensee, whichever occurs first.

(d) Each associate broker shall comply with all advertising requirements and standards that apply to real estate brokers, and shall include the name of the supervising licensee who controls and

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supervises such associate broker at a prominent location in all of such associate broker's advertisements.

Sec. 3. (NEW) (*Effective April 1, 2024*) (a) (1) A school shall register with the department, in a form and manner prescribed by the Commissioner of Consumer Protection, prior to offering any prelicensing or continuing education course. Such form shall include an attestation by the school that:

(A) All courses offered by such school comply with the requirements established in section 4 of this act; and

(B) All instructors teaching courses at such school are qualified pursuant to subsection (c) of this section and section 4 of this act.

(2) No school shall offer any prelicensing or continuing education course in this state unless such school maintains an active registration with the department under this section.

(b) Each school registration issued pursuant to this section shall expire biennially, and the initial registration fee and renewal fee for each such school registration shall be one hundred dollars.

(c) No school shall permit an instructor to teach a course approved under chapter 392 of the general statutes unless such school has determined that the instructor has:

(1) At least five years of experience as a practicing real estate licensee;

(2) Expertise, or a professional designation from an institute or society, in the field in which such instructor proposes to teach; or

(3) Experience teaching a course in a formal education program or has attended an accredited college or university extension instructors' seminar. For collegiate level courses that are part of a degree program, the instructor shall have (A) teaching experience and a master's degree

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in an appropriate field, or (B) such other combination of qualifications as the commission may, in the commission's discretion, approve.

(d) No school shall offer any course that does not satisfy the requirements established in section 4 of this act.

Sec. 4. (NEW) (*Effective April 1, 2024*) (a) Each school that is registered with the department pursuant to section 3 of this act shall register with the department, in a form and manner prescribed by the Commissioner of Consumer Protection, each prelicensing or continuing education course that such school intends to offer in this state. The fee to register each course under this section shall be fifty dollars, and each course registration application submitted to the department pursuant to this section shall include:

(1) An outline of the course content detailing the total duration of such course and the amount of time spent on each subject covered as part of such course;

(2) The name of, and contact information for, each course instructor;

(3) A copy of the certificate issued to students upon completion of such course;

(4) The cancellation and refund policy available to students for such course;

(5) An attestation by the school that such course meets all the requirements established in this section, section 20-314a of the general statutes, as amended by this act, and all regulations adopted pursuant to chapter 392 of the general statutes; and

(6) If such course is provided on an in-person basis, the location at which such course is provided on an in-person basis.

(b) Notwithstanding subdivision (3) of subsection (a) of this section,

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a school that offers more than one course may submit to the department a template course completion certificate for the department's consideration. If the department approves a template course completion certificate, the school that submitted such certificate to the department may use such template to issue all course completion certificates and not be required to submit a copy of such certificates to the department pursuant to subdivision (3) of subsection (a) of this section.

(c) No prelicensing or continuing education course shall qualify towards the prelicensing or continuing education requirements established for a real estate license under chapter 392 of the general statutes unless such course has been approved by the department pursuant to this section.

(d) The department shall not approve any prelicensing course under this section unless such course is provided on an in-person basis or by way of electronic means that incorporates a live online format.

(e) (1) Subject to the provisions of subdivision (2) of this subsection, each school that offers a continuing education course under this section shall ensure that no student may complete such course in less time than the total course duration specified in the application that such school filed with the department for such course pursuant to subsection (a) of this section.

(2) If a school offers a course described in subdivision (1) of this subsection by electronic means, the school may satisfy the requirements established in subdivision (1) of this subsection by:

(A) Offering a live online course format using telecommunications technology that allows for real-time audio communication between the instructor and students; or

(B) Using technology that prohibits a student from completing the course in less time than the total course duration specified in the

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application that such school filed with the department for such course pursuant to subsection (a) of this section.

(f) If a school offers any prelicensing or continuing education course under this section by electronic means that do not allow for real-time audio communication between the instructor and students, such school shall include in such course periodic interactive assessments to confirm each student's level of comprehension of, and engagement with, such course.

(g) Each course registration issued pursuant to this section shall expire five years after such registration is issued.

Sec. 5. (NEW) (*Effective April 1, 2024*) (a) If a real estate licensee engages in the real estate business and a buyer or renter of real estate uses an interpreter, other than the real estate licensee or an employee of the real estate licensee, in conducting a real estate transaction or negotiations, the real estate licensee shall provide to the buyer or renter and interpreter, and obtain the buyer's or renter's and interpreter's signatures on, forms containing the following language:

"I, (name of buyer or renter), used (name of interpreter) to act as my interpreter during this real estate transaction or these negotiations. The obligations of this contract or other written agreement were explained to me in my native language by the interpreter. I understand the contract or other written agreement.

(signature of buyer or renter)

(relationship of interpreter to buyer or renter)

I, (name of interpreter), acted as interpreter during this real estate transaction or these negotiations. The obligations of the contract or other written agreement were explained to (name of buyer or renter) in their native language. I understand the contract or other written agreement.

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(signature of interpreter)

(relationship of interpreter to buyer or renter)."

(b) Except as provided in subsection (c) of this section, if a real estate licensee engages in the real estate business and acts as an interpreter for a buyer or renter in conducting a transaction or negotiations, the real estate licensee shall provide to the buyer or renter, and obtain the buyer's or renter's signature on, a form containing the following language written in the buyer's or renter's native language:

"This real estate transaction or these negotiations were conducted in (buyer's or renter's native language), which is my native language. I voluntarily choose to have the Real Estate (Broker/Salesperson) act as my interpreter during the negotiations. The obligations of the contract or other written agreement were explained to me in my native language. I understand the contract or other written agreement."

(c) If a language that cannot be reduced to writing is used to conduct a real estate transaction or negotiations, the form required under subsection (b) of this section shall be in the English language.

Sec. 6. (NEW) (*Effective April 1, 2024*) (a) If a real estate broker dies or is incapacitated, the executor of such broker's estate or any other person who is legally authorized to act on behalf of such broker in a financial transaction may apply to the department, in a form and manner prescribed by the department, for the appointment of a custodial broker. If the department approves an application for the appointment of a custodial broker, the department shall appoint a custodial broker for the deceased or incapacitated broker. Except as provided in subsection (b) of this section, each custodial broker who is appointed pursuant to this subsection shall serve for a term not to exceed one hundred eighty days.

(b) The department may, in the department's discretion, extend a custodial broker's term beyond one hundred eighty days if the

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department receives a hardship application that is submitted to the department in a form and manner prescribed by the department.

(c) Each custodial broker shall act to preserve the financial interests of the deceased or incapacitated real estate broker, or the estate of the deceased real estate broker, for whom such custodial broker is appointed.

(d) No real estate broker who is appointed as a custodial broker to conclude the business of a deceased or incapacitated individual real estate broker shall negotiate the purchase, sale or lease of any real estate on behalf of such deceased or incapacitated broker unless:

(1) The prospective purchaser, seller, lessor or lessee of such real estate entered into a preexisting buyer agreement, listing agreement or leasing agreement with such deceased or incapacitated broker; and

(2) The prospective purchaser or lessor of such real estate has executed a contract or paid a deposit to a seller or lessee to reserve a right to purchase or lease such real estate from such seller or lessee.

(e) No business entity shall engage in the real estate business while the designated broker for such business entity is deceased or incapacitated unless a custodial broker has been appointed for such business entity.

(f) If a custodial broker is appointed to serve as a designated broker for a business entity, the business entity may engage in the real estate business to the same extent that such business entity would engage in such business if such designated broker was not a custodial broker.

(g) No real estate salesperson or team member shall engage in the real estate business while the supervising licensee that is responsible for controlling and supervising such salesperson or team is deceased or incapacitated unless a custodial broker has been appointed for such

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supervising licensee.

Sec. 7. (NEW) (*Effective April 1, 2024*) No leasing agent shall engage in the real estate business except for leasing or renting real property that is exclusively used for residential occupancy. Leasing agents shall not engage in any activity that requires a real estate broker's or real estate salesperson's license, including, but not limited to, selling, offering, listing, negotiating, referring or showing for sale, entering into lease-to-own agreements or leasing commercial real estate. A leasing agent shall be employed by a development owner. A leasing agent shall not offer leasing services for any person that is not a development owner. No leasing agent shall engage in the real estate business concerning any property other than on behalf of the owner of record of a multiunit development that employs such leasing agent. A leasing agent shall obtain a written contract from the development owner to demonstrate such employment prior to engaging in any leasing activity at such development. Such contract shall be made available to the department, and produced by the leasing agent in an electronic form, upon a request by the department for such contract.

Sec. 8. Section 20-311b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

(a) Within thirty days after the appointment of the members of the commission, the commission shall meet in the city of Hartford for the purpose of organizing by selecting such officers other than a chairperson as the commission may deem necessary and appropriate. A majority of the members of the commission shall constitute a quorum for the exercise of the powers or authority conferred upon it.

(b) [(1)] The commission shall authorize the [Department of Consumer Protection] department to issue licenses to real estate [brokers and real estate salespersons] licensees.

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[(2)] (c) The commission shall administer the provisions of this chapter as to licensure and issuance, renewal, suspension or revocation of licenses concerning the real estate business.

[(c)] (d) The commission shall be provided with the necessary office space in Hartford by the Commissioner of Administrative Services. The place of business of the commission and all files, records and property of the commission shall at all times be and remain at such office, except that inactive files shall be stored at a location designated by the commission.

[(d)] (e) The commission shall hold meetings and hearings in Hartford, in space provided by the Commissioner of Administrative Services, or at such places outside of Hartford as shall be determined by the chairman of the commission. The commission shall meet at least once in each three-month period and may meet more often at the call of its chairman. The chairman of the commission shall call a meeting of the commission whenever requested to do so by a majority of the members of the commission.

[(e)] (f) The commission shall vote on all matters requiring a decision and votes shall be recorded in the commission's minutes.

Sec. 9. Section 20-312 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

(a) No person shall act as a real estate [broker or real estate salesperson] licensee without a license issued by the commission or the Commissioner of Consumer Protection, unless exempt under this chapter. The [Commissioner of Consumer Protection] commissioner may enter into any contract for the purpose of administratively processing the renewal of licenses on behalf of the commission.

(b) The practice of engaging in the real estate business, or the offer to [practice real estate brokerage] engage in the real estate business in this

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state by [individual licensed real estate brokers or real estate salespersons as a corporation, limited liability company, partnership or limited liability partnership, a] real estate licensees, as a business entity is permitted, provided:

(1) A material part of the business entity's business [of which] includes engaging in the real estate [brokerage, is permitted, provided (1) the] business;

(2) The business entity's personnel [of such corporation, limited liability company, partnership or limited liability partnership] who engage in the real estate [brokerage] business [as real estate brokers or real estate salespersons, and the real estate brokers whose ownership, control, membership or partnership interest is credited toward the requirements of subdivision (3) of this subsection, are licensed or exempt from licensure under this chapter, (2) the corporation, limited liability company, partnership or limited liability partnership] are licensed, or exempt from licensure, under this chapter;

(3) The business entity has been issued a real estate broker license [by the commission as provided] as set forth in this section; [and]

(4) The business entity has paid the license or renewal fee required for a real estate broker's license as set forth in section 20-314, as amended by this act; [and (3) except for] and

(5) The business entity is a publicly traded corporation or, if the business entity is not a publicly traded corporation:

(A) [with respect to a corporation other than a nonstock corporation,] The business entity is a stock corporation and one or more real estate brokers, who are either licensed or exempt from licensure under this chapter, own or control fifty-one per cent or more of the total issued shares of the corporation; [,]

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(B) [with respect to] The business entity is a nonstock corporation [.] and one or more real estate brokers, who are licensed or exempt from licensure under this chapter, constitute at least fifty-one per cent of the members of the nonstock corporation; [.]

(C) [with respect to] The business entity is a limited liability company [.] and one or more real estate brokers, who are licensed or exempt from licensure under this chapter, own or control at least fifty-one per cent of the interest in the limited liability company, as defined in section 34-243a; [.] or

(D) [with respect to] The business entity is a partnership or limited liability partnership [, one or more real estate brokers'] and the partnership interest, as defined in section 34-301, of one or more real estate brokers, who are licensed or exempt from licensure under this chapter, constitutes at least fifty-one per cent of the total partnership interest. [No such corporation, limited liability company, partnership or limited liability partnership shall be relieved of responsibility for the conduct or acts of its agents, employees or officers by reason of its compliance with this section, nor shall any individual practicing real estate brokerage be relieved of responsibility for real estate services performed by reason of the individual's employment or relationship with such corporation, limited liability company, partnership or limited liability partnership. The Real Estate Commission may refuse to authorize the issuance or renewal of a license if any facts exist that would entitle the commission to suspend or revoke an existing license.]

(c) A [corporation, limited liability company, partnership or limited liability partnership] business entity desiring a real estate broker license shall file with the commission or the [commissioner] Commissioner of Consumer Protection an application on such forms and in such manner as prescribed by the [Department of Consumer Protection] department. Each such [corporation, limited liability company, partnership or limited liability partnership] business entity shall file with the

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commission, [a designation of at least one individual licensed or qualified to be licensed as a real estate broker in this state who shall be in charge of the real estate brokerage business of such corporation, limited liability company, partnership or limited liability partnership in this state] in a form and manner prescribed by the department, the identity of, and contact information for, at least one designated broker. Such [corporation, limited liability company, partnership or limited liability partnership] business entity shall notify the commission of any change in [such designation] the identity of, or contact information for, such designated broker not later than thirty days after such change becomes effective.

(d) The Real Estate Commission may impose a fine of not more than [one] five thousand dollars per violation on any [corporation, limited liability company, partnership or limited liability partnership] person that engages in the real estate business, including, but not limited to, leasing or rental activity, without a license required by this section. Any such imposition of a fine by the commission shall be a proposed final decision and submitted to the [commissioner] Commissioner of Consumer Protection in accordance with the provisions of subsection (b) of section 21a-7.

(e) [(1) (A) Except as provided in subdivision (2) of this subsection, each] Each team shall register, on a form and in a manner prescribed by the [commissioner] Commissioner of Consumer Protection, with the [Department of Consumer Protection] department. Each initial registration shall be valid for a period of one year and be subject to renewal for additional one-year periods. Each team shall pay to the department an initial registration fee of five hundred sixty-five dollars when the team files its initial registration, and a registration renewal fee of three hundred seventy-five dollars when the team files each registration renewal, pursuant to this subparagraph. Each team shall include in each registration form that the team files with the department

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pursuant to this [subparagraph] subsection:

[(i)] The (1) Such team's team name, which shall:

[(I)] (A) Include the full name of at least one licensed real estate broker or real estate salesperson who is part of [the] such team or be immediately followed by "at/of [full name of the [sponsoring real estate broker] team's supervising licensee"];

[(II)] (B) Not include the name of any individual who is not a licensed real estate broker or real estate salesperson; and

[(III)] (C) With the exception of "team", not include any abbreviation, term or phrase, including, but not limited to, "associates", "company", "corporation", "group", "LLC", "real estate" or "realty", that implies that [the] such team is a business entity;

[(ii)] (2) The name of, and contact information for, [the] such team's [sponsoring real estate broker] supervising licensee, who shall serve as [the] such team's primary contact, ensure that [the] such team complies with all applicable laws and regulations concerning team advertisements and ensure that [the] such team timely files accurate registration forms and registration updates with the department pursuant to this [subdivision] subsection; and

[(iii)] (3) The name and contact information for each real estate broker or real estate salesperson who is part of [the] such team.

[(B)] (f) A team shall send notice to the department disclosing any change to the information contained in the team's registration form. The team shall send such notice to the department, on a form and in a manner prescribed by the [commissioner] Commissioner of Consumer Protection, not later than twelve days after the date of such change. A team may transfer the team's registration from one supervising licensee to another supervising licensee, without applying for a new team

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registration, if (1) all members of such team transfer to such other supervising licensee, and (2) both supervising licensees agree to such transfer.

[(C)] (g) Each team shall comply with all advertising requirements and standards that apply to real estate brokers, and shall include the name of [the] such team's [sponsoring real estate broker] supervising licensee at a prominent location in all of [the] such team's advertisements.

[(2) The commissioner may, in the commissioner's discretion, engage the services of such third parties that the commissioner deems necessary to assist the commissioner in implementing the provisions of subdivision (1) of this subsection, provided no expenditure of state funds shall be made to cover the cost of hiring a consultant to make programmatic changes to the licensing system.]

Sec. 10. Section 20-312b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

A [licensed] real estate [broker or real estate salesperson] licensee shall not be considered an employee under the provisions of section 31-275 if substantially all of the remuneration for the services performed by such [broker or salesperson] real estate licensee, whether paid in cash or otherwise, is directly related to sales or other output rather than to the number of hours worked, and such services are performed by the [broker or salesperson] real estate licensee pursuant to a written contract that contains the following provisions:

(1) The [broker or salesperson] real estate licensee, for purposes of workers' compensation, is engaged as an independent contractor associated with the person for whom services are performed;

(2) The [broker or salesperson] real estate licensee shall be paid a commission based on [his] such real estate licensee's gross sales or

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leases, if any, without deduction for taxes, which commission shall be directly related to sales, leases or other output;

(3) The [broker or salesperson] real estate licensee shall not receive any remuneration related to the number of hours worked and shall not be treated as an employee with respect to such services for purposes of workers' compensation;

(4) The [broker or salesperson] real estate licensee shall be permitted to work any hours [he] such real estate licensee chooses;

(5) The [broker or salesperson] real estate licensee shall be permitted to work out of [his] such real estate licensee's own home or the office of the person for whom services are performed;

(6) The [broker or salesperson] real estate licensee shall be free to engage in outside employment;

(7) The person for whom the services are performed may provide office facilities and supplies for the use of the [broker or salesperson] real estate licensee, but [the broker or salesperson] such real estate licensee shall otherwise pay [his] such real estate licensee's own expenses, including, but not limited to, automobile, travel and entertainment expenses; and

(8) The contract may be terminated by either party to such contract at any time upon notice given to the other party to such contract.

Sec. 11. Section 20-314 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

(a) Licenses shall be granted under this chapter only to persons who bear a good reputation for honesty, truthfulness and fair dealing and who are competent to transact the business of a real estate broker or real estate salesperson in such manner as to safeguard the interests of the

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public.

(b) Each application for a license or for a renewal thereof shall be made in writing, on such forms and in such manner as is prescribed by the [Department of Consumer Protection and accompanied by such evidence in support of such application as is prescribed by the commission. The commission may require such information with regard to an applicant as the commission deems desirable, with due regard to the paramount interests of the public, as to the honesty, truthfulness, integrity and competency of the applicant and, where the applicant is a corporation, association or partnership, as to the honesty, truthfulness, integrity and competency of the officers of such corporation or the members of such association or partnership] department.

(c) In order to determine the competency of any applicant for a real estate [broker's license or a real estate salesperson's] licensee's license, the commission or Commissioner of Consumer Protection shall, on payment of an application fee of one hundred twenty dollars by an applicant for a real estate broker's license or an application fee of eighty dollars by an applicant for a real estate salesperson's license, subject such applicant to personal written examination as to the applicant's competency to act as a real estate broker or real estate salesperson, as the case may be. [Such] Each examination shall be prepared by the [Department of Consumer Protection] department or by a national testing service designated by the [Commissioner of Consumer Protection] commissioner and shall be administered to applicants by the [Department of Consumer Protection] department or by such testing service at such times and places as the commissioner may deem necessary. The commission or [Commissioner of Consumer Protection] commissioner may waive the uniform portion of the written examination requirement in the case of an applicant who has taken the national testing service examination in another state within two years from the date of application and has received a score deemed

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satisfactory by the commission or [Commissioner of Consumer Protection] commissioner. The [Commissioner of Consumer Protection] commissioner shall adopt regulations, in accordance with chapter 54, establishing passing scores for examinations. In addition to such application fee, applicants taking the examination administered by a national testing service shall be required to pay directly to such testing service an examination fee covering the cost of such examination. Each payment of such application fee shall entitle the applicant to take such examination within the one-year period from the date of payment.

[(d) (1) (A) Each applicant applying for a real estate broker's license on or after July 1, 2016, but before January 1, 2022, shall, before being admitted to such examination, prove to the satisfaction of the commission or the Commissioner of Consumer Protection that the applicant (i) (I) has been actively engaged for at least two years as a licensed real estate salesperson under the supervision of a licensed real estate broker in this state, (II) has successfully completed a course approved by the commission or commissioner in real estate principles and practices of at least sixty classroom hours of study, (III) has successfully completed a course approved by the commission or commissioner in real estate legal compliance consisting of at least fifteen classroom hours of study, (IV) has successfully completed a course approved by the commission or commissioner in real estate brokerage principles and practices consisting of at least fifteen classroom hours, and (V) has successfully completed two elective courses, each consisting of fifteen classroom hours of study, as prescribed by the commission or commissioner, or (ii) has equivalent experience or education as determined by the commission or commissioner.]

[(B)] (d) (1) Each applicant [applying for a real estate broker's license on or after January 1, 2022,] shall, before being admitted to such examination, prove to the satisfaction of the commission or the Commissioner of Consumer Protection that the applicant [(i) (I)] (A) (i)

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has been actively engaged as a licensed real estate salesperson under the supervision of [a licensed real estate broker in this state for] a supervising licensee, who is licensed in this state, for a minimum period of three years immediately preceding the date the applicant filed such applicant's application, during which period such salesperson engaged in the real estate business for at least one thousand five hundred hours [during the three years immediately preceding the date on which such applicant filed such applicant's application,] and such supervising [licensed real estate broker] licensee, or such supervising [licensed real estate broker's] licensee's authorized representative, has certified the accuracy of a record of such applicant's active engagement on a form provided by such applicant to such supervising [licensed real estate broker] licensee or authorized representative, [(II)] (ii) has successfully completed a course approved by the commission or commissioner in real estate principles and practices of at least sixty classroom hours of study, [(III)] (iii) has successfully completed a course approved by the commission or commissioner in real estate legal compliance consisting of at least fifteen classroom hours of study, [(IV)] (iv) has successfully completed a course approved by the commission or commissioner in real estate brokerage principles and practices consisting of at least fifteen classroom hours, [(V)] (v) has successfully completed two elective courses, each consisting of fifteen classroom hours of study, as prescribed by the commission or commissioner, and [(VI)] (vi) has represented a seller, buyer, lessor or lessee in at least four real estate transactions that closed during the three years immediately preceding the date on which such applicant filed such applicant's application, or [(ii)] (B) has equivalent experience or education as determined by the commission or commissioner. Each supervising [licensed real estate broker] licensee, or authorized representative of such supervising [licensed real estate broker] licensee, shall certify the accuracy or inaccuracy of a record provided by an applicant to such supervising [licensed real estate broker] licensee or authorized representative under subparagraph [(B)(i)(I)] (A)(i) of this subdivision not later than ninety

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days after such applicant provides such record to such supervising [licensed real estate broker] licensee or authorized representative.

(2) The commission or the [Commissioner of Consumer Protection] commissioner shall waive the elective courses under subparagraph [(A)(i)(V) or (B)(i)(V)] (A)(v) of subdivision (1) of this subsection if the applicant has successfully completed at least twenty real estate transactions within five years immediately preceding the date of application. [As used in this subdivision, "real estate transaction" means any transaction in which real property is legally transferred to another party or in which a lease agreement is executed between a landlord and a tenant.]

(3) Each applicant for a real estate salesperson's license shall, before being admitted to such examination, prove to the satisfaction of the commission or the [Commissioner of Consumer Protection] commissioner that the applicant (A) has successfully completed a course approved by the commission or commissioner in real estate principles and practices consisting of at least sixty classroom hours of study, or (B) has equivalent experience or education as determined by the commission or commissioner.

(e) The provisions of subsections (c) and (d) of this section shall not apply to any renewal of a real estate broker's license, or a real estate salesperson's license issued prior to October 1, 1973.

(f) All licenses issued under the provisions of this chapter shall expire [annually] biennially. At the time of application for a real estate broker's license, there shall be paid to the [commission] department, for each individual applicant and for each [proposed active member or officer of a firm, partnership, association or corporation] business entity, the sum of [five hundred sixty-five] one thousand one hundred thirty dollars, and for the [annual] biennial renewal thereof, the sum of [three hundred seventy-five] seven hundred fifty dollars, except that for licenses

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expiring on March 31, 2022, a prorated renewal fee shall be charged to reflect the fact that the March 2022, renewal shall expire on November 30, 2023. At the time of application for a real estate salesperson's license, there shall be paid to the [commission two hundred eighty-five] department five hundred seventy dollars and for the [annual] biennial renewal thereof the sum of [two hundred eighty-five] five hundred seventy dollars. [Three] Six dollars of each such [annual] biennial renewal fee shall be payable to the Real Estate Guaranty Fund established pursuant to section 20-324a, as amended by this act. A real estate broker's license issued to any [partnership, association or corporation] business entity shall entitle the [individual designated in the application, as provided in section 20-312] designated broker, upon compliance with the terms of this chapter, but without the payment of any further fee, to perform all of the acts of a real estate broker under this chapter on behalf of such [partnership, association or corporation] business entity. Any license which expires and is not renewed [pursuant to this subsection] on or before the ninetieth day following the expiration date of such license may be reinstated by the commission [, if, not later than two years after the date of expiration, the former licensee pays to the commission for] or department, in the commission's or department's discretion, provided such license has expired for less than three years and the former licensee (1) attests that such former licensee did not work in this state in the occupation or profession in which such former licensee was licensed while such former licensee's license was lapsed, (2) pays the renewal fee due for such license for the year in which such license is reinstated, and (3) completes any continuing education required for such license for the year preceding such reinstatement. If an applicant for reinstatement worked in this state in the occupation or profession in which such applicant was formerly licensed while such license was lapsed, the applicant shall pay all license and late fees due and owing for the lapse period and demonstrate that such applicant has completed all continuing education required for such license for the year preceding such reinstatement. Such late fees shall be

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assessed for each real estate broker's license [the sum] in the amount of three hundred seventy-five dollars and for each real estate salesperson's license [the sum] in the amount of two hundred eighty-five dollars for each year or fraction thereof from the date of expiration of the previous license to the date of payment for reinstatement. [, except that any] If a license has lapsed for at least three years, the former licensee is ineligible for reinstatement under this subsection and may apply for a new license. Notwithstanding any contrary provision of this subsection, a former licensee whose license expired after such former licensee entered military service shall be reinstated without payment of any fee if an application for reinstatement is filed with the commission [within two years after the date of expiration] or department before the third anniversary of such expiration date, and the former licensee provides evidence that is sufficient to demonstrate to the commission or department that such former licensee completed at least six hours of continuing education for such license, including, but not limited to, the mandatory continuing education required for such license, during the calendar year preceding the date on which such application for reinstatement is filed. Any such reinstated broker's license shall expire on the next succeeding November thirtieth. [, except that any broker's license that is reinstated before March 31, 2022, shall expire on March 31, 2022.] Any such reinstated real estate salesperson's license shall expire on the next succeeding May thirty-first.

(g) [Any person whose application has been filed as provided in this section and who is refused a license shall be given notice and afforded an opportunity for hearing as provided in the regulations adopted by the Commissioner of Consumer Protection.] Following a denial of a license or license renewal application filed under this section, the department shall send a notice to the applicant who filed such application disclosing such denial and that such applicant may request a hearing by submitting to the Commissioner of Consumer Protection a written hearing request not later than thirty days after the date such

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denial notice was sent to such applicant. If the applicant requests a hearing during such thirty-day period, the department shall send a notice to such applicant disclosing the grounds for such denial and conduct a hearing concerning such denial in accordance with the provisions of chapter 54. If the commissioner's denial is sustained after such hearing, the applicant may file a new application for such license or license renewal not sooner than one year after the date on which such denial was sustained.

Sec. 12. Section 20-314a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

(a) The Commissioner of Consumer Protection, with the advice and assistance of the commission, may adopt regulations, in accordance with chapter 54, relating to the approval of schools offering prelicensing and continuing education courses, [in real estate principles and practice and related subjects,] the content of such courses and the advertising to the public of the services [of] offered by such schools. Such regulations shall not require [(1)] approval of instructors at such schools. [, or (2) a course to be conducted in a classroom location approved for such use by a local fire marshal provided the course is conducted in a hotel, restaurant or other public building or a place of public assembly, as defined in section 19-13-B105 of the regulations of Connecticut state agencies.] No school may be disapproved solely because the school's courses are offered or taught by electronic means, and no course may be disapproved solely because the course is offered or taught by electronic means if such course satisfies the requirements established in section 4 of this act.

(b) The commission or department may exempt any applicant for a real estate broker's license from the requirements concerning experience under the provisions of subsection (d) of section 20-314, as amended by this act, if the commission or department determines that such applicant is unable to meet such requirements solely because such applicant has

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been subjected to discrimination based on race, creed or color, which discrimination interfered with such applicant's ability to meet such requirements.

Sec. 13. Subsections (b) and (c) of section 20-316 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

(b) No license under this chapter shall be issued by the [Department of Consumer Protection] department to any applicant (1) whose application for a license as a real estate [broker or real estate salesperson] licensee has, within one year prior to the date of [his] such applicant's application under this chapter, been rejected in this state, in any other state or in the District of Columbia, or (2) whose license as a real estate [broker or real estate salesperson] licensee has, within one year prior to the date of [his] such applicant's application under this chapter, been revoked in this state, in any other state or in the District of Columbia.

(c) No real estate license [as a real estate broker or real estate salesperson] shall be issued under this chapter to any person who [has not attained the age of] is younger than eighteen years of age.

Sec. 14. Section 20-317 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

(a) A person licensed in another state [as a real estate broker or salesperson] to engage in the real estate business may become a real estate [broker or real estate salesperson] licensee in this state by conforming to all of the provisions of this chapter. The commission or Commissioner of Consumer Protection shall recognize a current, valid license issued to a currently practicing, competent real estate [broker or real estate salesperson] professional engaging in the real estate business in, and recognized by, another state as satisfactorily qualifying [the broker or salesperson] such real estate professional for a license as a real

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estate [broker or real estate salesperson] licensee under this chapter, provided (1) the laws of the state in which [the broker or salesperson] such real estate professional is licensed require that applicants for licenses as real estate [brokers and real estate salespersons] licensees establish their competency by written examinations, [and allow licenses to be issued to residents of the state of Connecticut, licensed under this chapter, without examination,] (2) the licensure requirements of such state are substantially similar to or higher than those of this state, and (3) [the broker or salesperson] such real estate professional has no disciplinary proceeding or unresolved complaint pending against [the broker or salesperson] such real estate professional. If [the] an applicant real estate professional is licensed in a state that does not have such requirements, such applicant real estate professional shall be required to pass the Connecticut portion of the real estate examination.

(b) [Every applicant licensed in another state shall file an irrevocable consent that suits and actions may be commenced against such applicant in the proper court in any judicial district of the state in which a cause of action may arise or in which the plaintiff may reside, by the service of any process or pleading, authorized by the laws of this state, on the chairperson of the commission, such consent stipulating and agreeing that such service of such process or pleading shall be taken and held in all courts to be as valid and binding as if service had been made upon such applicant in the state of Connecticut. If any process or pleadings under this chapter are served upon the chairperson, it shall be by duplicate copies, one of which shall be filed in the office of the commission, and the other immediately forwarded by registered or certified mail, to the applicant against whom such process or pleadings are directed, at the last-known address of such applicant as shown by the records of the department. No default in any such proceedings or action shall be taken unless it appears by affidavit of the chairperson of the commission that a copy of the process or pleading was mailed to the defendant as required by this subsection, and no judgment by default

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shall be taken in any such action or proceeding within twenty days after the date of mailing of such process or pleading to the out-of-state defendant.] A real estate professional who satisfies the requirements established in subsection (a) of this section may apply for licensure in this state as set forth in section 21a-11b.

Sec. 15. Section 20-319 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

(a) The commission shall authorize the [Department of Consumer Protection] department to issue [an annual] a two-year renewal license to any applicant who possesses the qualifications specified in, and [otherwise] has otherwise complied with the provisions of, this chapter and any regulation adopted [under] pursuant to this chapter. The commission shall authorize [said] the department to issue [an annual] a two-year renewal of a real estate broker's license to any business entity licensed pursuant to subsection (b) of section 20-312, as amended by this act, provided such business entity: (1) Was so licensed as of September 30, 2005, notwithstanding the fact such business entity does not meet the requirements for publicly traded corporations required by subdivision [(3)] (5) of subsection (b) of section 20-312, as amended by this act, or (2) changes [its] such business entity's designated [real estate] broker pursuant to subsection (c) of section 20-312, as amended by this act.

(b) There [is] are hereby established [an annual] two-year renewal [license] licenses to be issued by the [Department of Consumer Protection]. Persons licensed in accordance with the provisions of this chapter] department to real estate licensees. Each real estate licensee who files an application with the department seeking a two-year renewal license shall fulfill a continuing education requirement. [Applicants] Each applicant for [an annual] a two-year renewal license [for real estate brokers or real estate salespersons] shall, in addition to the other requirements imposed by the provisions of this chapter, [in any even-numbered year,] submit to the commission or department

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proof [of] that such applicant is in compliance with the continuing education requirements [of] established in this [subsection to the commission. Each] section. Each real estate licensee shall pay [an annual four-dollar] a biennial eight-dollar continuing education processing fee to cover the administrative costs associated with [the review] reviewing and auditing [of] continuing education submissions. The continuing education requirement for real estate licensees may be satisfied by successful completion of any of the following during the two-year period preceding [such] a renewal: (1) A course or courses, approved by the commission or department, of continuing education in current real estate practices and licensing laws, including, but not limited to, practices and laws concerning common interest communities, consisting of not less than twelve hours of classroom study; or (2) a written examination prepared and administered by either the [Department of Consumer Protection] department, or by a national testing service approved by the department, which demonstrates a knowledge of current real estate practices and licensing laws; or (3) equivalent continuing educational experience or study as determined by regulations adopted pursuant to subsection (d) of this section. An applicant for examination under subdivision (2) of this subsection shall pay the required examination fee to the national testing service, if administered by such testing service, or to the [Department of Consumer Protection] department, if administered by the department.

(c) If the commission or department refuses to grant [an annual] a two-year renewal license, the licensee or applicant, upon written notice received as provided for in this chapter, may have recourse to any of the remedies provided by sections 20-314, as amended by this act, and 20-322.

(d) The Commissioner of Consumer Protection, in consultation with the commission, shall adopt regulations, in accordance with chapter 54, [concerning the approval of schools, institutions or organizations

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offering courses in current real estate practices and licensing laws, including, but not limited to, practices and laws concerning common interest communities, and the content of such courses] to establish continuing education requirements. Such regulations shall include, but not be limited to: (1) Specifications for meeting equivalent continuing educational experience or study; and (2) exceptions from continuous education requirements for reasons of health or instances of individual hardship. [No school, institution or organization that offers a course in current real estate practices and licensing laws may be disapproved solely because its courses are offered or taught by electronic means, and no course may be disapproved solely because it is offered or taught by electronic means.]

(e) If a real estate licensee fails to satisfy the continuing education requirements established pursuant to this section for any two-year license period, the real estate licensee shall pay to the department a fee in the amount of:

(1) Three hundred fifteen dollars if such licensee reports to the department, in a form and manner prescribed by the department, that such real estate licensee failed to satisfy such continuing education requirements during such license period but completed such continuing education requirements not later than two months after such license period expired; or

(2) Six hundred twenty-five dollars if such licensee reports to the department, in a form and manner prescribed by the department, that such real estate licensee failed to satisfy such continuing education requirements during such license period but completed such continuing education requirements more than two months after such license period expired but not later than four months after such license period expired.

Sec. 16. Section 20-319a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

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(a) [Any] Each licensed real estate salesperson or associate broker who transfers [his employment from one broker to another or his] such real estate salesperson's or associate broker's affiliation with a broker [as an independent contractor] or property owner shall register such transfer with, and pay a registration fee of twenty-five dollars to, the [commission] department.

(b) A fee of twenty-five dollars shall be paid to the [commission] department for the issuance of a license certification.

(c) A fee of twenty-five dollars shall be paid to the [Department of Consumer Protection] department for any change made to, or transfer of, a team's registration after the team files an initial registration with the department pursuant to [subdivision (1) of] subsection (e) of section 20-312, as amended by this act.

(d) If a team transfers to a new supervising licensee, the new supervising licensee shall electronically update the team's registration information with the department not later than fourteen calendar days after such transfer.

Sec. 17. Section 20-320 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

(a) The [Department of Consumer Protection] department may [, upon the request of the commission or upon the verified complaint in writing of any person, if such complaint, or such complaint together with evidence, documentary or otherwise, presented in connection with such complaint, shall make out a prima facie case,] investigate the actions of any [real estate broker or real estate salesperson or any person who assumes to act in any of such capacities] person who engages in the real estate business or offers real estate courses within this state. The commission or department may temporarily suspend or permanently revoke any license or registration issued under the provisions of this

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chapter and, in addition to or in lieu of such suspension or revocation, may, in [its] the commission's or department's discretion, impose a fine of not more than [two] five thousand dollars per violation at any time when, after proceedings as provided in section 20-321, the commission or department finds that the real estate licensee has by false or fraudulent misrepresentation obtained a license or registration or that the real estate licensee [is guilty of any of the following] has: (1) [Making] Made any material misrepresentation; (2) [making] made any false promise of a character likely to influence, persuade or induce; (3) [acting] acted as an agent for more than one party in a transaction without the knowledge of all parties for whom the real estate licensee [acts] acted; (4) [representing or attempting] represented, or attempted to represent, a real estate broker, other than the real estate licensee's [employer or the broker with whom the licensee is affiliated] affiliated or supervising licensee, without the express knowledge and consent of [the] such real estate licensee's [employer or] affiliated [broker] or supervising licensee; (5) [failing] failed, within a reasonable time, to account for or remit any moneys [coming] which came into the real estate licensee's possession and which belong to others; (6) [entering] entered into an exclusive listing contract or buyer agency contract which contains a fixed termination date if such contract also provides for an automatic continuation of the period of such contract beyond such date; (7) [failing] failed to deliver immediately a copy of any instrument to any party or parties executing [the] such instrument, where such instrument has been prepared by the real estate licensee or under [the] such real estate licensee's supervision and where such instrument relates to the employment of [the] such real estate licensee or to any matters pertaining to the consummation of a lease, or the purchase, sale or exchange of real property or any other type of real estate transaction in which [the] such real estate licensee may participate as a [broker or a salesperson] real estate licensee; (8) [conviction] been convicted, in a court of competent jurisdiction, of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud

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[or other like] or a similar offense, [or offenses,] provided suspension or revocation under this subdivision shall be subject to the provisions of section 46a-80; (9) [collecting] collected compensation or a commission in advance of services to be performed and [failing] failed, upon demand of the person [paying the] who paid such compensation or [the] commission, to render an accounting of the use of such [money] compensation or commission; (10) [commingling] commingled funds of others with the real estate licensee's own funds, or [failing] failed to keep funds of others in an escrow or [trustee] trust account; (11) engaged in any act or conduct which constitutes dishonest, fraudulent or improper dealings; (12) [failing] failed to provide the disclosures required by section 20-325c, [;] as amended by this act; or (13) [a violation of] violated any provision of this chapter or any regulation adopted under this chapter. [Any such suspension or revocation of a license or imposition of a fine by the commission shall be a proposed final decision and submitted to the commissioner in accordance with the provisions of subsection (b) of section 21a-7.] Any fine collected pursuant to this section shall be deposited in the Real Estate Guaranty Fund established pursuant to section 20-324a, as amended by this act.

(b) No person shall be relieved of responsibility for the conduct or actions of such person's agents, employees or officers by reason of such person's compliance with the provisions of this chapter. No person who engages in the real estate business shall be relieved of responsibility for such person's own conduct or actions by reason of such person's employment by, or association with, any real estate licensee or development owner.

Sec. 18. Section 20-320a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

[(a)] No real estate [broker or real estate salesperson] licensee, no person affiliated with [such broker or salesperson] a real estate licensee, and no person engaging in the real estate business may receive a fee,

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commission or other form of referral fee for the referral of any buyer of real property to (1) an attorney-at-law admitted to practice in this state or any person affiliated with such attorney or (2) any mortgage broker, any lender, as defined in subdivision (5) of section 49-31d, or any person affiliated with such mortgage broker or lender.

[(b) The Department of Consumer Protection may, upon the request of the commission or upon the verified complaint in writing of any person, if such complaint, or such complaint together with evidence, documentary or otherwise, presented in connection with such complaint, shall make out a prima facie case, investigate the actions of any real estate broker or real estate salesperson or any person who assumes to act in any of such capacities within this state. The commission may temporarily suspend or permanently revoke any license issued under the provisions of this chapter, and, in addition to or in lieu of such suspension or revocation, may, in its discretion, impose a fine of not more than one thousand dollars for the first offense at any time when, after proceedings as provided in section 20-321, the commission finds that the licensee is guilty of violating any of the provisions of subsection (a) of this section. Any such suspension or revocation of a license or imposition of a fine by the commission shall be a proposed final decision and submitted to the commissioner in accordance with the provisions of subsection (b) of section 21a-7.]

Sec. 19. Subsection (a) of section 20-320b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

(a) A real estate [broker or real estate salesperson licensed under this chapter] licensee shall not influence residential real estate appraisals. [For the purposes of this section, "influence residential real estate appraisals" includes, but is not limited to, refusal or intentional failure to refer a homebuyer, or encouraging other real estate brokers or real estate salespersons not to refer a homebuyer, to a mortgage broker, as

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defined in section 36a-760, or a lender, as defined in section 36a-760, based solely on the fact that the mortgage broker or lender uses an appraiser who has provided an appraisal reflecting a fair market value estimate that was less than the sale contract price.]

Sec. 20. Section 20-323 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

Any real estate licensee under this chapter who is convicted of a violation of any of the offenses enumerated in subdivision (8) of subsection (a) of section 20-320, as amended by this act, may incur a forfeiture of [his or her] such real estate licensee's license and all moneys that may have been paid for such license. The clerk of any court in which such conviction has been rendered shall forward to the commission without charge a certified copy of such conviction. The [commissioner] Commissioner of Consumer Protection may revoke such licensee's license after proceedings as provided in section 20-321. Such notice shall be conclusive of the revocation of such license. Application for reinstatement of such license shall be subject to the provisions of section 46a-80.

Sec. 21. Section 20-324a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

The commission shall establish and maintain a Real Estate Guaranty Fund from which, subject to the provisions of this section and sections [20-324a] 20-324b to [20-324j] 20-324i, inclusive, as amended by this act, any person aggrieved by any action of a real estate [broker or real estate salesperson] licensee, duly licensed in this state under section 20-312, as amended by this act, by reason of the embezzlement of money or property, or money or property unlawfully obtained from any person by false pretenses, artifice or forgery or by reason of any fraud, misrepresentation or deceit by or on the part of any such real estate [broker or real estate salesperson] licensee or the unlicensed employee

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of any such real estate [broker] licensee, may recover, upon approval by the commission of an application brought pursuant to the provisions of section 20-324e, as amended by this act, compensation in an amount not exceeding in the aggregate the sum of twenty-five thousand dollars in connection with any one real estate transaction or claim, regardless of the number of persons aggrieved or parcels of real estate involved in such real estate transaction or claim.

Sec. 22. Section 20-324b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

[Any person who receives a real estate broker's or real estate salesperson's license under this chapter for the first time shall] Each real estate licensee shall, upon application for a license under this chapter, pay an additional one-time fee of twenty dollars in addition to all other fees payable, which additional fee shall be credited to the Real Estate Guaranty Fund. The Real Estate Guaranty Fund shall also be credited as provided in sections 20-314, as amended by this act, and 20-320, as amended by this act.

Sec. 23. Section 20-324d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

No application to recover compensation under sections 20-324a to [20-324j] 20-324j, inclusive, as amended by this act, which might subsequently result in an order for collection from the Real Estate Guaranty Fund shall be brought later than two years from the final determination of, or expiration of time for appeal in connection with, any judgment.

Sec. 24. Subsections (a) to (f), inclusive, of section 20-324e of the general statutes are repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

(a) When any aggrieved person commences any action for a

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judgment which may result in collection from the Real Estate Guaranty Fund, the aggrieved person shall notify the commission or department in writing to this effect at the time of the commencement of such action. Such written notice shall toll the time for making application to the commission pursuant to section 20-324d, as amended by this act. The commission or department shall have the right to enter an appearance, intervene in or defend any such action and may waive the required written notice for good cause shown.

(b) When any aggrieved person recovers a valid judgment in the Superior Court against any real estate [broker or real estate salesperson] licensee or the unlicensed employee of any such real estate [broker] licensee for loss or damages sustained by reason of the embezzlement of money or property, or money or property unlawfully obtained from any person by false pretenses, artifice or forgery or by reason of any fraud, misrepresentation or deceit by or on the part of such real estate [broker or salesperson] licensee or the unlicensed employee of any such real estate broker, such aggrieved person may upon the final determination of, or expiration of time for appeal in connection with, any judgment, apply to the commission for an order directing payment out of the Real Estate Guaranty Fund of the amount unpaid upon the judgment, subject to the limitations stated in section 20-324a, as amended by this act, and the limitations specified in this section.

(c) The commission shall proceed upon such application in a summary manner, and, upon the hearing thereof, the aggrieved person shall be required to show that: (1) [He] Such aggrieved person is not a spouse of the debtor or the personal representative of such spouse; (2) [he] such aggrieved person has complied with all the requirements of this section; (3) [he] such aggrieved person has obtained a judgment as provided in subsection (b) of this section, stating the amount thereof and the amount owing thereon at the date of the application; (4) [he] such aggrieved person has caused to be issued a writ of execution upon the

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judgment and the officer executing the same has made a return showing that no personal or real property of the judgment debtor liable to be levied upon in satisfaction of the judgment could be found, or that the amount realized on the sale of them or of such of them as were found, under the execution, was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application thereon of the amount realized; (5) [he] such aggrieved person has made all reasonable searches and inquiries to ascertain whether the judgment debtor possesses real or personal property or other assets, liable to be sold or applied in satisfaction of the judgment; and (6) that by such search [he] such aggrieved person has discovered no personal or real property or other assets liable to be sold or applied, or that [he] such aggrieved person has discovered certain of them, describing them, owned by the judgment debtor and liable to be so applied, and that [he] such aggrieved person has taken all necessary action and proceedings for the realization thereof, and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized.

(d) Whenever the aggrieved person satisfies the commission that it is not practicable to comply with one or more of the requirements enumerated in subdivisions (4), (5) and (6) of subsection (c) of this section and that [the] such aggrieved person has taken all reasonable steps to collect the amount of the judgment or the unsatisfied part thereof and has been unable to collect the same, the commission may in its discretion waive such requirements.

(e) The commission shall order payment from the Real Estate Guaranty Fund of any sum it shall find to be payable upon the claim, pursuant to the provisions of and in accordance with the limitations contained in this section and section 20-324a, as amended by this act, if the commission is satisfied, upon the hearing, of the truth of all matters

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required to be shown by the aggrieved person by subsection (c) of this section and that [the] such aggrieved person has fully pursued and exhausted all remedies available to [him] such aggrieved person for recovering the amount awarded by the judgment of the court.

(f) If the commission pays from the Real Estate Guaranty Fund any amount in settlement of a claim or toward satisfaction of a judgment against a [licensed real estate broker or real estate salesperson] real estate licensee pursuant to an order under subsection (e) of this section, such [broker or salesperson] real estate licensee shall not be eligible to receive a new license until [he] such real estate licensee has repaid in full, plus interest at a rate to be determined by the commission and which shall reflect current market rates, the amount paid from the fund on [his] such real estate licensee's account. A discharge in bankruptcy shall not relieve a person from the penalties and disabilities provided in this subsection.

Sec. 25. Section 20-324i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

The Commissioner of Consumer Protection, with the advice and assistance of the commission, may adopt regulations, in accordance with chapter 54, to carry out the provisions of sections 20-324a to [20-324j] 20-324h, inclusive, as amended by this act.

Sec. 26. Section 20-325 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

Any person who engages in the real estate business [of a real estate broker or real estate salesperson] without obtaining a license as provided in this chapter shall be fined not more than one thousand dollars per violation or imprisoned not more than six months or both, and shall be ineligible to obtain a license for one year from the date of conviction of such offense, except that the commission or Commissioner

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of Consumer Protection may grant a license to such person within such one-year period upon application and after a hearing on such application.

Sec. 27. Subsection (a) of section 20-325a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

(a) [No] Except for an out-of-state real estate licensee who is an individual and seeking to recover agreed compensation authorized under subsection (e) of section 20-325l, as amended by this act, no person who is not licensed under the provisions of this chapter, and who was not so licensed at the time the person performed the acts or rendered the services for which recovery is sought, shall commence or bring any action in any court of this state, after October 1, 1971, to recover any commission, compensation or other payment with respect to any act done or service rendered by the person, the doing or rendering of which is prohibited under the provisions of this chapter except by persons duly licensed under this chapter.

Sec. 28. Section 20-325c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

[(a) As used in this section "residential real property" means one to four-family residential real estate located in this state.]

[(b)] (a) Notwithstanding any provision of the general statutes, [to the contrary,] no real estate [broker or real estate salesperson] licensee, and no person affiliated with such [broker or salesperson] real estate licensee, who receives a fee, commission or other valuable consideration for the sale of residential real property, may receive a fee, commission or other valuable consideration for negotiating, soliciting, arranging, placing or finding a first mortgage loan for the buyer in connection with the same sale unless disclosure is made in accordance with the

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provisions of subsection [(c)] (b) of this section. Any fee, commission or other valuable consideration received by such [broker or salesperson] real estate licensee for negotiating, soliciting, arranging, placing or finding a first mortgage loan shall (1) be related to the services actually performed, as determined by the Banking Commissioner by regulations adopted pursuant to chapter 54, (2) not be imposed for the referral of the buyer to the mortgage lender by such [broker or salesperson] real estate licensee, and (3) be paid directly to [the broker or salesperson] such real estate licensee by the buyer rather than from the mortgage loan proceeds at the time of closing.

[(c)] (b) Any disclosure made pursuant to subsection [(b)] (a) of this section shall be made to and acknowledged by the buyer prior to the time the buyer signs a contract with the real estate [broker or salesperson] licensee for mortgage brokering services. Such disclosure shall include the following notice printed in at least ten-point boldface capital letters:

I UNDERSTAND THAT THE REAL ESTATE BROKER OR SALESPERSON IN THIS TRANSACTION HAS OFFERED TO ASSIST ME IN FINDING A MORTGAGE LOAN. ADDITIONALLY, I UNDERSTAND THAT THIS REAL ESTATE BROKER OR SALESPERSON DOES NOT REPRESENT ANY PARTICULAR MORTGAGE LENDER AND WILL ATTEMPT TO OBTAIN THE BEST TERMS AVAILABLE WITHIN THE MORTGAGE LOAN MARKET FOR MY SPECIFIC HOME FINANCING NEEDS. IF THE REAL ESTATE BROKER OR SALESPERSON DOES NOT FULFILL HIS FIDUCIARY OBLIGATION I MAY FILE A COMPLAINT WITH THE DEPARTMENT OF BANKING. I ALSO UNDERSTAND THAT I MAY ATTEMPT TO FIND A MORTGAGE LOAN TO FINANCE THE PURCHASE OF MY HOME WITHOUT THE ASSISTANCE OF THE REAL ESTATE BROKER OR SALESPERSON IN WHICH CASE I WILL NOT BE OBLIGATED TO PAY A FEE TO THE REAL ESTATE BROKER

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OR SALESPERSON.

[(d)] (c) No mortgage lender may refuse to close a mortgage loan secured by residential real property because the buyer has not paid a fee, commission or other valuable consideration to a real estate [broker or salesperson] licensee for negotiating, soliciting, arranging, placing or finding the first mortgage loan.

Sec. 29. Section 20-325d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

(a) [On and after January 1, 2018, a real estate broker or real estate salesperson licensed under this chapter] A real estate licensee who represents a seller, lessor, prospective purchaser or lessee in a real estate transaction shall, upon request, disclose [,] in writing [,] the identity of [his or her] the real estate licensee's client to any party to the transaction who is not represented by another real estate [broker or real estate salesperson licensed under this chapter]. The real estate broker or real estate salesperson shall make the disclosure required under this section: (1) If the transaction concerns residential real property, as defined in section 20-325c, (A) at the beginning of the first personal meeting concerning the prospective purchaser's or lessee's specific needs in the transaction, or (B) at the beginning of the first personal meeting with the seller or lessor concerning the seller's or lessor's real property; or (2) if the transaction is a commercial real estate transaction, as defined in section 20-311, before the prospective purchaser or lessee signs the purchase contract or lease. Such disclosure shall be signed by a prospective purchaser or lessee and attached to any offer or agreement to purchase or lease signed by a prospective purchaser or lessee] licensee.

(b) Not later than the first personal meeting, a real estate licensee shall: (1) Disclose in writing to a prospective party (A) the types of agency relationships available to the prospective party, and (B) that the

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prospective party should not share confidential information with the real estate licensee until such prospective party has entered into a written representation agreement with such real estate licensee; and (2) for residential real estate transactions, provide to a prospective party information on fair housing discrimination, including a description of federal and state fair housing laws, protected classes, where to obtain additional information and available resources. The disclosures required pursuant to this subsection may be delivered electronically to the prospective party.

(c) The Commissioner of Consumer Protection shall adopt such regulations, in accordance with chapter 54, as the commissioner deems necessary to carry out the provisions of this section.

Sec. 30. Section 20-325f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

No real estate broker shall make any unilateral offer of subagency or agree to compensate, appoint, employ, cooperate with or otherwise affiliate with a subagent for the sale or purchase of real property. [without the informed written consent of the person whom the real estate broker represents. Such written consent shall contain the name and real estate license number of the real estate broker to be appointed as the subagent and shall contain a statement notifying the person whom the real estate broker represents that the law imposes vicarious liability on the principal for the acts of the subagent.]

Sec. 31. Section 20-325h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

[(a)] No real estate licensee shall: (1) Reveal any confidential information concerning a prospective party or a person whom the real estate licensee represented either as an agent, designated buyer agent or [a] designated seller agent; (2) use any confidential information

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concerning [that] such prospective party or person to [the] such prospective party's or person's disadvantage; or (3) use any confidential information concerning [that] such prospective party or person for [the] such real estate [broker's or real estate salesperson's] licensee's advantage or the advantage of a third party, except (A) as required by legal process, (B) as necessary to defend [the] such real estate [broker or real estate salesperson] licensee from allegations of wrongful or negligent conduct, or (C) as necessary to prevent the commission of a crime.

[(b) As used in this section, "confidential information" means facts concerning a person's assets, liabilities, income, expenses, motivations to purchase, rent or sell real property and previous offers received or made to purchase or lease real property which are not authorized by the client, a matter of general knowledge, part of a public record or file to which access is authorized pursuant to section 1-210 or otherwise subject to disclosure under any other provision of the general statutes or any regulation of Connecticut state agencies.]

Sec. 32. Section 20-325l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

[(a) As used in this section: (1) "Licensed broker" means a person licensed under this chapter as a real estate broker, (2) "licensed salesperson" means a person licensed under this chapter as a real estate salesperson, (3) "out-of-state broker" means a person licensed in another state as a real estate broker who is not licensed as a real estate broker under this chapter, (4) "out-of-state salesperson" means a person licensed in another state as a real estate salesperson who is not licensed as a real estate salesperson under this chapter, (5) "person" means a person, as defined in section 20-311, and (6) "advertising" means advertising, as defined in section 20-329a.]

[(b)] (a) An out-of-state broker may perform acts with respect to a

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commercial real estate transaction that require a license under this chapter, provided the out-of-state broker: [complies with the laws of this state with respect to the transaction and:]

(1) Works in cooperation with a licensed broker, whether in a cobrokerage, referral or other cooperative agreement or arrangement;

(2) Enters into a written agreement with a licensed broker that includes the terms of cooperation and any compensation to be paid by the licensed broker and a statement that the out-of-state broker and the out-of-state broker's agents will comply with the laws of this state;

(3) Provides the licensed broker a copy of the out-of-state broker's license or other proof of licensure from the [jurisdictions] states where the out-of-state broker maintains a license as a real estate broker; [and]

(4) Deposits all escrow funds, security deposits, and other money received pursuant to the commercial real estate transaction to be held as provided in section 20-324k unless the agreement required in subdivision (2) of this subsection specifies otherwise; [.]

(5) Complies with the laws of this state with respect to the transaction;
and

(6) Is credentialled as a real estate broker in another state.

[(c)] (b) An out-of-state salesperson may perform acts with respect to a commercial real estate transaction that require a license as a real estate salesperson under this chapter, provided the out-of-state salesperson complies with the laws of this state with respect to the transaction and:

(1) Works under the direct supervision of an out-of-state broker who meets the requirements set forth in [subdivision (1)] subdivisions (1), (5) and (6) of subsection [(b)] (a) of this section; and

(2) Provides the licensed broker who is working in cooperation with

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the out-of-state broker a copy of the out-of-state salesperson's license or other proof of licensure from the [jurisdictions] states where the out-of-state salesperson maintains a license as a real estate salesperson.

[(d)] (c) Any out-of-state broker or out-of-state salesperson licensed in a state that has no distinction between a real estate broker license and a real estate salesperson license shall be subject to the requirements of subsection [(b)] (a) of this section with regard to any commercial real estate transaction in this state.

[(e)] (d) Each out-of-state broker or out-of-state salesperson that advertises for sale commercial real estate pursuant to this section shall include in any advertising material the name of the licensed broker with whom the out-of-state broker has a written agreement pursuant to subdivision (2) of subsection [(b)] (a) of this section. Nothing in this section shall permit an out-of-state broker or out-of-state salesperson to accompany a prospective buyer at the site of commercial real estate pursuant to a real estate transaction in this state.

(e) An out-of-state real estate licensee may receive compensation for referring to a real estate licensee in this state a prospective party to a real estate transaction in this state.

Sec. 33. Section 20-325m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

(a) Any real estate broker licensed under the provisions of this chapter who engages in the real estate business [, as defined in section 20-311,] shall retain the following records for a period of not less than seven years after any real estate transaction closes, all funds held in escrow for such transaction are disbursed or the listing agreement or buyer or tenant representation agreement expires, whichever occurs later: (1) All purchase contracts, leases, options, written offers or counteroffers drafted by such broker or on behalf of such broker; (2) the

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listing agreement or buyer or tenant representation agreement, any extensions of or amendments to such agreements and any disclosures or agreements required pursuant to sections 20-325a to 20-325l, inclusive, as amended by this act; and (3) all canceled checks, unused checks, checkbooks and bank statements for any escrow or trust account maintained pursuant to section 20-324k. [Such]

(b) Each leasing agent shall retain copies of such leasing agent's employment agreement or contract with a development owner for a period of not less than seven years.

(c) All records [may] required under subsection (a) or (b) of this section shall be retained in [any format, electronic or otherwise,] an electronic format that is capable of producing an accurate copy of the original documents unless it is commercially impractical for a real estate broker or leasing agent to retain such records in such format. If it is commercially impractical for a real estate broker or leasing agent to retain such records in an electronic format, the real estate broker or leasing agent shall retain such records in a paper format that is capable of producing an accurate copy [in paper format] of the original [document] documents. Each real estate broker or leasing agent shall make such records available to the department upon any request made by the department for such records.

Sec. 34. Section 20-327c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

(a) On or after January 1, 1996, every agreement to purchase residential real estate, for which a written residential condition report is, or written residential condition reports are, required pursuant to section 20-327b, shall include a requirement that the seller credit the purchaser with the sum of five hundred dollars at closing should the seller fail to furnish the written residential condition report or reports as required by sections 20-327b to 20-327e, inclusive.

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(b) [(1)] No seller who credits a purchaser pursuant to subsection (a) of this section shall, by reason of such credit, be excused from disclosing to the purchaser any defect in the residential real estate if such defect:

[(A)] (1) Is subject to disclosure pursuant to section 20-327b;

[(B)] (2) Is within the seller's actual knowledge of such residential real estate; and

[(C)] (3) Significantly impairs [(i)] (A) the value of such residential real estate, [(ii)] (B) the health or safety of future occupants of such residential real estate, or [(iii)] (C) the useful life of such residential real estate.

[(2)] (c) A purchaser may, without limiting any other remedies available to the purchaser, bring a civil action in the judicial district in which the residential real estate is located to recover actual damages from a seller who fails to disclose to such purchaser any defect described in [subdivision (1) of this subsection to such purchaser] subsection (b) of this section.

Sec. 35. Subsections (a) and (b) of section 20-327f of the general statutes are repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

(a) With respect to a contract for the sale of [a one-to-four family] residential real property, if the seller provides written notice to the purchaser, prior to, or upon, entering into the contract, of the availability of the lists of hazardous waste facilities pursuant to section 22a-134f, the seller and any real estate licensee shall be deemed to have fully satisfied any duty to disclose the presence of all hazardous waste facilities, as defined in section 22a-134f even if: (1) The list required to be submitted pursuant to section 22a-134f has not been submitted, (2) the list has not been received or made available as required in section 22a-134f, or (3) there is an error, omission or inaccuracy in the list.

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(b) With respect to a contract for the sale of [a one-to-four family] residential real property, if the seller provides written notice to the purchaser, prior to, or upon, entering into the contract, of the availability of information concerning environmental matters from the United States Environmental Protection Agency, the National Response Center, the United States Department of Defense and third-party providers, the seller and any real estate licensee shall be deemed to have fully satisfied any duty to disclose environmental matters concerning properties other than the property that is the subject of the contract.

Sec. 36. Subsection (a) of section 20-327g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

(a) With respect to a contract for the sale of [a one-to-four family] residential real property, if the seller provides written notice to the purchaser, prior to, or upon, entering into the contract, that a list of local properties upon which hunting or shooting sports regularly take place may be available at the office of the town clerk, the seller and any real estate licensee shall be deemed to have fully satisfied any duty to disclose the presence of local properties upon which hunting or shooting sports regularly take place, even if (1) the list is not available at the office of the town clerk, or (2) there is an error, omission or inaccuracy in the list.

Sec. 37. Subsection (b) of section 20-327h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

(b) Commencing sixty days after the date on which the Commission on Human Rights and Opportunities makes a disclosure form available pursuant to subsection (a) of this section, each person who offers a residential real property [containing two or more units] in the state for sale, exchange or for lease with option to buy shall attach a photocopy,

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duplicate original, facsimile transmission or other exact reproduction or duplicate of such disclosure form, signed by the prospective purchaser, to any purchase agreement, option or lease containing a purchase option, at the time of closing.

Sec. 38. Section 20-328 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

The Commissioner of Consumer Protection, with advice and assistance from the commission, may adopt regulations, in accordance with chapter 54, relating to the form and manner of filing applications for licenses under this chapter and the manner in which [licensed real estate brokers and licensed real estate salespersons] real estate licensees shall conduct the real estate business.

Sec. 39. Section 20-329 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

The provisions of this chapter concerning the licensure of real estate [brokers and real estate salespersons] licensees shall not apply to: (1) Any person who as owner or lessor performs any of the acts enumerated in section 20-311, as amended by this act, with reference to property owned, leased or sought to be acquired or leased by the person, or to the person's regular employees who live at such property and are employed as on-site residential superintendents, janitors or custodians, with respect to the property so owned or leased or sought to be acquired or leased when such acts are performed in the regular course of, or incident to, the management of such property and the investment therein; (2) any person acting as attorney-in-fact under a duly executed power of attorney from the owner authorizing the final consummation by performance of any contract for the sale, leasing or exchange of real estate, or to service rendered by any attorney-at-law in the performance of the attorney-at-law's duties as such attorney-at-law; (3) a receiver, trustee in bankruptcy, administrator, executor or other fiduciary, while

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acting as such, or any person selling real estate under order of any court, or to a trustee acting under a trust agreement, deed of trust or will, or the regular salaried employees thereof; (4) witnesses in court as to the values of real estate; (5) persons in the employ of the federal or state government or any political subdivision thereof while acting in the course of such employment; (6) any employee of any nonprofit housing corporation that (A) has been certified as a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, and manages a housing project, or (B) manages a housing project assisted in whole or in part by the federal government pursuant to Section 8 of The United States Housing Act of 1937, as amended from time to time, while such employee is performing duties in the regular course of, or incidental to, the management of such housing project; (7) any person licensed to maintain or operate a mobile manufactured home park under chapter 412 who performs any of the acts enumerated in section 20-311, as amended by this act, with reference to lots or mobile manufactured homes within the park or to the person's employees with respect to lots or mobile manufactured homes within such park when such acts are performed in the regular course of, or incidental to, the management of such property and the investment therein; (8) persons licensed as sellers of mobile manufactured homes under section 21-67; [or] (9) any person or such person's regular employee who, as owner, lessor, licensor, manager, representative or agent manages, leases, or licenses space on or in a tower, building or other structure for (A) "personal wireless services facilities" or facilities for "private mobile service" as those terms are defined in 47 USC 332, which facilities shall be unattended, and the installation and maintenance of related devices authorized by the Federal Communications Commission, and ancillary equipment used to operate such devices and equipment shelters therefor, in an area not to exceed three hundred sixty square feet for any one service established by the Federal Communications Commission in 47 CFR, as amended

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from time to time, by a provider of any such service, and (B) any right appropriate to access such facilities and connect or use utilities in connection with such facilities; (10) any leasing agent who is solely engaged in leasing activities authorized under this chapter; and (11) any person who is employed by a broker to perform clerical services, which person shall not negotiate the terms of an agreement, list a property unless on behalf of a real estate licensee, open or be listed as a signatory on a broker's escrow or trust account or sell, buy or lease real property for another person for compensation.

Sec. 40. Section 20-329a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

As used in this section and sections [20-329a] 20-329b to 20-329n, inclusive, as amended by this act:

(1) "Disposition" or "dispose of" means any sale, exchange, lease, assignment, award by lottery or other transaction designed to convey an interest in a subdivision or parcel, lot, or unit in a subdivision when undertaken for gain or profit;

(2) "Offer" means every inducement, solicitation or attempt to bring about a disposition;

(3) "Person" means an individual, firm, company, association, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership, unincorporated association or organization, two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity;

(4) "Broker" means a resident real estate broker duly licensed under this chapter;

(5) "Salesperson" means any person duly licensed as a real estate

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salesperson under this chapter;

(6) "Purchaser" means a person who acquires an interest in any lot, parcel or unit in a subdivision; and

(7) "Subdivision" means any improved or unimproved land or tract of land located outside this state which is divided or proposed to be divided into five or more lots, parcels, units, or interests for the purpose of disposition, at any time as part of a common promotional plan. Any land which is under common ownership or which is controlled by a single developer or a group of developers acting in concert, is contiguous in area, and is designated or advertised as a common unit or known by a common name, shall be presumed, without regard to the number of lots, parcels, units or interests covered by each individual offering, to be part of a common promotional plan. [; and]

[(8) "Advertising" means publishing or causing to be published: (A) By means of any newspaper or periodical; (B) by means of any radio or television broadcast; (C) by means of any written or printed or photographic matter produced by any duplicating process producing ten copies or more, any information offering for sale or for the purpose of causing or inducing any other person to purchase or to acquire an interest in the title to subdivided lands, including the land sales contract to be used and any photographs or drawings or artist's representations of physical conditions or facilities on the property existing or to exist; or (D) by means of any material used in connection with the disposition or offer of subdivided lands by radio, television, telephone or any other electronic means. "Advertising" does not include: Stockholder communications such as annual reports and interim financial reports, proxy materials, registration statements, securities prospectuses, applications for listing securities on stock exchanges, and the like; prospectuses, property reports, offering statements or other documents required to be delivered to prospective purchasers by an agency of any other state or the federal government; all communications addressed to

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and relating to the account of any persons who have previously executed a contract for the purchase of the subdivider's lands except where directed to the sale of additional lands; or press releases or other communications delivered to newspapers or other periodicals for general information or public relations purposes, provided no charge is made by such newspapers or other periodicals for the publication or use of any part of such communications.]

Sec. 41. Section 20-329n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

All moneys paid or advanced by a purchaser or lessee or prospective purchaser or prospective lessee for any lot, parcel, unit or interest in any subdivision, the disposition of which is controlled by sections 20-329a, as amended by this act, 20-329b, 20-329d, 20-329e, 20-329f [,] and 20-329h, [and 20-329i,] or such portion of such moneys as the commission may determine is sufficient for the protection of the interests of such purchaser or lessee shall be deposited by the seller or lessor in an escrow account, approved by the commission, in a bank doing business in this state. Such money shall remain in such escrow account until (1) a proper and valid release is obtained for such money, (2) the owner or subdivider or the purchaser or lessee has defaulted under their contract for sale or lease and the commission or a court has made a determination as to the disposition of such money, or (3) the owner or subdivider or the seller or lessor orders the return of such money to such purchaser or lessee.

Sec. 42. Subsection (c) of section 47-90a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

(c) Every person who directly or indirectly controls a declarant liable under subsection (a) of this section, every general partner, officer or director of a declarant and every person occupying a similar status or

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performing a similar function, every employee of the declarant who materially aids in the disposition, and every agent who materially aids in the disposition is also liable jointly and severally with and to the same extent as the declarant, provided the plaintiff sustains the burden of proof that such person knew or, in the exercise of reasonable care expected by such persons in the reasonable exercise of their duties, should have known of the existence of the facts by reason of which the liability is alleged to exist. There is a right to contribution in cases of contract among persons so liable. No person shall be liable under this section whose relationship to the declarant or other person consists solely of rendering professional and other customary services, including, but not limited to: (1) An attorney-at-law, architect, land surveyor or engineer; (2) a lending institution which is not a declarant whose relationship to the declarant consists solely of rendering customary banking services and holding a mortgage on all or a portion of the condominium which mortgage, or agreements or instruments relating thereto, may contain mutual covenants and agreements concerning the approval of the condominium instruments and amendments thereto, and regulates the activity of the declarant under the condominium instruments or an officer, director or employee of such lending institution; (3) a real estate broker or salesman whose relationship to the declarant consists solely of [rendering services described in subdivision (6) of] engaging in the real estate business, as defined in section 20-311, as amended by this act, and other customary services; or (4) a person whose sole involvement in the disposition of a condominium unit occurs subsequent to the date of the act or omission out of which any liability under subsection (a) of this section arises.

Sec. 43. Subsection (a) of section 47-42f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2024*):

(a) As used in this section: (1) "Residential real property" has the same

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meaning as provided in section [20-325c] 20-311, as amended by this act, but does not include property owned by the state or any political subdivision thereof; (2) "benefited property" or "property that benefits" includes residential real property burdened by an easement or right-of-way, the owner of which residential real property uses such easement or right-of-way; and (3) "easement" or "right-of-way" means a private appurtenant easement or right-of-way.

Sec. 44. Sections 20-329i and 20-324j of the general statutes are repealed. (*Effective April 1, 2024*)

Approved June 26, 2023